

LOUIS THE PIOUS AND THE PAPACY:
LAW, POLITICS AND THE THEORY OF
EMPIRE IN THE EARLY NINTH CENTURY

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ABSTRACT

LOUIS THE PIOUS AND THE PAPACY: LAW, POLITICS AND THE THEORY OF EMPIRE IN THE EARLY NINTH CENTURY

By

Thomas F. X. Noble

This dissertation seeks to respond to two basic questions: What developments in papal-imperial relations occurred during the years 814-840 for which Louis was principally or solely responsible? What were the major themes and thrusts of papal policy during those same years? This study also has three secondary objectives. An attempt is made to reflect on the nature of Louis' piety in order to determine whether it was a debilitating force in his dealings with the head of the Church. Louis' abilities as a policy-maker, in so far as these abilities appear in his dealings with the papacy, are studied and evaluated positively. This suggests the possibility that a major rehabilitation can be undertaken of the negative judgment passed by generations of scholars on Louis. Finally, attention is paid to the dangers of assuming that some of the prevalent themes of early

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ninth century political thought are truly reflective of the actual historical situation.

Papal-imperial relations during Louis' reign are treated in episodic fashion because the sources dictate such a treatment. Six events are singled out for particular emphasis and a chapter is devoted to each of them. They are: the imperial coronation of 816, the Pactum Ludovicianum, the Constitutio Romana, the second iconoclastic controversy, the Roman synod of 826 and the "Field of Lies." Minor events in papal-imperial history 814-840 are arranged around these major events.

The author contends that in all that concerns papal relations Louis' reign divides into two periods. The years from 814 to 824 may be called imperial because the key initiatives arose from Louis and because Louis' policies and actions demand greater attention than those of the papacy. The years 825-834 may be designated papal because during that decade some very new and important initiatives were taken by the papacy. After 834 we hear of no further dealings between Louis and the papacy.

Louis' coronation by Stephen IV in 816 is studied in great detail and it is set into the context of earlier and later Carolingian coronation practices. The coronation is interpreted as a profound elevation of Louis' imperial dignity. The idea that this coronation gained for the papacy a constitutive role in conferring the

imperial office is met and refuted. The Ludovicianum is interpreted as the first attempt by the Carolingians to define their rights in and around Rome and also as an initial effort to integrate the papacy into the institutional structure of the empire. The Constitutio Romana is seen as a consistent and coherent extension of the policies begun with the Ludovicianum. A number of minor events in papal-imperial relations are interpreted as having been precursors to the issuance of the Constitutio. An attempt is made to show that each of these events demonstrated to Louis either the partial inadequacy of the Ludovicianum or facets of papal action with which he had previously been unfamiliar.

By 824 the papacy had been effectively integrated into the institutional life of the empire and a Carolingian legal and political presence had been created in Rome. The very unclear legal and political position of the papacy before 814 was resolved in favor of the empire and Louis had used his coronation in 816 to demonstrate that his imperial dignity was the highest dignity in the Christian world.

Having been rather effectively excluded from political intrigue and having had its legal footing in the empire defined, the papacy turned to a concerted affirmation of its spiritual prerogatives. As the chief priest of the Christian world the papacy was in a

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position to exercise considerable spiritual authority and the years after 822 provide several important examples of how widely the papacy was able to construe its spiritual functions. A great Frankish cleric, Hrabanus Maurus, was severely censured and the papacy seized control of Louis' mission to Denmark. In 825 the papacy refused to submit to the Carolingian theology on icons and in 826 a great synod was held in Rome in which the papacy tried to regain its leadership of Church reform. Finally, in 833, Gregory IV appeared in Francia, amidst a great rebellion against Louis, to pass judgment on the sins of the emperor and to restore peace to the Christian world. Gregory IV made an attempt to regain political influence for the papacy and, very importantly, he tried to do so on the basis of a spiritual prerogative, namely, the right of a priest to judge a sinner. The failure of Gregory IV in 833 to gain recognition of his right to judge Louis is important. Although it served as a precedent for similar interventions by the papacy at a later time, it proved that, during Louis' reign, the papacy could involve itself in a secular, political dispute only at its peril.

Three conclusions are offered. First, Louis' papal policy was a well-conceived one and it failed shortly after his death because a new set of political circumstances made it impossible for Louis' policies to

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be continued. Second, during Louis' reign the papacy turned to a concerted assertion of its spiritual prerogatives and it was these prerogatives which ultimately allowed the papacy to rise to the summit of the Western, Christian world. Finally, the years 814-840 were marked by a set of profound ecclesiological tensions, turning mainly on the question of papal or episcopal control of the Church, and that these tensions had to be resolved before the clergy as a whole could turn to a full integration of kingship into its conception of the world order.

LOUIS THE PIOUS AND THE PAPACY: LAW,
POLITICS AND THE THEORY OF EMPIRE
IN THE EARLY NINTH CENTURY

By

Thomas F. X. Noble

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

Department of History

1974

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THOMAS F. X. NOBLE

1974

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My years as a graduate student and, particularly, the more than two years I have spent researching and writing this dissertation, have been filled with many rewarding and gratifying personal and professional experiences. I count it as the most pleasurable of all the tasks which have engaged me during the last few years to acknowledge and thank at least some of the persons and institutions who have befriended, encouraged and supported me.

Pride of place must go to my master, Dean Richard E. Sullivan. He has read and reread every page of this dissertation and has made comments which were always incisive and frequently challenging. Though errors remain these are due to my ignorance or stubbornness and the reader will thank Dean Sullivan for much of whatever merit this work may possess. In a larger sense, I owe an incalculable debt to my master for the influence which his superb teaching, expert scholarship and deep humanity have had on me. I only hope that I can live up to the standard that has been set for me but, even

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if I fall short, I can derive satisfaction from the fact that, having been Dean Sullivan's student, I have had to set my own standards higher than most.

During my years as a student I have had the pleasure of working under kind and capable teachers. I owe much of my formation as an historian to Professors Marjorie E. Gesner and Eleanor G. Huzar of Michigan State University and to Professor Ralph V. Turner formerly of Ohio University. Professor Gesner kindly took time from her busy schedule to read this study in its early stages and to make a number of helpful comments and criticisms.

Most of my research was done in the Bibliothèque Royale Albert Ier in Brussels. The hospitality of that institution is exceeded only by its efficiency. My year in Belgium was made possible by a Fulbright-Hays fellowship for which I am most grateful. I am equally thankful to the amiable and efficient administrator of Fulbright programs in Belgium, Mrs. Dorothy Deflandre-Moore. She smoothed out virtually every problem which arose for my family and me while we were overseas.

While in Belgium I had the privilege and pleasure of consulting with two men who are very beloved of Clio. Professor Leopold Genicot of Louvain provided some wise counsel and useful bibliographical information at the beginning of my work and Professor Francois-Louis Ganshof,

emeritus of Ghent, discussed with me, at a later stage, many of the most difficult problems which I encountered. I shall always be deeply appreciative of the gracious hospitality extended to me by these remarkable men.

I must also mention my good friend John J. Con-treni of Purdue University. His encouragement was decisive at one point in my career and he has helped me in dozens of ways both while I was in Belgium and since I have returned.

I owe a debt of gratitude to the history department of Michigan State University for yearly assistant-ships during times of financial stringency. Without those stipends I should have been unable to keep body and soul together. In this same connection, I must thank my parents, Mr. and Mrs. E. L. Noble, and my father and mother-in-law, Dr. and Mrs. Nelson H. Jones, for coming to the rescue on more than one occasion. It is, of course, impossible for me to say how much I have appreciated the encouragement of these four splendid people.

There are simply no words to describe adequately what I owe to my wife, Linda. I hope she will understand that, at this time, I could do neither more, nor less, than dedicate this work to her.

T. F. X. N.
East Lansing, Michigan
10 June, 1974

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ABBREVIATIONS

<u>AUF</u>	<u>Archiv für Urkundenforschung</u>
<u>BEC</u>	<u>Bibliothèque de l'école de chartes</u>
<u>BEHE</u>	<u>Bibliothèque de l'école des hautes études</u>
<u>BM</u>	<u>J. F. Böhmer and E. Mühlbacher, Regesta Imperii I: Die Regesten des Kaiserreichs unter den Karolingern</u>
<u>Bouquet</u>	<u>Recueil des historiens des Gaules et de la France, Vol. VI.</u>
<u>CaFM</u>	<u>F. L. Ganshof, The Carolingians and the Frankish Monarchy</u>
<u>DA</u>	<u>Deutsches Archiv für Erforschung des Mittelalters</u>
<u>FSI</u>	<u>Fonti per la storia d'Italia</u>
<u>HJB</u>	<u>Historisches Jahrbuch der Görresgesellschaft</u>
<u>HSt</u>	<u>Historische Studien</u>
<u>HZ</u>	<u>Historische Zeitschrift</u>
<u>Mansi</u>	<u>J. P. Mansi (ed.), Sacrorum conciliorum nova et amplissima collectio, 53 vols.</u>
<u>MIÖG</u>	<u>Mitteilungen des Instituts für Österreichs Geschichtsforschung</u>
<u>MGH</u>	<u>Monumenta Germaniae Historica</u>

____, <u>Cap.</u>	<u>Capitularia Regum Francorum</u> , 2 vols.
____, <u>Conc.</u>	<u>Concilia Aevi Carolini</u> , 2 vols. in 3 and supplement.
____, <u>Dip. Kar.</u>	<u>Diplomata Karolinorum</u> , Vols. I, III.
____, <u>Epp.</u>	<u>Epistolae Aevi Karolini</u> , Vols. III, IV, V.
____, <u>FIGA</u>	<u>Fontes Iuris Germanici Antiqui</u>
____, <u>SS</u>	<u>Scriptores</u> , 30 vols.
____, <u>SSrG</u>	<u>Scriptores Rerum Germanicarum in Usus Scholarum</u>
____, <u>SSrL</u>	<u>Scriptores Rerum Langobardicorum</u>
<u>NA</u>	<u>Neues Archiv</u>
<u>PG</u>	J. P. Migne (ed.), <u>Patrologia Graeca</u> , 161 vols.
<u>PL</u>	J. P. Migne (ed.), <u>Patrologia Latina</u> , 221 vols.
<u>RB</u>	<u>Révue belge de philologie et d'histoire</u>
<u>RHE</u>	<u>Révue d'histoire ecclésiastique</u>
<u>RHEF</u>	<u>Révue de l'histoire de l'église de France</u>
<u>WaG</u>	<u>Die Welt als Geschichte</u>
<u>ZKG</u>	<u>Zeitschrift für Kirchengeschichte</u>
<u>ZRG</u>	<u>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte</u>
____, <u>ga</u>	<u>germanistische Abteilung</u>
____, <u>ka</u>	<u>kanonistische Abteilung</u>

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CHAPTER I

PROLEGOMENA

When setting out to write a work an historian has, basically, three choices. He can, having discovered a hiatus in existing scholarship, seek to fill it. Or, if he has a particularly fertile mind, he can raise a new question or find a new approach to an old question; in short, break new ground in some way. Finally, the historian can synthesize the information already uncovered on a given subject. The following work fits, for the most part, into the first category.

The early ninth century is one of the least known and most misunderstood of all periods in European history. This is peculiar in at least one way. Compared to most earlier, and even to some later periods, it is rather richly endowed with source materials. This is not to say that these materials are all that we would like them to be, much less that they are easy to master. But they do exist in considerable quantity and they have not been sufficiently exploited. There are many reasons

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for this, but two of them are of particular interest as far as this work is concerned.

First, Louis the Pious has largely been both maligned and avoided by modern historians. Later in these introductory remarks I shall try to detail some of the reasons for this. For the present, it need only be said that Louis has suffered from comparisons with his father and from a tendency to view his reign as the beginning of the end for the Carolingian Empire. This latter tendency has very often caused scholars to focus their interest earlier, on the rise of the Carolingian Empire, or later, on the rise of the successor states, France, Germany and Italy. Second, papal history between the coronation of Charles and the accession of Nicholas I has been neglected. Scholars seem to be of the opinion that the popes during these years were of no particular interest or importance when compared to earlier popes of the Carolingian era like Hadrian or to later ones like Nicholas.

Consequently, having become aware of these two areas of neglect and, at the same time, convinced that the source materials, or lack of them, are not the reason for the neglect, I decided to attempt to fill two gaps by means of one study. I hasten to add, however, that my goals have not been quite so ambitious as the preceding remark might indicate.

This work does not, indeed cannot, attempt to supply the full scale study of Louis which has so long been needed. It seeks only to study his relations with the papacy and to clarify the few problems which arose directly out of those relations. However, a study of Louis' papal relations also brings with it one or two by-products towards which I have directed some attention. It provides an opportunity to assess Louis as a conceiver of policy and to study the success, or lack of it, which those policies enjoyed. This is not to say that what holds true for Louis' papal relations necessarily holds true for his dealings with his sons, or his bishops or, for that matter, with anyone or anything else. It does, however, provide at least one perspective from which Louis' reign may be judged.

Likewise, this study does not provide a full study of papal history during the years 814 to 840. Such a study is needed, and this work attempts to fill a large part of the gap, but, to be complete, factors which I have ignored would have to be studied. Chief among them would be papal-Byzantine relations and papal relations with the non-Greek and non-Carolingian world, but very important too would be a full study of the ecclesiological problems in which the papacy was involved.

So much for what this work does not attempt to do. It does attempt to respond to two basic questions.

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What developments in papal-imperial relations occurred between 814 and 840 for which Louis was solely or principally responsible? And, what major themes and issues characterized the history of the papacy during those same years?

Also, but nearly always as a secondary theme, I have attempted to shed some light on the old assumption that Louis was, apart from his presumed weakness, so excessively pious that he was incapable of dealing intelligently with the Church. This theme is worthy of a separate study but since the present work treats exclusively Louis' dealings with the head of the Church, the "summum apicem" as one Carolingian writer put it, it would be foolish not to take advantage of this opportunity to evaluate Louis' conduct vis à vis the Church. The results obtained from this evaluation do not tell the whole story about Louis' piety but, like the other "by-products" of this study, they provide another perspective from which Louis can be viewed.

Total comprehension of any man, or period, or problem comes only after many preparatory studies have been written and many different vantage points taken. I shall consider this work a success if it fills the need for a preparatory study--preparatory to a history of Louis' reign and to papal history in the ninth

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century--and if it suggests a few new perspectives for the history of either of these problems.

I hope that these remarks will adequately describe the scope of this work. Additional comments must now be made on its problems and its tone. What follows is often polemical and, sometimes, combative. This tone may be offensive to some readers but it was, I believe, dictated by several problems which are not of my own creation. They are rooted in Carolingian history, in papal history and, especially, in modern historical literature treating the Carolingians. Let me now turn to these problems by way of showing how they have affected my study of Louis' Papal relations and why they have seemed to dictate the approach and methodology I have used.

The achievements of Louis' father, Charles, or Carolus as he appears in the sources, or Carlovech as his nonlearned contemporaries probably addressed him, were difficult to match. The sources for Charles' reign often convey a larger-than-life picture of him and he quickly became a legendary figure.¹ By the late eleventh century he had been immortalized in works such as the Chanson de Roland and in 1165 he was canonized, which certainly stimulated the already lively cult

¹How quickly can be gleaned from the late ninth century biography by the Monk of St. Gall, De Carolo Magno, MGH, SS, II, pp. 726-63.

[illegible]

associated with him.² The propagandistic value derived from Charles' memory by Frederick Barbarossa is well known and Philip Augustus' attempts to prove his Carolingian lineage is another example of the captivating force exercised on later generations by Charles. We need hardly remind ourselves that, even today, Charles is Charlemagne to the English and French speaking world, Karl der Grosse to the German, Carolo Magno to the Italian, etc. Finally, it may be noted that in 1965 an enormous exposition was held at Aachen in honor of the eight-hundredth anniversary of Charles' canonization, and that, from time to time, the prestigious Prix de Charlemagne is awarded to an individual who has made an outstanding contribution to European unity.

It cannot be denied that Charles was an extraordinary man and a great ruler. His achievements were many and great.³ But he had his faults and there is no reason for us to defend an idealized picture of him.⁴

²On the cult see Robert Foltz, Études sur le culte liturgique de Charlemagne dans les églises de l'empire, (Paris, 1951). On the growth and proliferation of the Charles-legend see idem, Le souvenir et la légende de Charlemagne dans l'empire germanique, (Paris, 1950).

³The best concise and sane appreciations I know are both by F. L. Ganshof, "Charlemagne," CaFM, pp. 17-19 and "Charlemagne: sa personnalité, son héritage," Société Royale d'Archaeology de Bruxelles, 1965 (pamphlet).

⁴Again, studies by Ganshof are fundamental: "The Last Period of Charlemagne's Reign: A Study in Decomposition," CaFM, pp. 240-55 and "Charlemagne's Failure,"

Similarly, it is unhistorical, if not unfair, for us to judge his son and successor, Louis, by a yardstick composed of Charles' deeds. Louis was different from his father; different in interests, tastes, education and priorities, to mention but a few areas. More than this, however, one dare not say without giving up even the slightest pretense to objectivity. In other words, Louis must be judged on his own merits, or lack of them.

Even a hasty survey of the literature on Louis will show that it is only recently, and sometimes grudgingly, that scholars have acknowledged Louis' accomplishments. In some ways, at least, this is peculiar. Louis' reign is far richer in source material than that of his father and the basic sources are quite favorable to Louis. He was the subject of three complete or partial contemporary biographies which are quite laudatory.⁵ The source

ibid., pp. 256-60. H. Fichtenau, The Carolingian Empire in the Age of Charlemagne, trans. Peter Munz, (New York, 1964), is remarkable in its balance and objectivity, particularly for a German, or, in this case, Austrian, work. On this point see Munz' preface.

⁵They are: The verse life by Ermoldus Nigellus which runs only to the mid-820's entitled, In Honorem Hludowici Christianissimi Caesaris Augusti Elegiacum Carmen, ed. E. Faral, (Les Classiques de l'Histoire de France au Moyen Age, no. 14, Paris, 1932); Astronomer, Vita Hludowici Pii, ed. Pertz, MGH, SS, II, pp. 607-48; Thegan, Vita Hludowici Imperatoris, ed. Pertz, MGH, SS, II, pp. 590-604. Allen Cabaniss, Son of Charlemagne, (Syracuse, 1961), p. 7 goes too far in suggesting that the first book of Nithard's Historiarum should be regarded as a fourth biography.

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next in order of importance, the Annales Regni Francorum,⁶ is basically neutral. In fairness, it must be said that there are materials which are unflattering, if not openly hostile, to Louis,⁷ but it is safe to say that sources falling in the range from neutral to positive are in the majority. Recently, an author has suggested that the favorable light shed on Louis by various sources is a result of literary conventions prevalent in the ninth century and, in part at least, due to the models chosen--chiefly hagiographical ones--by the several authors.⁸ This is no place for a detailed critique of this thesis, but I think it goes too far. At any rate, it does not solve the problem: Why has Louis been judged so negatively by modern scholars?

One of the reasons, as already suggested, is that there has been a tendency to compare Louis with his father. This is precisely the approach of the first

⁶ed. Kurze, (1895), MGH, SSrG.

⁷These problems will be taken up in greater detail later. For now it suffices to mention Paschasius Radbertus, Vita Walae, PL, CXX, 1557-1650, or Agobard of Lyon, Flebilis Epistola, MGH, SS, XV.1, pp. 274-79. As soon as one points to essayists such as these, however, one can point to, among others, Jonas of Orléans or Rabanus Maurus, who stood on the other side of the spectrum.

⁸Helena Siemes, Beiträge zum literarischen Bild Kaisers Ludwigs des Frommen in der Karolingerzeit, (Freiburg im Breisgau, Phil.-Diss., 1966).

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modern student of Louis' reign, F. X. Funck. His title, Ludwig der Fromme: Geschichte der Auflösung des fränkischen Reichs (1832), is suggestive enough that little need be said about the book, with two exceptions. First, it was written well before many of the texts we now use became available and is consequently lacking in reliable documentation. This is particularly true in respect to legal and diplomatic sources. Second, the book was written at a time when German nationalism was just beginning to be discussed seriously. It is easy to see how an author writing in 1832 could have viewed Charles, i.e. Karl der Grosse, as the founder of the Reich which Louis, to his eternal discredit, allowed to collapse. The book can safely be ignored today but its description of Louis as a personally weak figure has lived on, particularly in German scholarship. It seems that the Germans cannot tolerate weakness, or what they perceive to be weakness, in a ruler.⁹

The nineteenth century saw two other attempts to deal with Louis. The first was by A. Himly. His book Wala et Louis le debonnaire (1849) is not without

⁹Cf. the characterization by Bernhard Simson, Jahrbücher des fränkischen Reichs unter Ludwig dem Frommen, 2 vols., (Berlin, 1874-76), I, pp. 37ff and, even more vividly, Albert Hauck, Kirchengeschichte Deutschlands, 5 vols., 5 ed., (Leipzig, 1935), II, p. 409: "Aber seine Lobredner verwechselten doch natürliche Schwächen in seinem Charakter mit Tugenden!" and "seine Schwäche hat den Verfall des Karolingerreichs herbeigeführt."

merit even today but it is written from an odd perspective. Wala and Louis are set next to one another and the reign is discussed from this dual perspective. Not only can the validity of this approach be questioned but also allowances must be made for the author's obvious prejudices in favor of Wala. The other nineteenth century study is the Jahrbücher (1874-76) by Simson. This work, like all of them in the series, remains a fundamental tool for the student of Louis the Pious and is a lasting monument to the heights attained by German scholarship. However, the very nature of the work is such that it lacks interpretation and makes no pretense to synthesis. Still, the reader gets from it the impression that the author was at no pains to depict Louis in a favorable light.

So, it was axiomatic to scholars of the nineteenth century that Louis was a weak character. This interpretation has not disappeared in our own times. Indeed, one of the greatest medievalists of this century, Ferdinand Lot, writes this of Louis: "An indefatigable warrior, he demonstrated throughout his reign the most deplorable weakness of character. His virtues, his good will, his piety, were powerless to compensate for this mortal defect in a chief of state."¹⁰ But, if the

¹⁰La naissance de France, 2d ed. by J. Boussard, (Paris, 1970), p. 336.

twentieth century has maintained the view that Louis was weak, it has added precision and depth to it. Basically, theses have run in either or both of two directions: Louis was too pious and subservient to ecclesiastical interests; or Louis was too easily dominated by the people around him.¹¹

It is difficult to acquit Louis of the second of these charges. The locus classicus for this interpretation is found in the twentieth chapter of Thegan's Vita Hludowici: "he did nothing improperly except that he believed his advisers more than was fitting."¹² Following this lead, scholars have named quite a number of individuals whose influence was great at any given time. F. L. Ganshof, in one place, names no less than six persons whose influence on Louis was decisive to some degree: Benedict of Aniane, Wala, Helisichar, Fridugis, Hilduin and Count Matfrid of Orléans.¹³ In

¹¹Since I shall return to these ideas again and again in the following pages, I do no more now than refer the reader to the literature in Ganshof, "Louis the Pious Reconsidered," CaFM, p. 268 n. 1.

¹²MGH, SS, II, p. 595.

¹³"Louis the Pious Reconsidered," CaFM, p. 262. Virtually all scholars concede the importance of Benedict of Aniane, though the precise nature of his influence has yet to be determined. See in particular Fichtenau, Das karolingische Imperium, (Zürich, 1949), p. 222 and Josef Semmler, "Kirchliche Gesetzgebung und Reichsidee," ZKG, LXXI, (1960), p. 59, both with additional references. On Wala see Lorenz Weinrich, Wala: Graf, Monch und Rebell, (HSt, no. 386, 1963), pp. 42ff, 44ff. On

[illegible]

another place he emphasizes the role of Judith, Louis' second wife.¹⁴ Louis' half brother Drogo has been mentioned¹⁵ and it would not be difficult to make a case for the influence, mainly evil, of the unscrupulous Count of Septimania, Bernard.¹⁶ The weight of scholarly opinion and the numerous sources which could easily be cited in favor of the view that Louis was dominated by those around him lend it considerable probability. In order to gain a complete picture, however, two observations may be added. First, the persons named here were, in the main, extremely talented people. Second, one dare not dismiss out of hand the possibility that Louis deliberately surrounded himself with men in whom he had confidence, whose abilities he recognized and whose talents he intended to employ. This, obviously,

Hilduin see J. Fleckenstein, Die Hofkapelle der deutschen Könige, I Teil: Grundlegung, Die karolingische Hofkapelle, (Schriften der MGH, XVI.1, Stuttgart, 1959), pp. 59ff. For Fridugis consult, Theodor Sickel, Urkundenlehre, (Vienna, 1867), p. 159.

¹⁴"Am Vorabend der ersten Krise der Regierung Ludwigs des Frommen," Frühmittelalterliche Studien, VI, (1972), pp. 39-54.

¹⁵Christian Pfister, "L'archevêque de Metz Drogon," Mélanges Paul Fabre, (Paris, 1902), pp. 1-45.

¹⁶For information on Bernard one may turn directly to the sources. Paschasius Radbertus, Vita Walae, II.7, PL, CXX, 1615B, II.9, 1619C; Nithard, Hist., I.3, ed. Rau, pp. 388, 390; Ann. Reg. Franc., SSrG, s.a. 829, p. 177.

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is not the same as saying that he was dominated by those around him, though it does not deny the possibility.

Even if the door is left ajar, at least a little, on the possibility that Louis' proclivity for domineering types has been misinterpreted, there remains the second charge, that he was excessively pious. The conventional wisdom on this subject can be refuted only by selecting a few examples of Louis' piety and analyzing them in some detail.

The image of Louis the Pious . . . is an example of the absolute Christianization of Frankish kingship. . . . In other words, the far reaching Christianization of the Carolingian Empire under the reign of Louis . . . is shown in the description of the personality of the emperor.¹⁷

With these words a recent scholar has characterized the appearance of Louis in the source material of his age. Elsewhere she points out that the pious, saintly, virtuous and powerless image of Louis became rooted in the European tradition in the twelfth and thirteenth centuries in France and Germany.¹⁸ It is important to note, however, that there was nothing particularly

¹⁷Siemes, Beiträge . . . zum Bild, pp. 23-24.

¹⁸Ibid., pp. 10f, 12ff.

negative in the tradition. Modern scholars have supplied that dimension.¹⁹

Let us look first at the notion that Louis wanted to enter a monastery in his youth but was forbidden from doing so by his father.²⁰ This is often held up as an example of Louis' excessive piety. There are several ways of looking at this. Before the deaths of his two older brothers Louis had little prospect for the future, except to remain Unter König of Aquitaine. Some years before, when faced with the same sort of choice, his grand-uncle, Carloman, had opted for the monastic life. He has not been held up to ridicule for this. It is also important to remember that when, after the deaths of his brothers, Charles called Louis to the throne, he answered the call, and when Charles died, Louis proceeded expeditiously to the business of governing the empire. Twice, in 830 and 833, Louis' enemies tried to force him into the monastic life, and he refused both times.

¹⁹In addition to those already cited see Karl Voigt, Staat und Kirche von Konstantin dem Großen bis zum Ende der Karolingerzeit, (Stuttgart, 1936), p. 365.

²⁰Astron., Vita Hlud., 19, 32, MGH, SS, II, pp. 616, 624. It should be noted that, besides Carloman, other secular rulers in this age had gone into the monastic life without bringing contemporary or modern opprobrium upon themselves. For examples see Philibert Schmitz, Histoire de l'Ordre de St. Benoît, 7 vols., 2 ed., (Paris, 1948), I, p. 56 and for some very interesting observations on this matter see J. M. Wallace-Hadrill, Early Germanic Kingship, (Oxford, 1971), passim.

It is also possible that some of Louis' contemporaries looked askance at his close association with monastic reformers. In the first years of the ninth century Louis began a reform of the monasteries in Aquitaine. Louis was even then closely associated with abbots Helisichar and Benedict of Aniane. It is known that complaints, doubtless originating in the secular aristocracy, about Louis' affiliation with these men, and about the reforms which they were advancing, reached Charles' ears.²¹ It is easy to see how, even in Carolingian times, this could be conflated with an overwhelming predilection for the monastic life.

Finally, it may be argued that Louis' esteem for monastic life, virtues and organization was so high that he made a concerted effort to organize his empire according to the model of a monastery. This would explain Ardo's statement that Louis regarded himself as the father of all monks. Louis may well have seen himself as an abbot figure. It would also explain Louis' quest for organization and regularization. What could be more like a monastic community than an empire in which everyone had a place, knew his place and performed his duties well? Louis' frequent attempts to emphasize

²¹Ardo, Vita Benedicti, 29, MGH, SS, XV.1, p. 211.

peace and harmony may derive from his understanding of what the perfect monastic life entailed.²²

If the ideas just advanced are correct, then Louis' "monkishness" takes on a new and positive aura. That Louis was pious and that he inclined particularly to monastic piety cannot be denied. But this does not mean that his inclinations were debilitating. To the contrary, it seems that he turned these inclinations to useful purposes in the realms of politics and institutions.

There have also been frequent assertions made to the effect that Louis' irresolute character caused the collapse of the Church-State system erected by his father. It is usually maintained that Charlemagne ruled the Church with an iron hand and that he paid little attention to forms.²³ This is only partially true and it also points to the fact that Charles bequeathed to his son an empire with a fragile institutional foundation.²⁴ Let us

²²Cf. MGH, Cap., I, Prooemium Generale (818-19), p. 274; no. 150, Admonitio ad omnes Regni Ordines (823-25), pp. 303ff.

²³Characteristic of this position is Erich Caspar, "Das Papsttum unter fränkischer Herrschaft," ZKG, LIV, (1935), pp. 132-254. Cf. Hauck, Kirchengeschichte, II, passim; Emile Amann, L'époque carolingienne, (Histoire de l'église, ed. Fliche and Martin, Vol. VI, Paris, 1947), pp. 49ff, 71ff, 120ff.

²⁴See the articles by Ganshof, supra, n. 4.

look at one of those cases where Louis' pious generosity caused him, it has been suggested, not only to give up his father's strict control of the Frankish Church but also to adopt a measure of dubious political wisdom. I refer to episcopal elections.

As one measure among many in the great ecclesiastical reforms of 818-819, Louis conceded, in principle, free episcopal elections.²⁵ Now, it can be argued that what Louis was doing was bringing the Frankish Church into conformity with the dictates of canon law. However, episcopates were great and powerful offices, not only in themselves but also within the institutional pattern of the Frankish realm. Thus it might reasonably be argued that Louis' step was a foolish one. That is, it may be so argued only if it can be shown that Louis actually gave up royal control of episcopal elections.

In the form of the election itself the king could exercise considerable influence. When a see became vacant a petition seeking permission to proceed to an election was directed to the king, through the appropriate metropolitan. A royal diploma, Concessio Regalis, was then issued. This was essential. The election was then presided over by a visitator who, apparently, was

²⁵MGH, Cap., I, no. 138, c. 2, p. 276; "ut scilicet episcopi per electionem cleri et populi secundum statuta canonum de propria diocesi, remota personarum et munerum acceptione, ob vitae meritum et sapientiae donum eligantur."

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appointed by the metropolitan to discharge the duties of the see during its vacancy. Royal influence in the appointment of visitatores may be presumed. Finally, the king could, and occasionally did, direct his missi to preside over an election.²⁶ Obviously, then, royal influence was never precluded by a grant of free election. There were numerous legal and quasi-legal means by which influence could be exerted, which is to say nothing about outright intimidation.

Did Louis give up all his rights in the elections themselves? Hardly. He named his half brother, Drogo, Bishop of Metz, uncanonically, as it were, and despite his age of about twenty-three.²⁷ Louis intervened on behalf of Hildemann of Beauvais, according to Paschasius Radbertus,²⁸ who, in another place, says Louis regularly filled bishoprics without any semblance of free election.²⁹

²⁶For all of this see P. Imbart de la Tour, Les élections épiscopales dans l'église de France du IXe au XIIe siècle, (Paris, 1891), pp. 2-6 and Emile Lesne, La hiérarchie épiscopale, (Mémoires et travaux des facultés catholiques de Lille, fasc. 1, 1905), pp. 109-12, 112 n. 1.

²⁷Pfister, "Archévêque Drogon"; Astron., Vita Hlud., 36, MGH, SS, II, p. 627.

²⁸Vita Adalhardi, 79, PL, CXX, 1547B.

²⁹Vita Walae, II.4, PL, CXX, 1612D.

Louis seems to have appointed Otgar of Mainz³⁰ and many other cases north of the Alps could be cited. Louis also intervened in Italy. It seems that an increasing number of Franks came to hold Italian bishoprics in Louis' time.³¹ In fact, apart from these outright appointments, there is a document from Piacenza which illustrates Louis' attitude toward episcopal elections as clearly as possible. On April 27, 819, he conceded free elections to Piacenza "if anyone can be found there who shall be able to rule that Church completely according to evangelical doctrine and the canonical statutes and show himself to be faithful to the kings of the Franks."³²

³⁰Ann. Xant., ed. Simson, SSrG, s.a. 825, p. 6: "Haistulfus archiepiscopus Magontiae civitatis abiit, et successit in locum eius Otgerus capellanus dominicus." This is to be understood in conjunction with Notker's statement, De Carolo Magno, I.4, MGH, SS, II, pp. 732-33, that there was a herd of officials in the palace seeking lucrative bishoprics. See also Epistolae Variorum, no. 18, MGH, Epp., V, p. 325, in which the people of Mainz requested that Louis give them back the bishop he had once appointed for them.

³¹Gerd Tellenbach, "Der grossfränkische Adel und die Regierung Italiens in der Blütezeit des Karolingerreichs," Studien und Vorarbeiten zur Geschichte des grossfränkischen und frühdeutschen Adels, ed. G. Tellenbach, in Forschungen zur oberrheinischen Landesgeschichte, IV, (1957), p. 49.

³²BM, no. 690. The significance of the language of this diploma lies in the fact that Ebbo and the other bishops who rebelled in 833 were deposed for their breach of fidelity. Flodoard, Hist. Rem. Ecc., II.20, MGH, SS, XIII, p. 471: "Depositus est ab episcopatu pro infidelitate imperatoris." The depositions were, of course, carried out by regular canonical processes.

Some years ago Hans von Schubert wrote that Louis "probably" did not intend to give up his rights in episcopal elections by the measure of 818-19.³³ This is an obvious understatement but it serves to show that in the matter of episcopal elections, as in so many other things during Louis' reign, appearances are so deceiving that they have been badly misinterpreted.

One final example of Louis' supposedly debilitating piety will serve to round out the picture. In 821, Louis gained reconciliation with many of those against whom he had moved either upon his accession or after the revolt of his nephew, King Bernard of Italy. The reconciliations were completed and confirmed at Attigny in 822 and, before the assembled Franks, Louis did public penance to atone for what he considered to be his misdeeds.³⁴ Some sources describe the event in very neutral language but others depict it in such a way that one might draw two conclusions: that churchmen were behind the affair and that Louis was, if not compelled,

³³Geschichte der christlichen Kirche im Frühmittelalter, (Tübingen, 1921), p. 494.

³⁴Ann. Reg. Franc., SSrG, s.a. 822, p. 158: "Publicam confessionem fecit et paenitentiam egit"; Astron., Vita Hlud., 35, MGH, SS, II, p. 626; Pasc. Rad., Vita Adalhardi, 51, PL, CXX, 1534D-1535A. The event is mentioned in virtually all of the sources. Only a few examples are cited here.

then certainly not entirely willing to go along with it.³⁵

These interpretations can be found in a number of scholarly works, particularly older ones.³⁶

Louis Halphen was among the first to recognize that Louis decided that the best way to placate God and man for the troubles which his empire had experienced would be a general submission to the commandments of religion. Dissension had been rife and to a world that regarded strife as an offense against God there could be no more powerful gesture--and one dare not look solely at its symbolic value--than a public confession of guilt and an assertion of true contrition by that world's leading citizen. Louis sought to provide a good example, certainly, but there may also have been a stern warning implicit in his action.³⁷

³⁵The first conclusion derives from Ann. Fuld., ed. Kurze, SSrG, s.a. 822, p. 22: "Hludowicus imperator sacerdotum usus concilio de omnibus, quae publice perperam gessit . . . poenitentiam egit." Identical words are used by Ann. Sithienses, MGH, SS, XIII, p. 38. They must have been copied. The second conclusion derives from a priori conclusions drawn by certain scholars or, perhaps, from a peculiar line in Pasc. Rad., Vita Adalhardi, 51, PL, CXX, 1535A: "praesertim quod ejus velle cunctos considerare, ejusque nolle conspiciere manifestum non ambigitur." I am not willing to attach much significance to this line because it may be a literary attempt to capture the feelings of a penitent--any penitent: anxiety, apprehension, etc.

³⁶E.g., Lot, Pfister, Ganshof, Les destinées de l'empire en occident, (Paris, 1941), p. 499.

³⁷Halphen, L'empire carolingien, p. 215. The source which I believe is central to an understanding of

The penitence at Attigny has also been seen as a humiliation. According to this view Louis was a tool if he succumbed to priestly adjurations and a fool if he acted on his own initiative.³⁸ Now Louis did, indeed, humble himself at Attigny, but not in the sense in which humiliation has sometimes been understood. The many Fürstenspiegel of the Carolingian age are, for the most part, commentaries on the ruler-virtues set forth in the Old and New Testaments. One of the greatest of these virtues is humility. Without it, a king could not be christianissimus.³⁹ Viewed from the proper perspective--the Carolingian perspective--the penitence at Attigny can

this affair is Jonas of Orléans, De Institutione Regia, 3, ed. Reviron, p. 138: "Bonis operibus . . . ut ab ea ceteri subiecti bonum exemplum semper capiant." Cf. Wallace-Hadrill, Early Germanic Kingship, p. 124, who points out that Louis sought an identification with Theodosius. This identification is dangerous because it is clearer that Theodosius was forced to do penance than is the case with Louis. Finally, it is to be noted that the bishops also admitted their culpability and did penance. MGH, Cap., I, no. 174, c. 1, p. 357.

³⁸These views are carefully discussed by Theodor Schieffer, "Die Krise des karolingischen Imperiums," Aus Mittelalter und Neuzeit, Festschrift für Gerhard Kallen, ed. J. Engel, (Bonn, 1957), p. 9.

³⁹Smaragdus, Via Regia, 16, PL, CII, 956B-C: "Esto humilis, esto in humilitate fundatis; quamvis sis sublimis, magnus et summus, humilitatem tene." Also, 17, 957B: "Nemo enim se apud Deum magis exaltat, quam qui se apud semetipsum propter Deum humiliat." On Smaragdus see H. H. Anton, Fürstenspiegel und Herrscherethos in der Karolingerzeit, (Bonner historische Forschungen, 32, 1968), pp. 172ff.

only be regarded as an indication of the intensity of the Christian principles upon which rulership had come to be based and, consequently, as a powerful enhancement of Louis' office and, through it, Louis himself.

It ought now to be clear that Louis' piety has been misinterpreted very often or, at least, seen out of perspective. To remove from Louis the two charges which have been most frequently hurled at him, however, is not necessarily to get any closer to a real understanding of him. In fact, mere exculpations have something inherently apologetic in them and an apology would be no better than the searing criticisms of previous generations. Fortunately, it is not necessary to stop with apologies or exculpations, for recent scholarship has been, to a considerable extent, favorable towards Louis, even though Louis' piety and lack of initiative are still sometimes taken as axioms.

The first book which deserves mention in this regard is rather old now: L'Empire carolingien by Arthur Kleinclausz (1902). Kleinclausz was the first scholar properly to assess the significance of the Ordinatio Imperii of 817. He saw the revolutionary significance of the measure and realized that it must be taken as the focal point for the whole of Louis' reign. Next came Louis Halphen who in his Charlemagne et l'empire carolingien (1947) broke with tradition in arguing that

during approximately the first decade of his reign Louis was quite able and energetic. But in the face of the public penance at Attigny, the emergence of Wala as a political antagonist and of Agobard as an ideological foe, the birth of the future Charles the Bald and the increasing disaffection of Louis' eldest son Lothar, Halphen returned to the safe harbors of weakness and misguided piety to explain the rest of Louis' reign.

More than a century had passed between the appearance of Funck's book and that of Halphen, and Louis had been conceded about ten good years, and these mainly because of the enormous amount of ecclesiastical reform that filled the period. Then in the mid-1950's two scholars working at the same time but in different places, and with no knowledge of each other, reached remarkably similar and virtually heretical positions. Theodor Schieffer attacked many of the long-standing interpretations of Louis' reign. His major observations were that the years after 814 have too often been ignored and that, when studied, they have been mistakenly regarded as uniform when, in fact, they exhibit constant change. Also Louis' policies have often been seen as radical departures from those of his father. This, according to Schieffer, is not only untrue but it also misses an essential point: Louis worked hard, with meager resources, to make a success of his father's

half-finished and sometimes poorly begun business. Finally, Schieffer maintains that the role of the radical reformers and their elevated concepts of government--they may well be regarded as the products of the Carolingian renaissance--has usually been misinterpreted. In very short order, it can be said that these men did not oppose Louis, nor he them, but that together--albeit they found themselves at cross-purposes at times--they tried to implement an ideal, in fact, a set of ideals. With a few strokes of his pen Schieffer made it not so much desirable as necessary to re-examine the assumptions upon which researches into Louis' reign had long been based.⁴⁰

The other iconoclast was Ganshof. He has long been a close student of law and institutions and related matters, which is not to say that he is not sensitive to ideas,⁴¹ and, as one would suspect, when he submitted Louis' reign to a careful scrutiny he discovered a number of examples of concrete achievement. His epoch-making article is entitled "Louis the Pious Reconsidered" and

⁴⁰"Die Krise des karol. Imperiums," pp. 1-15.

⁴¹In my opinion his "Over het idee van het keizerschap bij Lodewijk de Vrome tijdens het eerste deel van zijn regering," Mededelingen van de koninklijke Vlaamse Academie voor wetenschappen, letteren en schone kunsten van België, Klasse der letteren, XV, (1953), no. 9, is as good as anything that has been written on the principal ideas current during the years ca. 814-21.

it first appeared in 1957.⁴² Unlike Schieffer, Ganshof pursued his researches and gained greater clarity and precision for his ideas.⁴³

These studies are frequently prefaced with remarks to the effect that Louis' reign saw the real beginnings of the so-called Carolingian Renaissance and that most of the chief figures in this movement were in contact, if not close contact, with Louis. Then Ganshof argues that Louis sought to give a more positive and clearer content to the imperial title. New succession laws were passed and an attempt was made to depersonalize, or objectivize, the imperial office. The public assembly was reformed, separated from the gatherings of the army and made into a regular institution. Reforms were made in the issuance, circulation and preservation of the capitularies and there were corresponding improvements in the style, form and preservation of imperial diplomas. The royal palace was streamlined and its officials were

⁴²I cite it according to the reimpression in CaFM, pp. 261-72.

⁴³"Les réformes judiciaires de Louis le Pieux," Comptes rendues de l'Academie des Inscriptions et Belles-Lettres, (1966), pp. 418-27; "Een kijk op het regeringsbeleid van Lodewijk de Vrome tijdens de jaren 814 tot 830," Mededelingen van de koninklijke Vlaamse Academie voor wetenschappen, letteren en schone kunsten van België, Klasse der letteren, XXIX, (1967), no. 2; "Apropos de la politique de Louis le Pieux avant le crise de 830," Révue Belge d'archaeologie et d'histoire de l'art, XXXII, (1968), pp. 37-48.

assigned more specific tasks. The judicial institutions of the empire were reformed and so were the mobilization practices of the Frankish army. All of these reforms were undertaken prior to 829 when the outbreak of civil strife that was to last more than a decade precluded paying attention to anything else. Still, there is no reason to believe that Louis did not, to the extent possible, keep these reforms "on the books."

Recent years have brought forth a number of other studies which emphasize various positive features of Louis' reign. In territorial policy Louis had some success in Brittany, along the Danish frontier and, particularly, along the Slavic frontier.⁴⁴ Moreover, Louis accelerated the incorporation of Italy into the Frankish empire, however ephemeral the final result may have been.⁴⁵

In the realm of institutions, a number of important reforms took place. The imperial chancery, if I may be pardoned the use of a term which is anachronistic

⁴⁴Lucien Musset, Les invasions: le second assaut contre l'Europe chrétienne, (Paris, 1971), pp. 99, 174 and passim.

⁴⁵On this subject the key studies build one upon the other. Tellenbach, "Grossfränkische Adel und die Regierung Italiens," pp. 40-70; Edouard Hlawitschka, Franken, Alemannen, Bayern und Burgunder in Oberitalien 774-962, Forschungen zur oberrheinischen Landesgeschichte, VIII, (1960); Joachim Fischer, Königtum, Adel und Kirche im Königreich Italien 774-875, (Tübingen, Phil. Diss., 1965).

but harmless if kept within its proper limits, appears to have undergone some major revisions during Louis' reign.⁴⁶ Also, the processes by which the imperial estates were accounted for and administered seem to have taken some steps ahead under Louis.⁴⁷ The reform of ecclesiastical institutions received attention throughout Louis' reign. The greatest number of these measures, and the most important ones, were undertaken in the early years of the reign. Almost immediately after his accession Louis set about reforming monastic life and institutions. Rules were drawn up for canons and canonesses and for regular monasteries. In these activities the role of Benedict of Aniane was of paramount importance.⁴⁸ Monasteries were also an integral

⁴⁶Fleckenstein, Hofkapelle, pp. 54ff.

⁴⁷Wolfgang Metz, Das karolingische Reichsgut, (Berlin, 1960), p. 16 and passim.

⁴⁸On Benedict see Suzanne Dulcy, Le règle de Saint Benoît d'Aniane à l'époque carolingienne, (Nîmes, 1935); Schmitz, "L'influence de Saint Benoît d'Aniane dans l'histoire de l'ordre de Saint Benoît," Il monachismo nell'alto medioevo e la formazione delle civiltà occidentale, (Settimane di studio del centro italiano sull'alto medioevo, IV, 1957), pp. 401-15. On these reforms as a whole: Emile Lesne, "Les ordonnances monastiques de Louis le Pieux," RHEF, II, (1920), pp. 161-75, 321-38, 449-88; *idem*, "Évêché et abbaye: les origines du benefice ecclésiastique," *ibid.*, pp. 15-50; Carlo DeClercq, La législation religieuse franque de Louis le Pieux à la fin du IX siècle, (Anvers, 1958), pp. 6ff and the brilliant study by Semmler, "Die Beschlüsse des aachener Konzils im Jahre 816," ZKG, LXXIV, (1963), pp. 15-82, with rich bibliography. The tangled

part of the institutional pattern of the empire and some noteworthy reforms were undertaken to deal with this side of monastic life.

Monasteries were a key source of revenue for the Carolingians and monastic lands were often used to reward royal followers. Sometimes abbacies were conferred upon individuals who had performed loyal service or whose loyalty it was necessary to insure.⁴⁹ Louis recognized that secular dues, military service, dona annualia, etc., were unequally distributed and that some houses were suffering in consequence. All monasteries, except those in Italy and some in Aquitaine, were ranked in order of wealth with the wealthiest houses performing military service and rendering dues in kind, while poorer houses rendered one or the other of these or, perhaps, just prayers.⁵⁰ This was only a partial solution to the problem, and other steps had to be taken. Louis appears to have drawn a distinction between regular and canonical

chronology of the reforms, the manuscript traditions and virtually all source problems are the subjects of Semmler's "Zur Überlieferung der monastischen Gesetzgebung Ludwigs des Frommen," DA, XVI, (1960), pp. 309-88.

⁴⁹Karl Voigt, Die karolingische Klosterpolitik, (Kirchenrechtliche Abhandlungen, XC-XCI, Stuttgart, 1917), pp. 10, 26-47.

⁵⁰Notitia de Servitio Monasteriorum, ed. E. Lesne, RHEF, II, (1920), pp. 489-93.

houses.⁵¹ To the former he granted free abbatial elections and he withdrew from them the possibility of being given a lay abbot.⁵² There were still a considerable number of canonical houses which Louis could and did use to reward his followers.

But abbatial offices were not all that his followers wanted; they also coveted monastic lands. Monasteries derived their income principally from their estates and this income had to serve several purposes: maintenance of the congregation and the property, costs of divine service, charitable services, royal and other dues. Louis observed that some monasteries, owing to centuries of generosity on the part of the royal family and various magnates, had come to possess more than they required. He also knew that the Church stood violently opposed to putting ecclesiastical property to secular use.⁵³ At the same time he was aware that the laymen of the empire would have been furious if he withdrew from them all hope of obtaining church properties. So

⁵¹Voigt, Klosterpolitik, pp. 63-67.

⁵²MGH, Cap., I, no. 138, c. 5, p. 276. Henri Levy-Bruhl, Les élections abbatiales en France, (Paris, 1913), pp. 35-38 shows that Louis did not give up his rights in abbatial elections. Voigt, Klosterpolitik, pp. 71-76 can find only one regular house to which Louis gave a lay abbot. I suspect that the number is higher.

⁵³How violently can be seen in Agobard, ep. no. 5, MGH, Epp., V, pp. 166-79.

a compromise was struck. Regular houses were to have their possessions intact. Canonical houses, on the other hand, could still be handed over to laymen. These lay abbots could use the properties as they saw fit after they had set aside an inviolate portion of the property devoted solely to the support of the religious community.⁵⁴ It can be argued that this was only a subtle change from the earlier practice of dividing church lands and creating precaria and it is certain that churchmen like Agobard did not like this practice any better than the old one. There is also evidence that some laymen, viewing this as a diminution of the spoils available to them, auctioned off their loyalty during the civil wars after 829. All that can safely be said in conclusion is that Louis tried to make the best of a nearly impossible situation.

In the realm of institutions one final point must be made. From very early times there were a large number of monasteries which we call "royal monasteries." They may have been built on royal estates by members of the royal family, bequeathed to kings or confiscated by them. Perhaps some of them obtained "royal" status by requesting it. All of these monasteries had two things in

⁵⁴The basic tenets of this thesis are set forth in Lesne, L'origine des menses, (Paris, 1910). For details see his Histoire de la propriété ecclésiastique en France, (Lille, 1926), II, pp. 140ff. Roughly similar conclusions are reached for lands east of the Rhine by A. Pöschl, Bischofsgut und Mensa Episcopalis, 3 vols., (Bonn, 1908-11), I, passim.

common: they were regarded as royal property and they enjoyed a special royal protection. They stood under the king's mundeburd and enjoyed the protection of the royal bannum.⁵⁵

From the mid-sixth century, at least, certain episcopal churches had gained from Merovingian kings diplomas of immunity. Under the Carolingians this practice became more widespread. The importance of immunities can be grasped easily when it is noted that immune lands, their "immunity" notwithstanding, were tied more closely to the king than any other lands except his own. The immunist himself was bound very closely to the king and could be called before the royal court at any time. While it is true that the formulae of immunity forbade royal officials to enter the immunity there is no evidence that a king himself could not enter an immunity. Furthermore, it is quite likely that a king could designate an official ad hoc to enter immune lands under compelling circumstances.⁵⁶

⁵⁵Voigt, Klosterpolitik, pp. 33ff. Very useful is the brief study by Semmler, "Apropos des abbayes royales," Bulletin de la société nationale des antiquaires de France, (1968), pp. 160-61.

⁵⁶On immunities I rely on Heinrich Brunner, Deutsche Rechtsgeschichte, 2 vols., 2d ed. by C. von Schwerin, (Leipzig, 1906, 1928), II, pp. 382-415; Maurice Kroell, L'immunité franque, (Paris, 1910); Ganshof, "L'immunité dans la monarchie franque," (Recueil de la société Jean Bodin, I, 2d ed., Brussels, 1958), pp. 171-216; idem, Frankish Institutions under Charlemagne, trans. Bryce Lyon, (New York, 1970), pp. 45-50.

Shortly after coming to the throne, Louis called in all privileges granted by his predecessors in order to examine and confirm them.⁵⁷ The new diplomas which were then issued bore some striking changes. Now immunity and royal protection were bound together and issued at one and the same time.⁵⁸ It is only slightly hyperbolic to say that the conscious and consistent application of this policy would have had the result of turning the whole Carolingian Church into one enormous Eigenkirche. It is hardly Louis' fault that his successors did not continue this policy and it ought to be emphasized that it was none other than Louis who laid the foundations for the Reichskirche of the German Middle Ages.

Although my subject is actually Louis and the papacy, the remarks thus far presented are by no means irrelevant. Louis' relations with the papacy have often been characterized by the same malaise and Nachgebigkeit that have served to indict the rest of his reign. I hope to have shown--and my debt to the researches of others

⁵⁷Thegan, Vita Hlud., 10, MGH, SS, II, p. 593: "Iussit supradictus princeps renovare omnia praecepta, quae sub temporibus patrum suorum gesta erant ecclesiis Dei, et ipse manu propria ea cum subscriptione roboravit."

⁵⁸Semmler, "Traditio und Königsschutz," ZRG, LXXVI, ka, XLV, (1959), pp. 1-33. Walter Goffart's critique of Semmler presented in The LeMans Forgeries, (Cambridge, Mass., 1966), is unconvincing mainly because it is not based upon the most current thinking on immunities. Goffart still regards them as essentially detrimental to royal authority.

ought to be as abundantly clear as my disagreements with them--that Louis was capable of prompt, energetic, able and well-conceived action. I also hope to have demonstrated that Louis' piety has been misinterpreted and overemphasized at the expense of other factors. In fairness to the historical tradition concerning Louis I am bound to say that Louis failed to provide the kind of decisive leadership that might have allayed the problems with which his empire was beset. He also showed a certain unwillingness to compromise that bordered on sheer obstinacy, and this certainly contributed to the difficulties implicit in an ever-changing period. Nonetheless, in studying Louis' papal relations or, for that matter, any other topic touching on his reign, it must be said that no useful purpose is served by entering upon the work with the notion that Louis was an incompetent, monkish, weakling.

In deference to the whole of what follows only a few remarks will be addressed to the subject of Louis and the papacy at this time. First, it must be noted that we are not so richly endowed with source materials as we would desire. True, we have the Ludovicianum and the Constitutio Romana which are unprecedented in Frankish history. But the very fact that they are unprecedented, at least with documents, makes them difficult to interpret. Then, too, we know more about

the imperial coronations during Louis' reign than we do about the more famous one in 800 but we are still left with a great many tantalizing loose ends. To name but one: was the Ordo Secundum Occidentales used in 816 and, if so, do we have it in the form which it then possessed? To be sure, the Frankish sources take stock of Roman affairs from time to time, but Rome is never their primary concern. In consequence we are left with a number of annoyingly cryptic and potentially misleading remarks. Finally, and most lamentably, we have only in the neighborhood of a dozen genuine letters from the papal-imperial correspondence 814-840. Would that we had a Codex Carolinus! Or, in other words, imagine trying to write the history of Charles' relations with the papacy without the Codex.

If we are not in an altogether happy position to assess Louis' relations with the Roman See, we may well ask ourselves how much our protagonists knew, or could have known, about one another. As we shall see, a great deal turns on the quantity and quality of information available to Louis about conditions in Rome and the area we call the Papal States. Similarly, we shall have to address ourselves to the matter of how well several consecutive popes knew and, how well they were able to interpret, Frankish thinking on certain key subjects.

It has been observed that the liveliest diplomatic activity of the Franks was with the papacy. During certain periods it was virtually unbroken.⁵⁹ We may well assume, however, that this diplomatic activity concerned itself mainly with what may be called great affairs of state: coronations, papal privileges, etc. There were two other means available to the Franks to keep informed on Roman affairs. First, there is abundant evidence that Frankish clerics journeyed frequently to Rome and its environs in search of relics for use in Frankish churches.⁶⁰ Certainly these pilgrims and travelers could have been commissioned to look into various affairs and,

⁵⁹Ganshof, "The Frankish Monarchy and Its External Relations from Pippin to Louis the Pious," CaFM, p. 164; idem, "The Treaties of the Carolingians," Medieval and Renaissance Studies, VII, (1968), pp. 23-52; W. Sickel, "Die Verträge der Päpste mit den Karolingern," Deutsche Zeitschrift für Geschichtswissenschaft, XI, XII, (1894), 301-51, 1-43.

⁶⁰Historia Translationis S. Viti, MGH, SS, II, pp. 576-85; Odilo, Ex Trans. S. Sebastiani, MGH, SS, XV.1, pp. 377-91; Trans. SS. Tiburtii, Marcellini et Petri ad St. Medardum, MGH, SS, XV.1, p. 393: "Dominus et augustus noster . . . Cludovicus . . . multa quoque corpora sanctorum de pluribus partibus Italiae in regnum Franciae detulit"; Rudolfus, Miracula Sanctorum in Fuldenses Ecclesias Translatorum, MGH, SS, XV.1, p. 329; "Temporibus igitur Hludowici imperatoris . . . multorum reliquiae sanctorum ab urbe Roma in Franciam delatae sunt, quarum aliae quidem ab eis adductae sunt, qui iussu dominorum suorum, ut id efficerent, Romam profecti sunt, aliae vero per clericos sanctae sedis apostolicae et cives Romanae allatae . . ." Numerous Translationes have survived. I cite here only those to which I shall have occasion to refer later. Likewise, I quote only passages which are exemplary, not unique.

in any case, they could have been interrogated upon their return. This traffic, it may be noted further, appears to have been two way. Second, after 824, the emperor had a permanent missus in Rome.⁶¹ Doubtless this official served as imperial "eyes and ears" in Rome and, of course, the pope could have availed himself of the missus to learn of Frankish affairs.

This evidence, however, is rather more suggestive than conclusive. We must admit that we do not know how much each party knew about the other's affairs. The problem of the availability of copious and current information to Louis and the popes will engage us many times in what follows. Candor demands that the relative uncertainty of the situation be pointed out now.

Only two more prefatory remarks are called for. Recently, Walter Ullmann wrote that "in its dealings with the Franks the papacy followed what might be termed an ideological blue-print."⁶² This statement is characteristic of the view held by too many scholars that the papacy was an institution propelled inexorably along its historical course by some mysterious force. Pushed to its logical conclusion, this view would assert that the papacy was the principal motive force of the medieval

⁶¹MGH, Cap., I, no. 161, c. 4, p. 323.

⁶²The Carolingian Renaissance and the Idea of Kingship, (London, 1969), p. 1.

West and that the history of the age ought always to be viewed through the eyes of him who sat upon the throne of Peter. Moreover, it suggests that the papacy always maintained a slavish fidelity to a recognized, clearly articulated and unchanging set of principles.

This approach is unfortunate. In the first place it is illogical, for it denies to the papacy that suppleness, flexibility, adaptability--call it what you will--that allowed it to hold such an important place in medieval life during so many centuries. In the second place, it lacks a sense of proportion in so far as it obfuscates the many other institutions that were equally important as, if not, ultimately, more important than the papacy. Finally, it is unhistorical. In what follows I shall again and again note changes, now subtle, now radical, in both papal and imperial policy. Indeed, those scholars who have investigated the problem of tradition have pronounced most assuredly that the ninth century was an age when definitions were far more sought after than applied.⁶³

⁶³A. J. MacDonald, Authority and Reason in the Early Middle Ages, (Oxford, 1933), pp. 1ff; Marcel Pacaut, La théocratie: l'église et le pouvoir au moyen age, (Paris, 1957), p. 41; Karl F. Morrison, Tradition and Authority in the Western Church, (Princeton, 1969), pp. 213ff. Particularly apposite is the remark by Yves Congar: "Il n'existe guere de formulation théorique ou doctrinale d'ensemble sur la nature et l'objet de la primauté." L'ecclésiologie du haut moyen age, (Paris, 1968), p. 158.

Finally, the study which follows is episodic. This is not due to caprice, nor is it due to a desire to bring certain key events clearly into focus. Quite simply, papal-imperial relations during Louis' reign have an inherently episodic character, at least in so far as the sources describe those relations. Actually, because each episode, or event, provides a significant insight into the development of both papal and imperial policy, and their mutual interactions, neither balance nor perspective is lost by an episodic treatment. Moreover, in each of the succeeding chapters, the emphasis is always placed on the milestones such as the coronation of 816, the Ludovicianum or the Roman synod of 826 but minor events which were contributory to or results of these milestones are described in some detail. In other words, even if the sources for Louis' reign were increased ten-fold by some miraculous discovery, it does not seem likely that the great events around which this study is built would lose their pre-eminent importance.

CHAPTER II

IMPERIAL CORONATIONS: 813, 816, 817, 823

This chapter focuses on Louis' coronation at Reims in 816. This coronation was the first significant interaction between Louis and a pope and so an analysis of it stands at the beginning of this study of Louis' papal relations. As its title suggests, however, this chapter also has something to say about several other coronations. These are analyzed only in so far as they provide some insights into the coronation of 816 for this was clearly the most important coronation in which Louis was involved. Louis used the occasion of his coronation at Reims to pronounce upon his idea of empire and to demonstrate what he considered to be the proper relation of empire and papacy. Consequently, it is towards an understanding of these two themes that this chapter is principally directed. Appropriate attention is also placed upon the goals and aspirations of the papacy, in so far as these are discernible in 816.

Many other subjects are also touched upon in the following pages. Something is said about Frankish coronation practices and, hopefully, a little new light will be shed on this interesting and important, but difficult, subject. The old, but still very much open, question of whether or not the Ordo Secundum Occidentales was used at Reims is studied and affirmative answer is given. Finally, the precise factual and chronological details of the meeting between Stephen IV and Louis are set down more fully than ever before.

Louis' first meeting with a pope which took place some thirty-five years before his coronation in 816, was auspicious. In April of 781¹ his father took him to Rome and there Hadrian I anointed him king of Aquitaine.² Apparently, Hadrian also crowned Louis.³ Since Louis was not yet three years old⁴ it may well be doubted

¹Sigurd Abel and Bernhard Simson, Jahrbücher des fränkischen Reichs unter Karl dem Grossen, 2 vols., (Leipzig, 1883-88), I, p. 376.

²Ann. Reg. Franc., SSrG, s.a. 781, p. 56: Ann. Fuld., SSrG, s.a. 781, p. 10.

³Astron., Vita Hlud., 4, MGH, SS, II, p. 608: "regali insignatus est diademate per manus Adriani." Abel-Simson, JB Karl, I, p. 379 n. 6, casts some doubt on this. G. Waitz, Deutsche Verfassungsgeschichte, Vol. III, 2d ed., (Berlin, 1883), pp. 249-50, sees no reason to doubt the text.

⁴Abel-Simson, JB Karl, I, p. 311 n. 3. Louis was born between June and August 778.

that this event left any lasting impression on him. But, in view of future developments, it is important to note here and now that Hadrian's act was in no way decisive. It was Charles who decided that Louis would be king of Aquitaine; Charles who made him king.⁵ This point must be stressed most emphatically because of two theses which raise their heads frequently in scholarly literature. According to one, papal, or even episcopal, anointings of kings had great constitutive force. According to the other, the magnates' role was crucial in the king-making process among the Franks.

The former assertion will be dealt with repeatedly in the balance of this chapter. The latter may conveniently be refuted at this time. Except for the passage in Ermoldus "procerum consiliante choro" there is not one single line in the sources that suggests, let alone proves, that Louis was elected king or that his father genuinely associated the magnates in the process which resulted in Louis' elevation.

Truly elective monarchy had long since ceased to exist among the Franks.⁶ In 751, however, a unique

⁵Astron., Vita Hlud., 3, MGH, SS, II, p. 608: "eique regnum quod sibi nascendo dicaverat contradidit." In c. 4, p. 608, he adds that Hadrian applied his blessing to a king "regnaturo." Ermoldus Nigellus, ed. Faral, vs. 70-71, 75: "Tum Carolus sapiens sceptorum insignia proli/Divisit, procerum consiliante choro/At, Hludowice, tibi regna Aquitana dedit."

⁶Fustel des Coulanges, La monarchie franque, Histoire des institutions politiques de l'ancienne France,

situation emerged. The Merovingian dynasty was displaced in favor of the Carolingian in the person of Pepin III.⁷ Three years later Pepin was anointed by Stephen II, confirming his hold upon the royal office.⁸ The sources lay considerable emphasis on both events.

Pepin was raised upon a shield by the Franks in 751. Was this a real election? Probably not, but it approximated an election more than anything which had happened in a long time and more than anything which would happen for a long time thereafter.⁹ Moreover, the course of royal elevations would show, for more than a century, a continually decreasing role allotted

Vol. III, (Paris, 1888), pp. 34ff, argues that the final break with a truly elective principle dates from the time of Dagobert. P. Grierson, "Election and Inheritance in Early Germanic Kingship," Camb. Hist. Jour., VII, (1941), pp. 1-22, finds very little evidence for election among any of the West-Germanic peoples. Fritz Kern, Kingship and Law in the Middle Ages, trans. S. B. Chrimes, (New York, 1970), p. 13, lays considerable stress on the hereditary rights of Frankish kingship.

⁷Sources in BM, no. 64a.

⁸Ibid., no. 76a.

⁹Jean Dhondt, "Élection et hérédité sous les Carolingiens et les premiers Capétiens," RB, XVIII, (1939), pp. 916-17, drastically minimizes the role of the nobility in 751. Walter Schlesinger, "Karlingische Königswahlen," in his Beiträge zur deutschen Verfassungsgeschichte des Mittelalters, 2 vols., (Göttingen, 1963), I, pp. 89-90 and Erich Caspar, "Das Papsttum unter fränkischer Herrschaft," ZKG, LIV, (1935), p. 136, assign a considerable role to the nobility, but make allowances for the extraordinary situation.

to the nobility, whatever its role may have been in 751.¹⁰ In raising Pepin on a shield the nobility was, if not really electing Pepin, then exercising its right of acclamation.¹¹ This public acclamation remained an integral part of royal elevations but neither it, nor the taking of counsel by the reigning monarch, were decisive or, to use the appropriate juridical term, constitutive.

Was the role of Stephen constitutive? Hardly, but it gave rise to a complex of ideologies which, however weak their foundations, continually grew in significance. But, in practical terms, those who over-emphasize the ideological significance of the papacy's action miss two key points. First, whatever the papacy may have been aiming at in 754, it can hardly be denied that in anointing Pepin the papacy strengthened him against the very group, the nobility, which could have been, at any given time, a source of real trouble to him.¹² Second, the change of dynasties, the breaking of the Geblütsrecht of the Merovingians, may have provided

¹⁰This is the thesis of the article by Schlesinger cited in n. 9.

¹¹Fustel des Coulanges, Monarchie franque, pp. 50-54; Kern, Kingship, p. 9. It may have been a symbolic vestige of ancient Germanic rights.

¹²Caspar, "Papsttum," p. 138; Schlesinger, "Königswahlen," p. 91.

thinkers with a powerful impetus to ponder questions of royal idoneity and related themes.¹³ One scholar has gone so far as to assert that the events of 751 stand at the beginning of Western political thought, in so far as it concerns monarchy.¹⁴ There was an implicit danger to the secular monarchical principle in this line of ecclesiastical thought concerning idoneity, for, if the Church gained the right to decide who was suited to rule, it would not be long before the Church could decide that a man was unsuited to take up rule, or more dangerous, still, that a reigning king had become unsuitable. All of these tendencies, and others, are visible in the Carolingian age but it can hardly be argued that Stephen's actions in 754 contributed anything meaningful to them. Quite the contrary; he severely prejudiced ecclesiastical or papal rights by creating a new Geblütsrecht. He forbade the Franks ever to choose a king who was not of the house of Pepin.¹⁵ We may thus proceed

¹³For an excellent summary of these theories see Eugen Ewig, "Zum christlichen Königsgedanken im Frühmittelalter," in Das Königtum, ed. Theodor Mayer, (Darmstadt, 1956), pp. 7-73.

¹⁴Heinrich Büttner, "Aus den Anfängen des abendlandischen Staatsgedankens," Das Königtum, pp. 155-67.

¹⁵BM, no. 76a: "interdictu et excommunicationis lege constrinxit, ut numquam de alterius lumbis regem in aevo praesumant eligere."

to the events which are the proper subject of this chapter with full confidence that Frankish royal rights were operating under neither aristocratic nor ecclesiastical sanctions. The aristocracy had not gained the power of electing kings and the Church had not won the right to pronounce on the fitness of an individual to rule. Designation by the reigning monarch remained for several generations after 751 the key factor in succession to the Frankish throne.

When the Franks recrossed the Alps in 781, Louis was sent to Aquitaine. Due to his tender age, he was accompanied by a regency government of Franks who were trusted paladins of his father. He was a sub-king in every conceivable sense of the word and even when he reached his majority he remained completely subject to his father. His prospects for the future were not very promising in that he had not been assigned the choicest portion of the Frankish kingdom and he had two older brothers who were certain to be preferred to him in any future actions Charles might have taken in disposing of the Frankish state.¹⁶

¹⁶The best account of the political and constitutional position of Louis in Aquitaine is Gustav Eiten, Das Unterkönigtum im Reiche der Merowinger und Karolinger, (Heidelberger Abhandlungen zur mittleren und neueren Geschichte, XVIII, 1907), pp. 35-46.

In 806 Louis' future position was clarified upon his father's issuance of the Divisio Imperii.¹⁷ Louis was to have Aquitaine as an independent kingdom after his father's death. His brother Pepin was to have Italy and his other brother, Charles, obtained the rest of the empire except Italy and Aquitaine. In short, on the death of his father, Louis was to become a real king with none of the fetters that had previously bound him. But his future still held little promise. Although the settlement of 806 envisioned three equal kingdoms, instead of three sub-kingdoms, Louis' position was certainly inferior to that of his brother Charles who had been assigned the Frankish homelands. These carried with them the richest and most numerous Frankish estates as well as the allegiance of the greater portion of the Frankish nobility.

It has been a matter of puzzlement to generations of scholars that Charles did not deal with his imperial title in the Divisio. Walter Schlesinger has recently demonstrated that it is possible, within very precise limits, to use the text of the Divisio as a source for Charles' idea of empire.¹⁸ Whatever we know, or think

¹⁷Text, MGH, Cap., I, no. 45, pp. 126-30.

¹⁸"Kaisertum und Reichsteilung: zur Divisio Regnorum von 806," in Beiträge, I, pp. 193-232.

we know, however, about Charles' idea of empire, we must admit that, in making what he must have considered as his definitive territorial and royal settlements among his sons, he reverted to traditional Frankish practices. Did he intend, at some later date, to hand the imperial office to one of his sons? Did he consider the title a personal honor and nonhereditary? Did he dislike the whole business of being an emperor? We do not know and ought to admit it.

The hand of fate then intervened and upset Charles' succession scheme. His two eldest sons predeceased him, leaving only Louis.¹⁹ For some time Charles did nothing. He was old, lame, world-weary, and no doubt deeply aggrieved not only at the loss of his sons but also at the death of his beloved daughter Rotrud, who died in 811. However, immediate action was not imperative because the Divisio had set up machinery for disposing of the kingdoms if one or more of the brothers died without an heir. Louis was left, of course, and Pepin had left a son, Bernard. Finally, however, "fearing that, after he had been withdrawn from worldly affairs, he should leave an unsettled kingdom"²⁰ Charles laid the matter before

¹⁹Pepin died July 8, 810 and Charles December 4, 811: Simson, JB Ludwig, I, p. 2.

²⁰Astron., Vita Hlud., 20, MGH, SS, II, p. 617.

an assembly in early 813.²¹ By the end of 813 Louis had been crowned emperor and sole successor to his father.

One source, Ermoldus, says that Einhard was the person responsible for getting Charles to convey the whole of his empire and his imperial title to Louis.²² Whether Charles had already resolved to do this or whether Einhard, and possibly some other influential ecclesiastics, convinced him that the title ought to be handed on cannot be established with certainty. I see no reason to doubt that Einhard was the key figure but I do not think it necessary to argue that he acted alone.

Louis, during the early months of 813, seems to have been biding his time. We are informed that he had begun to have visions of grandeur²³ but the same source that provides this insight also relates that some men, particularly one Gerricus, had urged in vain that Louis go to his father and lay his case before him. Louis

²¹The date cannot be established. It was at this assembly that Charles decreed the holding of provincial reform synods: Ann. Reg. Franc., SSrG, s.a. 813, p. 138; Chron. Moiss., MGH, SS, I, p. 310. BM, no. 479b states that the synods of Arles and Mainz met May 10 and June 9 respectively, so the assembly may roughly be placed in March or early April.

²²vs. 682-97.

²³Astron., Vita Hlud., 20, MGH, SS, II, p. 617: "spes universitatis potiundiae in eum adsurgebat."

did not do this and it is quite impossible to say what his actions and objectives were in early 813.

In September of 813 another assembly was held at Aachen and Louis was summoned.²⁴ Momentous steps were taken. Charles first asked all of those there assembled whether it was pleasing to them that he hand his title to his son Louis.²⁵ The assembly consented unanimously²⁶ and on the following Sunday Charles, dressed in full royal garb, entered church with Louis.²⁷ Charles and Louis prayed for a long time before the altar and then Charles addressed Louis, admonishing him to love and fear

²⁴Ermoldus, vs. 702ff indicates that Louis appeared immediately after the first assembly. All other sources say that he went north expressly for the second: Einhard, Vita Karoli, 30, ed. Halphen, p. 84; Ann. Reg. Franc., SSrG, s.a. 813, p. 138; Thegan, Vita Hlud., 6, MGH, SS, II, p. 591.

²⁵Thegan, Vita Hlud., 6, MGH, SS, II, p. 591: "Interrogans omnes a maximo usque ad minimum, si eis placuisset, ut nomen suum, id est imperatoris, filio suo Hludowico tradidisset." Cf. Poeta Saxo, MGH, SS, I, p. 265, vs. 9-12; Chron. Moiss., MGH, SS, I, p. 310; Ann. Lobienses, MGH, SS, XIII, p. 231: "voto et electione omnium fidelium suum." Examples could be multiplied.

²⁶Many sources lay particular emphasis on this: Thegan, Vita Hlud., 6, MGH, SS, II, p. 591: "Omnes exultando"; Poeta Saxo, MGH, SS, I, p. 265, vs. 17: "Quod cum magnifico satis accepere favore"; Chron. Moiss., MGH, SS, I, p. 310: "omnes pariter consenserunt dicentes hoc dignum esse"; Einhard, Vita Karoli, 30, ed. Halphen, p. 84: "ab omnibus qui aderant magna cum favore."

²⁷Thegan, Vita Hlud., 6, MGH, SS, II, p. 591: "In proxima die dominica ornavit se cultu regio . . . perrexit ad ecclesiam." BM, no. 479b dates this September 11.

God, to obey the divine laws, to govern and defend the Church well, to be kind to his brothers (bastards), sisters and all of his relatives, to honor priests, to love his people, to cast down proud and evil men, to watch over monasteries, to take thought for the poor, to lead his people on the path of salvation and, finally, to see to the justice and rights of all. Charles then asked Louis if he wished to obey all of these instructions. Louis responded affirmatively.²⁸ Charles then crowned him.²⁹ After the people had acclaimed Louis,³⁰ they heard mass.

Thirteen years before, Pope Leo III had crowned Charles emperor and the Romans assembled in St. Peter's

²⁸Thegan, Vita Hlud., 6, MGH, SS, II, pp. 591-92.

²⁹Thegan alone says "Tunc iussit eum pater, ut propriis manibus eleuasset coronam, quae erat super altare, et capiti suo imponeret." Ermoldus says, vs. 722, "Accipe, nate, meam, Christo tribuente, coronam." He alone says that Charles gave up his own crown but agrees with the other sources that Charles did the crowning. Cf. Ann. Reg. Franc., SSrG, s.a. 813, p. 138; Ann. Fuld., SSrG, s.a. 813, p. 19; Ann. Iuv. Max., ed. Bresslau, MGH, SS, XXX.2, p. 738; Ann. Xant., SSrG, s.a. 813, p. 4; Ann. Hildes., SSrG, p. 15. Edouard Eichmann, Die Kaiserkrönung im Abendland, 2 vols., (Würzburg, 1942), I, pp. 35-36 and Simson, JB Ludwig, I, p. 5 accept Thegan. Waitz, Verfassungsgeschichte, III, p. 222 n. 3 and Eugen Ewig, in Handbuch der Kirchengeschichte, ed. H. Jedin, (Freiburg, 1966), III.1, p. 117 say Charles did the crowning.

³⁰Chron. Moiss., MGH, SS, I, p. 310: "populus acclamantibus et dicentibus 'Vivat Imperator Ludovicus.'"

had acclaimed him. This time Charles designated his son co-regent and the Franks acclaimed him. Several questions arise: Was the pope deliberately excluded? What role did the Franks play? What was the nature of the office conferred upon Louis? Were the proceedings devoid of religious significance? Did this coronation alone suffice to make Louis emperor?

It seems that Charles did deliberately exclude the papacy from any participation in the elevation of Louis to the imperial dignity. Not one text makes any reference to the pope. More conclusive than this argument e silentio, however, is the fact that Charles apparently used the Byzantine ceremony for raising his son to empire, a ceremony which completely excluded any ecclesiastical participation.³¹ It is dangerous to push the Byzantine model too far, though, because ancient Rome could just as easily have been the model.³² In either case the Church was excluded.

³¹See, in particular, Werner Ohnsorge, "Das Mitkaisertum in der abendländische Geschichte des früheren Mittelalters," in his Abendland und Byzanz, (Darmstadt, 1958), pp. 262-65; Ewig, Handbuch, p. 117; Eichmann, Kaiserkrönung, I, p. 22, who also points out that in Byzantium the ceremony was performed in the palace, not in church.

³²The text upon which this interpretation can be based is Ann. Laur. Min., MGH, SS, I, p. 121: "Carlus magnus imperator nomen imperatoris imposuit filio suo Hludowico . . . coronamque imperialem et sceptrum, sicut mos est imperatoribus dare." J. Haller, Das Papsttum, 5 vols., (Basel, 1951), II, p. 23 notes that succession

There are some scholars who regard the coronation of 813 as a correction of the ceremony of 800. According to this interpretation, Charles was displeased by the role played by the pope and by the Romans. In addition, the ceremony of 813 provides an example of the way in which Charles had wanted to be crowned.³³ What particularly annoyed Charles in 800 was the fact that, legally at least, the acclamations by the Romans made him emperor.³⁴ I have already called attention to the Frankish acclamation of Louis in 813. I shall return to this in a moment but the whole problem goes much deeper than this. Charles' empire was based on the gens Francorum and on the Christian religion which was to be

to empire was a matter of public law at Rome so the adoption of co-regency by the Franks is not necessarily the adoption of a specifically Byzantine practice.. H. Fichtenau, "Karl der Grosse und das Kaisertum," MIOG, LXI, (1953), p. 330, observes that the practice applied in 813 could easily have been culled from the numerous Roman sources available at Lorsch and Fulda.

³³See, among others, Ganshof, Institutions, p. 17 and n. 96; Helmut Beumann, "Romkaiser und fränkisches Reichsvolk," Festschrift E. E. Stengel, (Münster-Köln, 1952), pp. 157-80; Schlesinger, "Kaisertum und Reichsteilung," p. 230.

³⁴This was first conclusively demonstrated by Karl Heldmann, Das Kaisertum Karls des Grossen, (Weimar, 1928), pp. 258-89; see also Caspar, "Papsttum," p. 255 and Peter Classen, "Karl der Grosse, das Papsttum und Byzanz," in Karl der Grosse, 4 vols., ed. Wolfgang Braunsfels, (Düsseldorf, 1965), I, p. 581; Ernst Kantorowicz, Laudes Regiae, (University of California Publications in History, XXXIII, 1946), pp. 76-77.

universally professed by his subjects.³⁵ Peter Classen has shown, by means of the most meticulous research, that the curious phrase Romanum gubernans imperium in Charles' imperial title was, in the first place, Roman and not an invention calculated to assuage Byzantine sensitivities. He has further proved that Charles' whole title was an attempt to do two things: include the Romans without centering his empire on them, and give clear expression to the royal and Frankish bases of his power.³⁶ So the pope, the principal agent in 800, and the Romans, the constitutive force in 800, were consciously excluded in 813.

³⁵Beumann, "Nomen Imperatoris: Studien zur Kaiseridee Karls des Grossen," HZ, CLXXXV, (1958), p. 548. Heinz Löwe, Die karolingische Reichsgrundung und die Südosten, (Stuttgart, 1937), p. 169, goes much too far in his theory of Germanic self-consciousness. Ohnsorge, "Renovatio Regni Francorum," Abendland und Byzanz, pp. 127-30 and Robert Folz, The Concept of Empire in Western Europe, trans. S. A. Ogilvie, (New York, 1969), pp. 24-26, correctly assess the Christian content in Charles' empire but argues, wrongly I believe, that the Frankish content was largely an attempt to express the non-Byzantine and nonpapal aspects of the empire. I think it was a positive attempt to express the Frankish basis of the empire. Remember, we are dealing here with the people described in such grandiose terms in the so-called second prologue to the Salic Law.

³⁶Charles' full title was "Carolus, serenissimus augustus, a Deo coronatus magnus et pacificus imperator, Romanum gubernans imperium, qui et per misericordiam Dei rex Francorum et Langobardorum," MGH, Dip. Kar., I, no. 197. Classen, "Romanum gubernans imperium: zur Vorgeschichte der Kaisertitular Karls des Grossen," DA, IX, (1951), pp. 107f, 113-16, 120f.

What role was accorded to the Franks? Reference has already been made to Charles' asking the Franks "from the greatest to the smallest" whether or not he should transmit his office to his son. There are several possible explanations for this: the extraordinary naming of a co-regent; the lack of a firm definition of the imperial office; the question of whether or not the empire ought to be perpetuated. There is nothing surprising in the fact that Charles sought the advice of his great men on such a grave issue. In the end, however, the decision was his: his will alone was constitutive.³⁷ The acclamation by the Franks may have been

³⁷All sources emphasize Charles' role. Some do not mention the nobility at all, and, where they are mentioned, they take a subordinate role. Einhard, Vita Karoli, 30, ed. Halphen, p. 84: "imperatorem et augustum iussit appellari." Einhard seems only to emphasize the presence of the nobility. Chron. Moiss., MGH, SS, I, p. 310 and Poeta Saxo, MGH, SS, I, vs. 9-19 are similar to Einhard. The annalistic sources all lay sole emphasis on Charles, e.g., Ann. Reg. Franc., SSrG, s.a. 813, p. 138: "evocatum ad se apud Aquisgranī filium suum Hludowicum Aquitaniae regem, coronam illi inposuit et imperialis nominis consortem fecit." Cf. Dhondt, "Eléction et hérédité," pp. 919-20; Eichmann, Kaiserkrönung, I, p. 34; Schlesinger, "Königswahlen," p. 96, all of whom agree that Charles' role was decisive. One source, Ann. Lobienses, MGH, SS, XIII, p. 231, reads "voto et electione omnium fidelium suum" and in other places "consensu" or something similar can be found, e.g., Chron. Moiss., as above. The problem of consent to royal or imperial acts in the earlier Carolingian age has been conclusively solved by Ganshof, "Récherches sur les capitulaires," Révue historique du droit français et étranger, (1957), part 1, p. 68, with sources and further literature. In short, it was a rubber stamp affixed to the will of the reigning monarch. Whether expressed or not, it was expected.

an attempt, in respect to an imperial office which had not heretofore existed among the Franks, to copy the role of the Romans in 800.³⁸ More likely it was a translation into imperial successions of the acclamation which customarily accompanied royal successions. Consequently, the role of the Franks was no more decisive than that of the pope or the Romans. In handing his empire to his son, Charles acted as he had thirty-two years before when he had assigned Aquitaine to him, albeit with a bit more pomp and circumstance.

Granted, then, that Charles alone handed his empire on to his son Louis. What manner of empire was it? Of what did the imperial office itself consist? Scholars have long been evoking images of an imperium christianum and of an orthodoxus imperator as its rector. It cannot be denied that these and similar expressions appear in the sources. But, at least during Charles' reign, these concepts cannot be directly connected with Charles himself in such a way as to provide a clear picture of his idea of empire. In the Divisio Imperii of 806 Charles actually provided us with some evidence that he did not conceive of the empire in abstract terms. The protocol of the document is addressed "to all my faithful men . . . present and future . . . who are

³⁸The possibility is noted by Ganshof, "The Imperial Coronation of Charlemagne: Theories and Facts," CaFM, p. 53 n. 51.

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constituted under the empire and its government" and continues with the following words:

We hope to have our sons as consorts in the kingdom granted to us by God so long as we live and we hope to leave them as heirs in the kingdom watched over and protected by God after we have passed from this life.³⁹

Those who have written most prudently on this subject agree that there was nothing universal in the Divisio and so Charles probably did not think he was conferring anything universal upon his son in the coronation of 813.⁴⁰ It was not the abstract Imperium Christianum but the very concrete "abendländisches Gesamtreich Karls" which Louis was given.⁴¹

So, too, the imperial office cannot yet be viewed in abstract terms.⁴² Long ago Brunner asserted that it was viewed "As an annex, as an intensification of

³⁹MGH, Cap., I, no. 45, p. 126.

⁴⁰Schlesinger, "Kaisertum und Reichsteilung," p. 205.

⁴¹Caspar, "Papsttum," p. 255.

⁴²Beumann, "Nomen Imperatoris," passim, goes further than I would but he does attempt to assess the significance of the emergence of nomen as a designation for the office. Cf. Thegan, Vita Hlud., 6, MGH, SS, II, p. 591: "ut nomen suum, id est imperatoris, filiō suo Hludowico tradidisset"; Ann. Reg. Franc., SSrG, s.a. 813, p. 138: "imperialis nominis sibi consortem fecit." It is no longer possible to translate nomen neutrally as name but it is not yet (in 813) possible to ascribe any clear substantive content to it.

Frankish kingship."⁴³ More recently Ganshof has described it this way:

The imperial office permitted the king to exercise certain of his prerogatives with a greater force and in a broader manner, at the same time creating for him the task of giving a special orientation to these prerogatives; but that is all.⁴⁴

In another place Ganshof observed that this "special orientation" stemmed from the deep anxiety felt by Charles on account of his heightened responsibilities before God and man after 800.⁴⁵ In all of this there is neither a fully articulated abstraction nor a clearly defined legal entity. As we shall see, it was left to Louis to procure definitions.

It appears that the act by which Louis was raised to the imperial office was a purely secular one. Was the ceremony devoid of religious significance? Not at all. First, the coronation took place in a church, whereas

⁴³Deutsche Rechtsgeschichte, II, p. 121.

⁴⁴Institutions, p. 10.

⁴⁵"Charlemagne's Programme of Imperial Government," CaFM, pp. 55-85. The article is basically a commentary on the "programmatic (so named by Ganshof himself) capitulary" of 802: MGH, Cap., I, no. 34, pp. 91-99. That these ideas were important to Charles and closely related to the imperial office ought already to be clear from his exhortations to Louis in 813. The last years of Charles' reign provide additional evidence of this. See, MGH, Cap., I, nos., 121, 122, 124, 125, 127, pp. 238-40, 241-42, 244-46, 246-47, 249.

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similar rites in Byzantium occurred in the palace.⁴⁶ Second, Charles seems to have felt that he was acting in God's place in associating his son in the imperial title.⁴⁷ Third, Charles swore his son to care for the Church and assigned him a number of moral responsibilities.⁴⁸ Finally, the unanimity amidst which Louis was crowned was interpreted as evidence of divine inspiration and approval, just as it was in the case of episcopal or abbatial elections.⁴⁹ Be this as it may, the ceremony was not a religious one per se, and it did nothing, really, to provide a clear definition of the imperial office. Moral and religious responsibilities were undoubtedly major components of the imperial office as Charles understood it, and Charles required his son to take thought for those same responsibilities. Beyond this, however, it is not possible to provide a clear and comprehensive definition of the theoretical or conceptual content of the office which Charles possessed and which he transmitted to his son in 813.

⁴⁶Supra, n. 31.

⁴⁷Ermoldus, vs. 722.

⁴⁸Thegan, Vita Hlud., 6, MGH, SS, II, pp. 591-92.

⁴⁹Cf. Walter Mohr, Die karolingische Reichsidee, (Münster, 1962), pp. 74ff.

One question remains: Did this ceremony make Louis emperor? The answer must be affirmative. When Louis was informed of his father's death he began immediately his journey to Aachen. He stopped in Orleans and was hailed as emperor by no less a man than Theodulf.⁵⁰ A number of sources indicate that Louis then proceeded to Aachen without opposition and that the Franks swore homage immediately.⁵¹ Upon reaching Aachen Louis quickly set about the business of governing the realm.⁵² It is difficult, if not impossible, to find any evidence that suggests Louis was unsure of himself or that his commands were not considered authoritative.

Louis was regarded as emperor in all parts of the empire, even in Italy where his nephew Bernard was

⁵⁰Theodulf, Carmina, MGH, Poet. Lat., I, no. 70, Cf. Siemes, Beiträge, p. 172.

⁵¹Odilo, Trans. S. Sebastiani, I, MGH, SS, XV.1, p. 380: "nullo adversum se opposito"; Ann. Reg. Franc., SSrG, s.a. 814, p. 140: "summoque omnium Francorum consensu"; Thegan, Vita Hlud., 8, MGH, SS, II, p. 592: "sine ulla contradictione." In view of Nithard, I.4, ed. Rau, p. 388, it is perhaps necessary to admit that there was some opposition, but whatever it was it disappeared in a hurry.

⁵²Ermoldus, vs. 741-45, 808-35, 847: "commissum imperium ordinat, armit, alit"; Astron., Vita Hlud., 22, 23, 24, MGH, SS, II, pp. 618-19; Thegan, Vita Hlud., 8, 9, 10, MGH, SS, II, pp. 592-93; Ann. Reg. Franc., SSrG, s.a. 814, pp. 140-41.

reigning as sub-king.⁵³ The literary evidence regularly refers to Louis as emperor.⁵⁴ Louis' first diploma bears the title which he always used, except for a few documents in 834: "Hludowicus divina ordinante providentia Imperator Augustus." This, and all of his diplomas, are dated from 814.⁵⁵ Since Louis was again crowned emperor by Pope Stephen IV in October of 816 it is worthwhile to ask whether the papacy considered him emperor immediately upon his accession. In 815 Leo III submitted a dispute between himself and Martin of Ravenna to Emperor Louis for arbitration.⁵⁶ This must be regarded as a recognition of

⁵³Epistolae Variorum, no. 2, MGH, Epp., V, pp. 300-01, a letter from a Saxon to Emperor Louis requesting that some familial patrimonies be restored. For Italy, I Placiti del Regnum Italiae, ed. Manaresi, FSI, no. 29 (Lucca, 815): "Regnante domno nostro Hludoicus a Deo coronatus magnus et pacificus imperatore anno secundo et domno nostro Bernardus rege Langobardorum, anno regni eius, postquam in Dei nomine in Italia reversus est, quarto" It is significant that Bernard is mentioned second. See, E. Mühlbacher, "Zur Geschichte König Bernhards von Italien," MIOG, II, (1881), p. 298.

⁵⁴For brevity's sake I cite only Paschasius Radbertus, whose testimony is meaningful because he was so hostile to Louis. Vita Adalhardi, 30, 32, 36, PL, CXX, 1523C, 1526A, 1528C.

⁵⁵Bouquet, VI, no. 1, p. 455. Nos. 53-58 from the months immediately preceding the papal coronation are the same.

⁵⁶Agnellus, Lib. Pont. Raven., 169, MGH, SSrL, p. 387: "Leo papa . . . misit legatum suum Franciam ad Ludovicum imperatorem." Louis sent Bishop John of Arles to get Martin and take him to Rome so the matter could be settled there.

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overlordship. Moreover, Louis is addressed as emperor. The papacy never dated letters and documents from 816, when a pope crowned Louis, but always from 814, when Louis succeeded his father.⁵⁷ Finally, it may be noted that in the life of Stephen IV in the Liber Pontificalis Louis is throughout referred to as emperor.⁵⁸

The background to the papal coronation of 816 may be stated very briefly. When Stephen journeyed to Reims he met a man who was incontestably emperor and who was not, to all appearances, in need of a second coronation. In addition, the man Stephen met bore a not yet defined title and presided over a conceptually ill-defined empire.

The fact that Louis requested, or allowed, Stephen to crown him has given rise to a great deal of controversy. Some regard it as a "correction" of the worldly coronation of 813 and the impetus is variously assigned to Louis or to Stephen. Put a bit more precisely, these theories hold that, on the one hand, Louis sought an elevation of his imperial dignity⁵⁹ while, on the other,

⁵⁷E.g., MGH, Cap., I, no. 180, "Synodus Romanus 826," p. 370: "Imperantibus dominis nostris piissimis augustis Hludowico a Deo coronato magno imperatore anno XIII . . ." The plural is used because Lothar also figures in the protocol.

⁵⁸ed. Duchesne, II, p. 49.

⁵⁹Lot, Pfister and Ganshof, L'empire en occident, p. 496; Fichtenau, Karol. Imperium, p. 225; Gerd

the pope sought to put a Roman stamp on the process whereby emperors were made and to bring the whole affair within the realm of church law.⁶⁰ A few scholars believe that both of these tendencies are evident and that neither one nor the other took precedence.⁶¹ One scholar has looked at what might be called the social implications of unction as it was performed in 816.⁶² According to

Tellenbach, Church, State and Christian Society at the Time of the Investiture Contest, trans. R. S. Bannet, (New York, 1970), p. 57 n. 2; Kern, Kingship, p. 51. These scholars all point out that the ceremony never implied the exaltation of the anointer over the anointed, but served to emphasize the direct relation of the anointed to God. Kantorowicz, Laudes Regiae, p. 78, notes that the Christianization of rulership made ecclesiastical participation inevitable but that the ceremony served to make visible the workings of the divine king-maker. Eichmann, Kaiserkrönung, I, pp. 18-21, observes that the model may be Byzantine since there the patriarch always did the crowning, though the emperor was always understood to have been crowned by God. The anointing must be Frankish, however, for this was not done in the East. Frequent references to emperors as $\chi\rho\iota\sigma\theta\epsilon\acute{\iota}\varsigma$ $\beta\alpha\sigma\iota\lambda\epsilon\acute{\upsilon}\varsigma$ or $\chi\rho\iota\sigma\theta\epsilon\acute{\iota}\varsigma$ $\pi\alpha\rho\grave{\alpha}$ $\kappa\upsilon\rho\acute{\iota}\omicron\upsilon$ are purely symbolic.

⁶⁰ Amann, L'époque carolingienne, pp. 204-05; Ewig, Handbuch, p. 124; Heldmann, Kaisertum, pp. 428-30; Brunner, Deutsche Rechtsgeschichte, II, p. 123; Ohnsorge, "Mitkaisertum," p. 263; Folz, Concept of Empire, p. 27; Karl Erdmann, Forschungen zur politischen Ideenwelt des Frühmittelalters, (Berlin, 1951), p. 28; L. Duchesne, Les premiers temps de l'état pontifical, 3d ed., (Paris, 1911), p. 188.

⁶¹ Ganshof, "Over het idee van het keizerschap," pp. 5-6; Ludo Moritz Hartmann, Geschichte Italiens im Mittelalter, 3 vols. in 5, (Gotha, 1897-1911), III.1, p. 198.

⁶² Fichtenau, Karol. Imperium, p. 305 citing MGH, Cap., II, p. 493: "Qui infideliter et contumaciter in unctum qualemcumque Domini manuum mittit, dominium christorum Christum contemnit." Ullmann, The Growth of

him, anointing created a situation in which it would have been a moral outrage for the secular nobility to rise against an anointed king. Some historians, realizing that the coronation of 813 made Louis emperor, have tried to explain the coronation of 816 as a "Festive Coronation" (in German: Festkrönung), which was a public re-coronation of a reigning person designed to give a symbolic demonstration of his power.⁶³ This theory, however, will not stand up under examination⁶⁴ so other scholars have seen 816 as a strengthening (Befestigung) of Louis' office.⁶⁵ This view has been countered by Brühl, who took a penetrating look into the whole legal side of coronations.⁶⁶ It may be argued, however, that Brühl's reasoning is too juristic and that Louis sought,

Papal Government, 3d ed., (London, 1970), pp. 153-54, 154 n. 1 considers, but dismisses, this possibility.

⁶³Mohr, Reichsidee, p. 76.

⁶⁴Hans-Walter Klewitz, "Die Festkrönung der deutschen Könige," ZRG, LIX, ka, XXVIII, (1939), pp. 67ff, who demonstrates that the practice first emerged in the tenth century.

⁶⁵Ewig, Handbuch, p. 124 and, to some extent, Haller, Papsttum, II, p. 23.

⁶⁶Carlrichard Brühl, "Fränkischer Krönungsgebrauch und das Problem der 'Festkrönung,'" HZ, CXCIV, (1962), pp. 283-311 where proofs are also offered against the idea that 816 saw a Festkrönung.

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or obtained, a Befestigung of something other than his legal position. Finally, historians have analyzed the coronation with this question in mind: were these acts of coronation and anointing, or either one of them, constitutive? This question has been answered both negatively and positively from both the juridical and spiritual points of view.⁶⁷

There is only one way to rise above all of this confusion. The evidence, which is rather plentiful, must be submitted to a new and direct analysis. It is necessary to determine, first, what happened in 816 and why these events proceeded exactly as they did. In order to make these determinations, the coronation of 816 will be analyzed in great detail but insights will be drawn from the coronations of 817 and 823 whenever it seems useful to do so. Second, it is necessary to discover what the coronation of 816 meant to each of the participants. Finally, some attention must be directed to the imperial office as it appears in the sources for the early years of Louis' reign. Specifically, an attempt

⁶⁷On anointing, from the juridical point of view, the most affirmative treatment is Ullmann, Papal Government, pp. 143-53. Contra, Eichmann, "Königs- und Bischofsweihe," (Sitzungsberichte der bayerischen Akademie, Phil.-Hist. Klasse, 1927-28, fasc. 6), p. 65. The various spiritual arguments concerning anointing will be discussed in due course. For the legal and spiritual arguments concerning the coronation--as distinct from the anointing--see supra nn. 59-61.

will be made to demonstrate that a clear definition of the imperial office emerged for the first time.

The logical and necessary point of departure for a study of the coronation of 816 is the journey of Stephen IV to Reims. Why did he undertake it? No single answer can be given for there were a variety of circumstances which might have caused him to seek a meeting with the emperor. In the final years of the pontificate of Leo III there was considerable civil strife in Rome which centered on the papacy. Apparently, this was both politically and economically motivated. Also, the election of Stephen IV in 816 marked the first change in the See of Peter since the imperial coronations of 800 and 813. A very legitimate, perhaps urgent, question arose concerning the rights which the Carolingians would claim in papal elections. Finally, since Ponthion and Quierzy, the popes and the Franks had concluded numerous alliances, signed a number of pacta and repeatedly renewed their mutual friendship. The political, legal and religious dimensions of all of these problems will be discussed in great detail in later chapters. For the moment they may be taken for granted as background to the situation in which Stephen found himself on his election.

Stephen's first act after his election was to have the Romans swear an oath of fidelity to Louis.⁶⁸ It is difficult to say what this meant. It had not been done before and Stephen's successors did not do it in precisely the same fashion. That is, the oath was later required by the emperor which was not the case in 816. Perhaps it was an attempt by Stephen to win Louis' good will. Another possibility is that the pope was trying to create for himself a firm position in Rome between the emperor and the Romans. It will be seen later that this is very much like the position which the pope actually held at that time and it is possible that Stephen was trying to institutionalize it. These are reasonable surmises, but nothing more. The oath remains an anomaly.

Several embassies were then exchanged.⁶⁹ The sources say, among other things, that Stephen desired to make satisfaction to Louis concerning his election. Since we hear of no irregularities this can only mean that he desired clarification of whatever rights Louis might

⁶⁸Thegan, Vita Hlud., 16, MGH, SS, II, p. 594.

⁶⁹Ann. Reg. Franc., SSrG, s.a. 816, p. 144: "missis . . . duobis legatis"; Ermoldus, vs. 854-55: "Concurrunt varii redeuntque sub ordine missi,/Caesaris atque sacri vota benigna ferunt."

claim.⁷⁰ Apparently he was already en route when his first legates reached Louis.⁷¹ Moreover, the sources indicate that Stephen left Rome in great haste⁷² and he seems, almost like a suppliant, to have been willing to meet Louis anywhere.⁷³ This suggests that he was fleeing from the political strife which had been disturbing Rome for several years. Perhaps the pope wished to inform Louis of this trouble and to enlist his aid in suppressing it. In any event, Louis was overjoyed that the pope was coming to meet him and decreed that the

⁷⁰Ann. Reg. Franc., SSrG, s.a. 816, p. 144; Astron., Vita Hlud., 26, MGH, SS, II, p. 620: "legationem, quae super ordinatione eius imperatori satisfaceret." The Annales use almost exactly the same words.

⁷¹Ann. Reg. Franc., SSrG, s.a. 816, p. 144: "ad imperatorem venire contendit, missis interim duobis legatis"; Astron., Vita Hlud., 26, MGH, SS, II, p. 620: Stephen hastened north "praemisit tamen legationem." Ermoldus' statement that Louis ordered Stephen to come, vs. 848, must be dismissed unless what he is referring to is Louis' demand that the pope meet him at Reims.

⁷²Ann. Reg. Franc., SSrG, s.a. 816, p. 144: "non-dumque duobus post consecrationem suam exactis mensibus quam maximis poterat itineribus ad imperatorem venire contendit"; Ann. Fuld., SSrG, s.a. 816, p. 20 errs in saying "paucis post . . . diebus"; Astron., Vita Hlud., 26, MGH, SS, II, p. 620: "Vix enim duobis exactis mensibus, summa cum festinatione ei occurrere festinavit"; cf. Ermoldus, vs. 851.

⁷³Thegan, Vita Hlud., 16, MGH, SS, II, p. 594: "dirigens legatos . . . nuncians ei, ut libenter eum videre voluisset in loco ubicumque ei placuisset."

meeting should take place at Reims.⁷⁴ It should be noted that the sources do not say why Louis was overjoyed.

These facts all derive from the Frankish sources. A few more can be obtained from a papal source, the Liber Pontificalis. It says that Stephen's trip was undertaken, first, "for confirming the peace and unity of the holy Church of God," and, second, "concerning the captivity of all the exiles who were being held in Francia on account of the crimes . . . which they had perpetrated on the Lord Pope Leo."⁷⁵ In addition, several sources indicate that Stephen obtained everything which he sought.⁷⁶

Was the coronation among the things which the pope sought and obtained? We shall see in a moment that Stephen gained release of the exiles, confirmation of papal-Frankish friendship and a document defining papal and imperial rights in Rome and its environs. These are

⁷⁴Ibid.: "Quod audiens, magno tripudio repletus coepit gaudere"; Ann. Reg. Franc., SSrG, s.a. 816, p. 144: "Remis ei statuit occurrere"; Astron., Vita Hlud., 26, MGH, SS, II, p. 620: "Ipse autem eius adventum Remis sustinere statuit."

⁷⁵Lib. Pont., ed. Duchesne, II, p. 49.

⁷⁶Ibid.: "omnia quecumque ab eo poposcisse dinoscitur, in omnibus impetravit"; Astron., Vita Hlud., 26, MGH, SS, II, p. 621: "cunctis quae poposcerat imperatis"; Agnellus, Lib. Pont. Raven., 170, MGH, SSrL, pp. 387-88: "quidquid postulavit ab eo, optinuit."

the only things which the sources mention as having been specifically requested by Stephen. Therefore, after obtaining these things, Stephen might well have returned to Rome "having obtained everything which he had sought." Not one source says that Stephen went north specifically to crown Louis.⁷⁷ To be sure, many sources mention only Stephen's journey, or his presence in Reims, or the coronation.⁷⁸ This suggests not so much that the coronation was the reason for Stephen's presence in Reims as the fact that, in the eyes of the authors of the sources in question, the coronation was the most important thing that happened there. In analyzing the coronation, then, it is well to remember that it took place in the "holy

⁷⁷It is to be noted that modern scholarship holds that Roman troubles and the like were the reason for Stephen's journey. Cf. Ferdinand Gregorovius, Geschichte der Stadt Rom im Mittelalter, 8 vols., 7th ed., (Berlin, 1922), III, p. 33; Hauck, Kirchengeschichte, II, pp. 491-92; Simson, JB Ludwig, I, pp. 73-74; Fichtenau, Karol. Imperium, p. 225; Mohr, "Reichspolitik und Kaiserkrönung in den Jahren 813 und 816," WaG, XX, (1960), pp. 169-70; Ullmann, Papal Government, p. 145. It is worth remembering this when studying a coronation that has been called "une mainmise seconde de la papauté sur l'institution imperiale" by Duchesne, L'état pontifical, p. 188.

⁷⁸Ann. Laur. Min., MGH, SS, I, p. 122; Chron. Moiss., MGH, SS, I, p. 312; Ann. S. Emmerammi Ratis. Mai., MGH, SS, I, p. 93; Ann. Iuv. Max., ed. Bresslau, s.a. 816, MGH, SS, XXX.2, p. 738; Ann. Xant., SSrG, s.a. 815 (sic), p. 5; Ann. Hildes., SSrG, p. 16; Ann. Sithienses, MGH, SS, XIII, p. 37.

city" of the Franks and that it was performed by a pope who was very likely there on other business.⁷⁹

When Louis heard that the pope was coming to meet him he ordered his nephew, King Bernard of Italy, to accompany him.⁸⁰ He himself went to Reims to wait.⁸¹ When Stephen drew close to Reims Louis sent three of his most important bishops ahead to receive him: Hildebald of Cologne, Theodulf of Orléans and John of Arles.⁸² Finally, Louis himself met Stephen one mile from the monastery of St. Remi.⁸³ Louis may have been according to the pope the honors appropriate to the highest ecclesiastical dignitary or, and subsequent events make this more likely, he may have been beginning already to set the stage for his own coronation.

The next scene was so beautifully orchestrated that it must have been arranged in advance, probably by Louis. The emperor and the pope both descended

⁷⁹The Liber Pontificalis does not even mention the coronation.

⁸⁰Astron., Vita Hlud., 26, MGH, SS, II, p. 620.

⁸¹It may be noted that in 804 when Leo III requested a meeting with Charles, he also was received at Reims. Ann. Reg. Franc., SSrG, s.a. 804, p. 119; Ann. Fuld., SSrG, s.a. 804, p. 15.

⁸²Astron., Vita Hlud., 26, MGH, SS, II, p. 620.

⁸³Ibid.

from their horses⁸⁴ and then Louis, clad in garments bedecked with gold and gems and surrounded by his clergy on the right and his nobility on the left and his people behind, approached Stephen.⁸⁵ The two met and embraced and Louis prostrated himself three times before the pope.⁸⁶ Stephen then raised Louis from the ground,⁸⁷ and Louis addressed him with "Blessed is he who comes in the name of the Lord." Stephen responded with "Blessed be the Lord our God who gives it to our eyes to see the second King David."⁸⁸ The two then embraced one another, kissed, perhaps several times, and proceeded to the monastic

⁸⁴Thegan, Vita Hlud., 16, MGH, SS, II, p. 594.

⁸⁵Ermoldus, vs. 858-67.

⁸⁶Thegan is most explicit on this order of events, Supra, n. 84. Ermoldus, vs. 872-73, adds that prostration was in honor of God and St. Peter. The proskynesis was typical in such ceremonies at Byzantium. Pepin had done it at Ponthion and Charles at Paderborn: Eichmann, Kaiserkrönung, I, p. 41. In 800 Leo prostrated himself before Charles. From 816 on this became the sole prerogative of the pope. Note, however, that Louis did not perform the officium stratoris.

⁸⁷Only Ermoldus adds this detail, vs. 874-76.

⁸⁸Thegan, Vita Hlud., 16, MGH, SS, II, p. 594. In my opinion these statements are mere diplomatic niceties, and no programmatic meaning ought to be attributed to them as Mohr, Reichsidee, pp. 76ff, does. Ewig, "Das Bild Constantins des Grossen in den ersten Jahrhunderten des abendländischen Mittelalters," HJB, LXXV, (1956), pp. 7-8 noted that Byzantine emperors were often addressed as ἄλλος Δαβίδ.

church at Reims with Louis taking Stephen on his arm.⁸⁹
 Their entry into the church was accompanied by the singing of a "Te Deum" by the Frankish clergy.⁹⁰

At this point the sources become a little more difficult to follow. In order to establish the order of events inside the church it is necessary to cite the three principal surviving accounts. Thegan (c. 16) speaks in these terms:

They arrived at the church; when they had prayed for a long time the pope rose up and in a high voice, along with his clergy, he sung him the royal lauds.

The Astronomer (c. 26) gives this account:

The Roman clergy sung the lauds which were due to the emperor and the lord pope completed them with a prayer. This done, they retired deep into the house and the pope laid out the reasons for his arrival and then, after they had partaken of a benediction of bread and wine, the emperor returned to the city and the lord pope remained there.

Finally, Ermoldus (vs. 880-89) writes:

First they visited the church and addressed God with prayers. They sung graces and vows that were to be given. Soon they went back to the palace for a great banquet. They sat down and servants presented water for washing their hands. Then they enjoyed a worthy banquet, having first partaken of wine. They engaged in conversation and finally Louis spoke thus: "O blessed vicar,

⁸⁹Thegan, Vita Hlud., 16, MGH, SS, II, p. 594; Astron., Vita Hlud., 26, MGH, SS, II, p. 620, adds the detail about Louis lending Stephen a hand. Ermoldus, vs. 877-80.

⁹⁰Thegan, Vita Hlud., 16, MGH, SS, II, p. 594; Ermoldus, vs. 877-80.

pastor of the Roman flock, you who hold the place of the apostolic Peter as shepherd of his flock, what has brought you to the land of the Franks? Tell me!"

Now, with these texts before us, it is possible to determine what happened in the church that day.

First, it is known that the initial meeting of pope and emperor, the day in question here, took place Thursday, October 2, 816.⁹¹ The coronation took place on Sunday, October 5⁹² and two days of banqueting and gift exchanging intervened.⁹³ Therefore, it is possible to dismiss Ermoldus' statement that they left the church and went to the palace. The Astronomer states clearly that Louis returned to the city--to the palace--and that Stephen remained at St. Remi. Since the Astronomer goes on to say "on the next day the lord emperor summoned the lord pope to himself" it is clear that Ermoldus has compressed the events of Thursday and Friday into one day. It may be noted, further, that Ermoldus compacts the whole four days into two. Now, Thegan says that they prayed for a long time in the church and that during the prayers the royal lauds were sung. The Astronomer notes a

⁹¹BM, no. 633a; Simson, JB Ludwig, I, p. 68 n. 1.

⁹²Thegan, Vita Hlud., 17, MGH, SS, II, p. 594: "proxima die dominica."

⁹³Ibid.; Ann. Reg. Franc., SSrG, s.a. 816, p. 144; Ann. Fuld., SSrG, s.a. 816, p. 20.

benediction of bread and wine as well as recording that the lauds were sung and completed with a prayer. Ermoldus describes a banquet, though he mistakenly puts it in the palace, a hand washing, and wine drinking. It takes very little imagination to see that he is describing, not a banquet, but a mass, replete with communion. Either his memory was bad or he followed a corrupt source. In addition to the praying and benediction mentioned by Thegan and the Astronomer, the singing of the lauds confirms that a mass took place. The lauds were sung between the first collect and the epistle of the mass on most occasions.⁹⁴ Doubtless, the pope was the celebrant.

A moment's reflection on the lauds is in order since their appearance is one of the most important symbolic facts to emerge up to this point. The sources leave no doubt that it was the Frankish royal lauds that were sung. These were no Byzantine type lauds such as were used to acclaim Charles emperor in 800 but rather a solemn and jubilant proclamation of the dignity of the reigning king.⁹⁵ Let it be remembered that it was the pope and the Roman clergy who sung the lauds on October 2,

⁹⁴Kantorowicz, Laudes Regiae, p. 87 and nn. 69-70.

⁹⁵Ibid., pp. 13-14. He states that the lauds arose from litanies which accompanied penitential processions. But, the royal lauds are exceptional "since neither the suffrages nor the responses are born from fears and tears. Instead of humble petitions demanding deliverance from evil, we find jubilant acclamations."

816. By the mid-ninth century the papacy had created a Roman form of the lauds and turned them to its own advantage, but this had not yet happened in 816.⁹⁶

Finally, the form of the lauds is revealing. The pope is mentioned first but the king is associated with the greater saints. This apparently chiasmic order is merely a polite gesture.⁹⁷ Certainly these lauds were an attempt to provide a very visible demonstration of the cosmic order as it is reflected in the earthly. Their overall symbolic effect was to place the king on the highest possible plane.

The passage from the Astronomer quoted above indicates that after mass Stephen and Louis retired to some other portion of the monastery and that the pope explained the reasons for his coming. Bearing in mind that Ermoldus has corrupted the chronology of events, it can still be said that his vs. 886-89, in which he has Louis asking Stephen why he came, agree with the Astronomer's account.⁹⁸ This is confirmed by the Annales

⁹⁶Ibid., pp. 64, 104-05, 109. In 816 the pope was addressed in the lauds as "N. summo pontifice et universalis pape, vita!" By the time of Nicholas I this had changed to "Domino nostro N. a Deo decreto summo pontifice et universalis pape, vita!"

⁹⁷Ibid., pp. 49-50. For his edition of the lauds, see, pp. 15ff.

⁹⁸On the matter of whether Louis summoned Stephen, it is sometimes held that Ermoldus' statement, vs. 848, claiming that Louis did summon Stephen, is to be

Regni Francorum and the Annales Fuldenses which use almost the same language. Neither of the annals provide any details on the reception ceremony or the mass but both state unmistakably that the pope informed Louis of the reasons for his visit "immediately" after his arrival.⁹⁹ This can only make sense in relation to the Astronomer's remarks about what happened after Louis and Stephen retreated into the depths of the monastery.

The events of the following day, Friday, October 3, make it easy to see at least some of what was discussed. Above it was observed that the Liber Pontificalis put down confirmation of friendship, disposal of matters pertaining to the Church and return of exiles as reasons for Stephen's journey. The royal annals say much the

discounted because he twice later reverses himself. I agree, but disagree with this reasoning. In my view, vs. 848 is a mistake by Ermoldus due either to willful invention or to a bad source. Then, vs. 886-89 are purely and simply a reference to the discussions after mass on Thursday. Finally vs. 1054, in which Ermoldus again indicates that Louis summoned the pope, is a reference to the Friday meeting in the town. This is easily corroborated by the Astronomer's remark, "ad se evocavit." Hence, Ermoldus makes one simple mistake in vs. 848 and the other verses are, taken by themselves, accurate and, in any case, irrelevant to the question of whether Louis summoned Stephen from Rome.

⁹⁹ Ann. Reg. Franc., SSrG, s.a. 816, p. 144: "Qui statim imperatori adventus sui causam insuans"; Ann. Fuld., SSrG, s.a. 816, p. 20: "Qui statim adventus sui sausus principi insuans."

same thing.¹⁰⁰ Ermoldus has preserved an account of final disposition of just these kinds of affairs.

The protocols for the meeting on Friday were such that only Louis could have been responsible for them. We have already seen that Louis summoned Stephen on Friday. Since it is reasonable that Louis was more likely to have made the arrangements on this day than on the next, when he banqueted at St. Remi as the guest of the pope, it can be further assumed that Ermoldus has handed down a clear and valuable account of Friday's proceedings. This line of reasoning actually accords well with Ermoldus' bad chronology. It means that he conflated Thursday and Friday rather than Thursday and Saturday. Sunday does not come into consideration since we hear only of the coronation on that day.

Ermoldus' account of Friday's proceedings is as follows: Louis summoned Stephen and the magnates (vs. 934-35) who found him garbed in splendid clothes and sitting on a throne. Louis seated the pope next to himself and arranged the nobility before them in order of rank (vs. 936-40). Louis had a good deal on his mind ("multa tenens animo") and began to speak. Louis' address, which is probably free composition by Ermoldus but still very close to what might have been said, is

¹⁰⁰As in n. 99: "amicitia vicissim firmissimo robore constituta aliisque utilitatibus sanctae Dei ecclesiae pro temporibus opportunitate dispositis."

of great significance in understanding Louis' views on government as well as papal-imperial relations and I have reproduced Faral's edition of it as Appendix A. I shall have something further to say about it later. For now, suffice it to say that it consists of three parts. The first is a massive pronouncement on Louis' moral responsibilities as a Christian ruler. The second is a sketch of the history of Israel showing how prosperous Israel was so long as it held to God's teaching. The third part is addressed particularly to the pope and tells him that he and Louis share responsibility for the Christian people committed to them.

At this point the assembled persons appear to have gotten down to business. The next few lines in Ermoldus' account are important enough that they deserve to be quoted in full (vs. 1034-39):

If your rights remain, you who govern the kingdom of Peter and if you can fulfill the care of your flock, tell me: if otherwise, I strongly warn you to tell me everything: I shall immediately come to your aid. As my ancestors have served the honor of Peter, so I shall serve, O prelate, for the love of God.

Several points must be made in connection with Louis' speech. First, Louis asked Stephen if he could maintain himself in Rome. This no doubt resulted from the previous day's negotiations and perhaps from his own knowledge of the troubled situation there. Then he exhorted the pope to tell him when trouble arose so that

he could serve the cause of Peter. Here is to be found the confirmation of papal-Frankish friendship which has been met several times already as a reason for Stephen's journey. The legal content and political implications of this will be analyzed in considerable detail in the next two chapters. Finally, let us note that Louis undertook to serve the honor of God and St. Peter. Stephen, qua Stephen, appears nowhere.

Then Louis called forth Helisichar, his cancelarius, and instructed him to draw up a document defining the property of the Church and See of Peter in order that it might remain intact and unharmed (vs. 1040-47). We no longer have this document though it was still in existence as late as 1105. Since it bears a close relationship to the Pactum Ludovicianum it will be discussed further in the next chapter. Certainly, the production of this document fits the reasons for Stephen's journey.

Next Louis said that he desired that the foremost church ("prius ecclesiae") should be so honored in his times as it had been in the times of his ancestors, in order that it might retain its preeminence: "It has held the highest summit and we wish that it shall continue" (vs. 1048-51). Finally, he reminded Stephen that he who sits upon the throne of Peter must be just

and that Louis desired Stephen to be a powerful helper to him (vs. 1052-55).

At this point, Ermoldus commits his second chronological error. He goes directly into the coronation, which actually took place two days later. We know that Friday also witnessed a banquet and exchanges of gifts. Saturday Stephen summoned Louis to him and again there was banqueting and showering of presents.¹⁰¹ Although the sources, doubtless engaging in a bit of harmless hyperbole, say that Louis gave away more than he received, only one gift on the part of either man can be named. Louis gave the pope a small estate near what is now Vendeuvre-Sur-Barse.¹⁰²

Certainly the most important business transacted during this four-day meeting was the imperial coronation. Yet, except for the fact that it took place, our sources make no other mention of it. As we shall see presently, it involved an elaborate ceremonial which simply cannot have been spontaneous. This is no place to enter into

¹⁰¹Astron, Vita Hlud., 26, MGH, SS, II, p. 621, sets down the chronology and basic activities of the four days more clearly than any other source. "In crastinum domnus imperator domnum apostolicum ad se evocavit, convivio peropulentissimo curavit, donisque maximis honoravit." This was Friday. "Similiter die tertio a domno apostolico dominus invitatur imperator et multis variisque est donatus muneribus (Saturday), et in crastinum quae fuit dies dominica (Sunday) . . . "

¹⁰²BM, no. 633a.

a discussion of the tortured question of whether or not Leo III surprised Charles in 800 but, bearing that problem in mind, it can be stated most emphatically that there were no surprises or tricks in 816. When was the elaborate ceremonial worked out? We simply do not know. Thegan says that so long as the pope was in Reims daily meetings were held on matters of importance to the Church.¹⁰³ The coronation was certainly of some importance to the Church and it must have been discussed in some detail. We have seen that Thursday and Friday were, in all probability, taken up with discussion of other affairs. It is possible that the coronation was planned on Saturday or perhaps, since Thegan says there were meetings every day, on Sunday morning. But this is guess work.

Set against this background, the coronation conveys the very sharp impression that Louis was in control of things. He was met by Stephen before the city of Reims and his praises were sung as emperor. He seems to have arranged the meetings. His splendid dress can have been of no little symbolic value. The evidence builds, crescendo like, to the coronation itself. It is only by a careful analysis of it that the whole affair can be interpreted.

¹⁰³Vita Hlud., 17, MGH, SS, II, p. 594.

On Sunday October 5, 816 at Reims Louis was crowned and anointed emperor before a solemn mass.¹⁰⁴ The sources are conflicting on whether the ceremony preceded or accompanied the mass but the coronation ordo places the ceremony before mass. Of course, there is also some controversy over whether or not an ordo was used. Below I shall attempt to prove this point so, for the present, I shall take its evidence as corroborating that of Thegan and state that the coronation preceded the mass. Ermoldus and Thegan, who provide the most detailed accounts of the coronation, agree on this order of events: consecration, anointing, coronation of Louis, coronation of Empress Irmingard.¹⁰⁵

Apart from the fact that the ceremony was performed by the pope there is one specific fact which can give rise to the interpretation that the whole affair was a papal coup de main of the imperial office: the crown which was used was brought from Rome.¹⁰⁶ Since this is attested to by usually reliable sources it is not to be doubted, but Ermoldus' statement (vs. 1076-77) that

¹⁰⁴Ibid.; Astron., Vita Hlud., 26, MGH, SS, II, p. 621 says during mass, as does the royal annalist.

¹⁰⁵Ermoldus, vs. 1058-1107; Thegan, Vita Hlud., 17, MGH, SS, II, p. 594.

¹⁰⁶Chron. Moiss., MGH, SS, I, p. 312; Thegan, Vita Hlud., 17, MGH, SS, II, p. 594.

it was the crown of Constantine is of very doubtful veracity.¹⁰⁷ Ermoldus' two preceding lines are also interesting (vs. 1074-75):

Rome transmits to you, Caesar, the gifts of Peter,
worthy enough indeed, and a fitting mark.

Scholars have variously seen this as an emphasis on the Roman and Petrine origins of the crown, a clear manifestation of the program of the Constitutum Constantini, a suggestion that Louis was made a Roman Emperor and an assertion that the imperial office was at the disposal of the papacy.¹⁰⁸

These interpretations call for some comment. First, it is very dangerous to assign much significance to the possibility of the coronation having any relationship to the Constitutum Constantini. Although some doubts are possible, it seems that the forgery was produced in the decade after 754 and perhaps in close connection with Stephen II's journey into Francia.¹⁰⁹

¹⁰⁷ So, Simson, JB Ludwig, I, p. 72 n. 7; Ewig, "Das Bild Constantins," p. 144 believes that Ermoldus may have fallen victim to the Constantine legends that were gaining increasing currency after about 822. Max Manitius, Geschichte der lateinischen Literatur des Mittelalters, 5 vols., (Munich, 1911), I, p. 553, notes that Ermoldus began writing about 826.

¹⁰⁸ Eichmann, Kaiserkrönung, I, p. 43; Ullmann, Papal Government, p. 143; Brunner, Deutsche Rechtsgeschichte, II, p. 123, among others.

¹⁰⁹ Leon Levillain, "L'avenement de la dynastie carolingienne et les origines de l'état pontifical," BEC, XCIV, (1933), pp. 225-95.

Many later references to it, however, can be viewed as allusions to the Constantine-Sylvester legends which were so well known in the West. Moreover, the document played very little role in the ninth century.¹¹⁰ The lines from Ermoldus (vs. 1074-75) quoted above must be read very carefully. From at least the time of Gregory the Great (590-604) popes frequently sent keys, banners and the like to all manner of persons, not just kings.¹¹¹ The key word here is "gifts," "munera," which is plural. Perhaps Stephen proffered other items, in addition to a crown, about which we have no knowledge. The lines doubtless have some symbolic value but I think that it would be dangerous to assign any precise significance to them. I think it possible to dismiss out of hand the idea that Louis became a Roman Emperor. He never called himself one and not one single source so names him. However, the idea that the imperial office was in the hands of the pope deserves more serious treatment. To this I shall return.

Before looking at the ordo, which I believe to have been used, the following points can be established.

¹¹⁰ Congar, Ecclésiologie, pp. 198-201 and 199-200 n. 15 with rich literature.

¹¹¹ Fustel des Coulanges, Les transformations de la royauté pendant l'époque carolingienne, Histoire des institutions politiques de l'ancienne France, Vol. VI, (Paris, 1892), p. 298.

A crown was brought from Rome, suggesting that the coronation was always in Stephen's mind. This is curious since no papal or Frankish source cites this as a reason for the journey. Nevertheless, if Stephen did bring along a crown, and there is no reason to doubt this, then the implication is obvious. All of this emphasis on the crown implies, externally at least, that the ceremony served Stephen's interests as much, if not more than, Louis', particularly if Ermoldus' vs. 1074-75 are understood in a programmatic sense. These lines seem to present a rather different picture than the background to the coronation as I described it.

Let us turn to the ordo and see what light it sheds on the matter. The ordo¹¹² begins with a prayer on behalf of the emperor and empire. Then follows a consecration prayer, which, incidentally is very similar to some lines in Ermoldus: vs. 1058-69, 1080-89, 1092-97. This prayer asks God to give the king long life, health, peace, good harvests and the like. It also asks God to make him a strong protector of the Church and his country and a fearsome foe to his enemies. As I shall prove below it was during this prayer that Louis was anointed.

¹¹²Text: Ordines Coronationis Imperialis, ed. R. Elze, MGH, FIGA, IX, pp. 4-6. This text is reproduced as Appendix B.

Up to this point the ordo and the literary evidence agree on the order of events and even on the prayers that were used. Then, for a moment, they part company. The ordo places the coronation next but Ermoldus indicates that the pope blessed the crown first (vs. 1078ff). Blessing of the crown was an Eastern custom, otherwise unattested in Frankish history, and doubtless introduced here by the pope himself.¹¹³ Although only Ermoldus mentions this fact, there is no reason to doubt him since he is usually well informed on the whole of the coronation ceremony.

The ordo then continues with a prayer that might be regarded as a very compressed summary of the previous one. Once again, God is asked to shed his blessings upon the king. The ordo then concludes with an imperial mass.

The ordo can be said to supply a different picture of the ceremony than the literary sources. Its testimony accords nicely with the background information presented above but not at all well with the role and significance of the pope in the coronation ceremony itself as it is described by the literary sources. Before this dilemma can be resolved it is necessary to establish that the ordo was used.

¹¹³Eichmann, Kaiserkrönung, I, p. 43; Ullmann, Papal Government, p. 145.

Two scholars believed beyond any doubt that the ordo was used: Edouard Eichmann and Percy Ernst Schramm.¹¹⁴ Other historians of considerable repute are either skeptical or nonbelieving.¹¹⁵ Ordinarily, there would be little apparent justification for rehearsing an old scholarly debate. In the present case, however, nothing could be further from the truth, because by proving that the ordo was used a great deal of light can be shed on the whole ceremony.

The text of the ordo, as we have it, which has long been called Ordo A by scholars, derives from a Mainz Pontifical written about 960. This was the greatest liturgical book of the German Middle Ages and survives in dozens of manuscripts.¹¹⁶ But, even as the Mainz Pontifical was being written, a new imperial ordo, designated Cencius I, was replacing our ordo. The fact that Ordo A was included in the book indicates that it was still held to be authoritative.¹¹⁷ Ordo A also

¹¹⁴Eichmann, Kaiserkrönung, I, pp. 64ff; Schramm, "Die Ordines der mittelalterlichen Kaiserkrönung," AUF, XI, (1930), pp. 354ff; von Schubert, Kirche im Frühmittelalter, p. 396 n. 1, blindly follows Eichmann.

¹¹⁵Erdmann, Forschungen, pp. 72ff, believes it was not used; Elze in the introduction to his edition is skeptical, pp. xff, as is C. A. Boumann, Sacring and Crowning, (Groningen, 1957), pp. 39ff.

¹¹⁶Erdmann, Forschungen, p. 52.

¹¹⁷Eichmann, Kaiserkrönung, p. 64.

exists in a Milan codex of the mid-tenth century.¹¹⁸ Since this information is not very helpful it is necessary to look into the ordo itself.

All of the prayers in Ordo A are Frankish and pre-date 816. The prayer "Exaudi" is parallel in content to the prayer "Propitiare" in episcopal consecrations,¹¹⁹ but its immediate model appears to be the prayer "Oratio ad ordinandum diaconum" of the Sacramentary of Gellone.¹²⁰ The Sacramentary of Gellone is a "Frankish-Gelasian" Sacramentary and the closest thing we possess to the archetype of the Gelasian executed under Pepin.¹²¹ The whole book is decidedly Frankish, with only a thin veneer of Romanism, and is a living witness to the tenacity of native Gallo-Frankish liturgical practice in the face of the Benifatian-Carolingian attempts to bring the Regnum

¹¹⁸Schramm, "Ordines," p. 358 held the Milan text to be from ca. 850 but he later changed his mind and saw it as mid-tenth century. See his "Die Krönung in Deutschland bis zum Beginn des Salischen Hauses," ZRG, LV, ka, XXIV, (1935), p. 185 n. 1. Henceforth, I shall refer to our ordo as Ordo A since most of the literature does. In Elze's edition it is designated Ordo II.

¹¹⁹Eichmann, "Königs- und Bischofsweihe," p. 49.

¹²⁰Schramm, "Ordines," p. 355.

¹²¹Cyrille Vogel, "Les échanges liturgiques entre Rome et les pays francs jusqu'à l'époque de Charlemagne," (Settimane di Studio del Centro Italiano, VII.1, 1959), pp. 243-44.

Francorum into line with Roman usages.¹²² The Gellone book, as we have it, was written between 770 and 780.¹²³

The second prayer, "Prospice," appears in manuscripts of the eighth century Gelasian referred to above, in the Sacramentary of Angoulême and in the Benedictional of Freising (=Cod. Munchen Stadtsbibl. 6430).¹²⁴ The Sacramentary of Angoulême is the next best text of the eighth century Gelasian after the Sacramentary of Gellone and dates from about 800.¹²⁵ The Freising benedictional is another Gallo-Frankish liturgical book, with a very thin Roman veneer, containing blessings and prayers going back at least to the seventh century.¹²⁶

The third prayer "Accipe Coronam" has no known models. However, Schramm has made the astute observation that its language, particularly the use of "habeas,

¹²²Gerd Tellenbach, Römischer und christlicher Reichsgedanke in der Liturgie des frühen Mittelalters, (Sitzungsberichte der Heidelberger Akademie, Phil.-Hist. Klasse, XXV, 1934-35), p. 20.

¹²³Andre Wilmart, "Le copiste du sacramentaire de Gellone au service du chapitre de Cambrai," Révue Bénédictine, VIIIL, (1930), pp. 220ff.

¹²⁴Schramm, "Ordines," p. 356.

¹²⁵Vogel, "Échanges liturgiques," pp. 243-44.

¹²⁶D. G. Morin, "Un recueil gallican inédit de 'Benedictiones Episcopales' en usage à Freising aux VII^e-IX^e siècles," Révue Bénédictine, XXIX, (1912), p. 177.

teneas atque possideas" is very close to that of the imperial documents.¹²⁷ This points to a Frankish origin for the prayer.

The final prayer "Deus Pater Aeternae Gloriae" appears in a St. Emmeram codex (=Cod. Munchen Stadtsbibl. 14510, saec. IX).¹²⁸ Eichmann also discovered that the prayer appears in the Benedictional of Freising along with five others of a similar nature, two of which also appear in the Sacramentary of Angoulême.¹²⁹

What points can be established? First, these prayers are very much like those described by Ermoldus.¹³⁰ Second, three of the four prayers appear in the Sacramentaries of Gellone and Angoulême which had a wide currency in Aquitaine in the ninth century.¹³¹ It is well known that when Louis went to Aachen in 814 he took a number of prominent Aquitanian churchmen with him. Chief among them was Benedict of Aniane who was once at Gellone. It is certainly not stretching probability too far to

¹²⁷Schramm, "Ordines," p. 356.

¹²⁸Ibid., p. 357.

¹²⁹"Königs- und Bischofsweihe," p. 49.

¹³⁰Supra, p. 86. Also note that Ermoldus says the pope "hymnis ex ordine dictis" vs. 1098; cf. Eichmann, Kaiserkrönung, I, pp. 63ff.

¹³¹Wilamrt, "Copiste," p. 222.

suggest that these men might have brought these prayers to court, or that they might have selected them especially for the coronation. Finally, it is not surprising that one prayer "nähert sich . . . der Urkundensprache" when one remembers that Hildebald, the honorary head of the palace, and Helisichar, the cancellarius, figure so prominently in the sources for the coronation.

This evidence is certainly what lawyers would call circumstantial, and scholars have not failed to point this out. It establishes probability, perhaps, possibility, certainly, but no more. Schramm's methodology, which is basically that of Diplomforschung, is the reason why only probability or possibility can be achieved.

Several reasons have been advanced why this is not a safe method in studying ordines. For a long time, no one ordo was borrowed wholly from another because none had become authoritative.¹³² Moreover, all of the early ordines which we have were probably memorials rather than binding models. After all, all of them stem from a fairly small circle of liturgical books of the eighth to tenth centuries.¹³³ Finally,

¹³²Boumann, Sacring and Crowning, pp. 2ff, 89ff.

¹³³Elze, "Introduction," pp. xxiv-xxviii. Schramm describes several other ordines which survive from before the compilation of the Mainz Pontifical in "Die Krönung bei den Westfranken und Anglesachsen von 878 bis 1000," ZRG, LIV, ka, XXIII, (1932), pp. 117-242.

Erdmann observed that the Ottonian Pontifical is Roman, German and Frankish in content and that it is very hard to say what role the redacter played.¹³⁴ So, the fact that the prayers pre-date 816 and are Frankish means only that they could have been used. In short, Schramm's critics would argue that he has neither proved, nor disproved, anything.

Eichmann built up his arguments in favor of the use of the ordo mainly on the basis of a comparison of the ordo with the literary evidence. It is especially against this type of reasoning that Erdmann has objected. He argues that although there is some similarity between the prayers in the ordo and those described by Ermoldus, the Aquitanian author was freely composing on the basis of models that would have been easily accessible to him.¹³⁵ I do not think that this is a valid criticism. If an Aquitanian, who was a cleric and thus easily able to lay his hands on many blessing prayers--indeed prayers which derive from his homeland, Aquitaine, which is the homeland of many prayers in the ordo--wrote a history of the coronation in language quite like that of the ordo, are we not to assume that his choices were dictated to him? And what of his statement "hymnis ex

¹³⁴Forschungen, p. 52.

¹³⁵Ibid., p. 77.

ordine dictis"? This may not refer directly to our ordo, admittedly, but it certainly suggests that some order was followed in the prayers and this is almost the same thing as saying that an ordo was used. This must be, if nothing else, explained away, and Erdmann does not do this.

In addition to his study of the texts themselves, Schramm also argued that the title of the ordo (see Appendix B) could only have made sense at a time when feelings against Byzantium were still strong.¹³⁶ It must be conceded that this is based on the assumption that an appreciation of Byzantine sensitivities played some role in 816. This seems doubtful and, leaving doubts aside, Erdmann has brought forth evidence that the title is not original and that it connotes Western and non-Roman, not Western and non-Byzantine. He notes that in the Mainz Pontifical several Roman liturgies were set off against others in a very specific way. For example:

Qualiter episcopus in Romana ecclesia ordinatur
followed by:

Incipit examinativ in ordinatione episcopi
secundum Gallos.

Now, in the Ottonian, Ordo A is preceded by:

¹³⁶"Ordines," p. 360.

Incipit Ordo Romanus ad benedictionem imperatorem,
quando coronam accipit.¹³⁷

So, he argues, the title was not original and was supplied by the redactor to set it off from a Roman Ordo. I have some reservations about the former assumption though I think the latter to be virtually certain. He goes on to say that it is hard to believe that a non-Roman ordo was ever used in Rome and that, since the redactor included Ordo A it must have been used somewhere in the West. The logical place to look, he says, is Reims in 816. Then, he dismisses this idea because he does not believe that a Frankish imperial ordo existed.

His reasoning is that the ordo says "ill. imperium." In his view, this means that the question of what empire was left open. In the end, however, he decided that it must have been Spain or England. This appears to be a legitimate point but it gives rise to some very serious questions. Why would an English or Spanish ordo be made up of Frankish prayers? How would an English or Spanish ordo have passed into a German liturgical book? This is not impossible, but it would have to be explained. Finally it is known that there was a certain amount of imperial theorizing in eighth and ninth century England, and in Spain under Alphonso the Wise, but we also know

¹³⁷ Forschungen, pp. 72-74. He provides more examples.

that this thought had practically no impact on the Franks or Germans. In fact it may have arisen in response to them.¹³⁸ This is a powerful argument against the reception of so foreign a liturgy in a German book.

It seems that Erdmann has made the case against himself. He argues that Ordo A must have been used sometime, or else the Mainz redactor would not have included it, and that if it were used, only Reims fits. His only means of countering this is inefficaciously to conjure up England and Spain.

Schramm saw "ill." as an attempt to avoid Rome.¹³⁹ This is part and parcel of his attempt to show that the whole ordo was an attempt to soothe the Byzantines. Perhaps Schramm is right, though one may doubt it. In any case, other hypotheses can be advanced. Let us remember that we are dealing with prayers from Frankish liturgies which are so designated because, after originating in Rome or the East, they became indelibly changed, "Gallicanized," or "Frankized," during centuries of use in Gaul. Gerd Tellenbach has observed that in many of these Frankish liturgies most references to Rome, the Romans, the Roman Empire and Roman emperors have been effaced and, sometimes, replaced with populus Christianus,

¹³⁸Löwe, "Von den Grenzen des Kaisergedankens in der Karolingerzeit," DA, XIV, (1958), pp. 345-74.

¹³⁹"Ordines," p. 360.

Imperium Christianum, Imperium Francorum, and the like.¹⁴⁰

Possibly our text had one of these replacements. Who replaced it with "ill.?" Why? The answer can only be the redactor of the Ottonian. Now, there is no guarantee that the text is handed down in exactly its original form. Above were noted the views of critics who say it is impossible to state what the original form was.

Some manuscripts, however, have not ill., but Francorum.¹⁴¹

Possibly our text had Francorum or, possibly, as Tellenbach found in many manuscripts, it had Christianum. In either case, this would have made no sense to a mid-tenth century, post-Carolingian or Frankish, German. Why might the redactor not have effaced an anachronism without himself inventing a new name for the empire?

Erdmann also felt that it is damaging evidence that the ordo is imprecise, referring now to empire, now to kingdom. We have already seen that the prayers used derive from Frankish liturgies written before 800. It is perhaps surprising that they contain any references to empire since they are blessing texts for Frankish kings and bishops. In all probability the imperial

¹⁴⁰Liturgie, pp. 19-25.

¹⁴¹Erdmann, Forschungen, pp. 70ff; Schramm, Kaiser, Könige und Päpste, 4 vols. in 5, (Stuttgart, 1968-71), II, p. 330, figure a, shows Louis' imperial seal bearing the inscription "Renovatio Regni Francorum."

references are insertions, or vestiges that were not at some time removed.¹⁴² Consequently, the textual inconsistencies prove nothing.

Then Erdmann argues that the literary evidence puts emphasis on the Roman and Petrine origin of the crown while the ordo does not.¹⁴³ As already noted, I plan to return to this dilemma. For now let it be said only that the pope had nothing whatsoever to do with the coronation liturgy and that there is no reason why we should see in it a reflection of papal strivings. In later centuries these liturgies would be received in Rome and modified there to suit the papal ideology.¹⁴⁴ This had not yet happened.

Finally, Erdmann holds that the rubrics in the ordo do not correspond to those suggested by the literary evidence. He fixes on two lacunae: first, there is no mention in the ordo of blessing of the crown and, second, there is no mention in the ordo of anointing.

¹⁴²Eichmann, "Königs- und Bischofsweihe," pp. 34-35 and Gerald Ellard, Ordination Anointings in the Western Church, (Mediaeval Academy of America Publications, XVI, 1933), p. 30.

¹⁴³Forschungen, pp. 76ff.

¹⁴⁴Ellard, Anointings, pp. 17, 48ff; M. Andrieu, "L'onction des mains dans le sacre episcopal," RHE, XXVI, (1030), pp. 343-47.

Again, these objections can be countered. First, the text is virtually impoverished of rubrics, so it is not possible to assert much about them. Second, I have already noted that the crown blessing was probably a papal insertion. Stephen could not control the liturgy, as we have seen, but this did not prevent him from improvising at some point. In other words, even if we had the full rubrics, there is no reason why this ought to have been mentioned in them.

The lack of reference to anointing is potentially more serious. The prayer "Prospice" is related to anointing prayers in the Benedictional of Freising and in the Sacramentary of Angoulême.¹⁴⁵ We have already seen that the Benedictional of Freising contains five anointing prayers and that two of these appear in the Sacramentary of Angoulême, which, along with the text upon which it is based, the Sacramentary of Gellone, served as the model for the prayers in the ordo. Ellard has shown that some of the prayers in the Sacramentary of Angoulême have a break and then a rubric "hic accipis crisma" or "hic fundis super caput eius" while other anointing prayers have no such break.¹⁴⁶ There is, thus, no reason to assume that the ordo is wrong on

¹⁴⁵Boumann, Sacring and Crowning, p. 75.

¹⁴⁶Anointings, pp. 31-32.

anointing, only that the rubric has disappeared, if it ever existed. If the place in the ordo of the prayer "Prospice" is noted, then it will be seen that the ordo agrees with the order of events in the literary evidence--consecration, anointing, coronation--perfectly.

On the positive side of the ledger, a few remarks by Boumann may be noted. He believes that the references to emperor and empire make it unlikely that this is a royal ordo, even if it has royal ordines at its base. Pontifex therefore must mean pope since it was not until somewhat later that bishops crowned kings and they never authoritatively crowned emperors. Since the ordo was certainly never used in Rome only Reims in 816 fits.¹⁴⁷

What can be said in conclusion? If we dismiss the possibility that it is either a private or a royal ordo due to its prominence in the Mainz Pontifical, then we may conclude that it is imperial and that it was used. We may further conclude that it was never used in Rome. This points solely and directly to Reims. The prayers all fit 816 chronologically and geographically. An independent source comes close to proving that exactly these prayers were used. The ordo agrees almost perfectly with the order of events in the other sources. Unless

¹⁴⁷Sacring and Crowning, p. 80.

we dismiss the ordo as an invention of the redactor of the Ottonian, it had to have been used on Sunday October 5, 816.

In proving that Ordo A was used, and in the course of proving it, the dilemma posed earlier has been, at least in part, resolved. The background to the coronation as described in the sources does not contradict the events of the coronation itself. The evidence for the coronation emphasizes the role of the pope quite naturally and understandably: he was the celebrant. When the evidence from the ordo is taken into consideration, however, the whole affair falls into place. At Stephen's hands, Louis was elevated to a higher, to a more sublime, dignity. This breathes from almost every line of the ordo and it certainly fits with the confident and calculating Louis who artfully orchestrated Stephen's visit.

Stephen did bring a crown from Rome and perhaps he intended from the first to crown Louis. If so, Louis must have met the news with sheer joy. It is easy to imagine a scenario in which Stephen appeared and told Louis that he wanted to crown him, to which Louis responded that that was fine, and that he had one or two ideas on how it ought to be done. It cannot be denied that Stephen sought to give a papal stamp to Louis' imperial dignity. The facts that he brought a crown

from Rome and that he adjusted the ceremony at one point are proof enough of this. Neither can it be denied that in associating the papacy with the conferral of the imperial dignity Louis set a dangerous precedent for the future. A day would come, and come quickly, when the papacy would freely dispose of the imperial office. Still, at Reims, Louis had things his own way. The sources prove that Louis was exalted and that the pope was too, at least to some extent. The primary focus, however, is on Louis, not Stephen. Those scholars who see 816 as a papal victory are guilty of historical "tunnel vision." The events of 816 cannot be viewed as one equal link in the chain extending from Leo I through Gelasius, Gregory I, Nicholas I, Gregory VII and on to Innocent III. Perhaps, they are also guilty of believing that history can, or should, be seen from only one perspective. To say that the papacy "wins" or the empire "wins" is too simple. Even if, as the sources clearly show, the empire "won" in 816, its opponent was far from vanquished.

Happily, there are two almost identical texts, heretofore unexploited so far as I know, in which Louis himself tells us what happened in 816, and what role the pope played. I will cite, and then analyze, the more revealing of the two. It is a diploma for Reims, issued between 816 and 825:

In qua (scil. sede Remensis), auctore Deo et cooperatore S. Remigio, gens nostra Francorum, cum aequivoco nostro rege ejusdem gentis, sacre fontis baptismate ablui, as septiformi spiritus sancti grata illustrari promeutit. Sed et ipse rex nobilissimus ad regiam potestatem periungi Dei clementia dignus inventus fuit. Ubi etiam et nos divina dignatione per manus Stephani Romani Summi Pontificis ad nomen et potestatem imperialem coronari meruimus.¹⁴⁸

After praising his ancestors, that is, emphasizing their worthiness, and asserting that all power comes from God, Louis claims that he received, in the church of Reims, the nomen imperatoris, which we have already met and a more detailed analysis of which will follow shortly.

Second, this came at the hands of the Summus Pontifex.

We have seen before that in 816 Louis undertook to uphold the rights of the "prius ecclesia" and its bishop, in order that it might remain "summum apicem." Louis only emphasized the elevation which he and his office experienced in 816. He certainly did not describe his coronation in terms which glorified the papacy at the expense of the imperial office.

There is other evidence which adds clarity here.

In his Life of Charlemagne, Einhard describes Charlemagne's

¹⁴⁸Bouquet, VI, no. 75, p. 510. The document is genuine, though its arenga was apparently tampered with by Hincmar. T. Sickel, Acta Karolinorum Digesta et Enarrata, 2 vols., (Vienna, 1867), II, no. 222, p. 150 and BM, no. 801. The other document, Bouquet, VI, no. 131, pp. 543-44, which says about the same thing though it is shorter, is also genuine. Sickel, Acta, II, no. 276, p. 168 and BM, no. 836. This is of some importance since the texts only come down to us via Flodoard, Hist. Rem. Ecc. II.19, MGH, SS, XIII, pp. 469-70.

bequests to the twenty-one metropolitan cities of his empire. Rome is named first, but other than this it is not set off in any way, and it should be noted that the cities are listed in geographical groupings beginning with Italy.¹⁴⁹ Louis conceded a certain prestige of rank to the papacy and he makes it clear that the dignity, the nomen, which he received in 816, could only come from the greatest churchman of his empire, the Summus Pontifex.¹⁵⁰ It may be ironic, but it is nonetheless a fact, that Louis himself exalted the pope. However, he did so only to exalt what the pope did: crown him.

Two more important coronations must be studied before a complete image can be formed of what these ceremonies meant to Louis. In 817 Louis crowned his son Lothar emperor, gave him the nomen imperatoris and made him sole successor to the imperial dignity.¹⁵¹

¹⁴⁹Vita Karoli, 33, ed. Halphen, p. 96. Caspar, "Papsttum," pp. 253-54 calls the papacy "the first metropolitan of the empire."

¹⁵⁰Paul Hinschius, System des katholischen Kirchenrechts, 7 vols., (Berlin, 1869-97), I, p. 207, notes that this was an honorific title due only to the pope and designed to set him apart from other bishops. It is significant that at the other end of the ninth century Louis II, in his famous letter to Basil, asserted that the Western emperors were superior to the Eastern because of their coronation by the "Summus Pontifex": MGH, Epp., VII, p. 387.

¹⁵¹Thegan, Vita Hlud., 21, MGH, SS, II, p. 596; Astron., Vita Hlud., 29, MGH, SS, II, p. 622; Ann. Reg. Franc., SSrG, s.a. 817, p. 146; Ann. Xant., SSrG, s.a.

Moreover, Louis made certain arrangements concerning the empire in the event of his death. The empire was to remain whole, a single unit, and Lothar's brothers were to remain sub-kings under him.¹⁵² There are several points of enormous significance in all of this.

First, it shows that Louis was not displeased with his own coronation in 813, for he repeated it. However, in 817 he first ordered three days of solemn fasting and then cast the whole affair as a divine inspiration. So it was not Louis, but God himself, who decreed that Lothar should be his successor and participant in his nomen. In addition, Louis set aside a fundamental principle of Frankish law in denying to all of his sons an equal share in the kingdom upon his death.¹⁵³ As in 813 and, for that matter, 781, the constitutive will was that of the reigning sovereign. Neither the magnates nor the Frankish clergy played a

817, p. 5; Nithard, I.2, ed. Rau, p. 388; Pauli Continuatio Romana, MGH, SSrL, p. 203; Trans. S. Calixti Cisionum, 3, MGH, SS, XV.1, p. 419, where successor is used, the importance of which can be seen in the fact that, up until then, haeredes had been customary: cf. MGH, Cap., I, no. 45, p. 126.

¹⁵² MGH, Cap., I, no. 136, "Ordinatio Imperii," pp. 270-73.

¹⁵³ Cf. Eiten, Unterkönigtum, pp. 65ff; The best overall study of the ordinatio is Ganshof, "Some Observations on the Ordinatio Imperii of 817," CaFM, pp. 273-88.

part.¹⁵⁴ It would be a great mistake, however, to look at the Ordinatio from the legal point of view. What we really see in 817 is the definitive emergence of the ecclesiastical reformers of the unitary party.¹⁵⁵

According to these men, the Empire was one body, a corpus, and a reflection of the heavenly kingdom.¹⁵⁶

Empire and church were coming to be identified with one another and so it was held to be equally scandalous and sinful to divide either one.¹⁵⁷ It was imperial dignity

¹⁵⁴Fustel des Coulanges, Transformations, p. 283; Eichmann, Kaiserkrönung, I, pp. 38-39; Schlesinger, "Königswahlen," pp. 97-99.

¹⁵⁵Walter Mohr, "Die kirchliche Einheitspartei und die Durchführung der Reichsordnung von 817," ZKG, LXXII, (1961), pp. 1-45 is very good on the concepts involved but too hard and fast on the party lines.

¹⁵⁶See the classic study by Arquillière, L'augustinisme politique, 2d ed., (Paris, 1955).

¹⁵⁷"Ordinatio Imperii," MGH, Cap., I, no. 136, "Proemium," p. 270: "nequaquam nobis nec his qui sanum sapiunt visum fuit, ut amore filiorum aut gratia unitas imperii a Deo nobis conservati divisione humana scindere-tur, ne forte hac occasione scandalum in sancta ecclesia oriretur et offensam illius in cuius potestate omnium iura regnorum consistunt incurremus." For the opinion of a member of the unitary group see Agobard, ep. no. 3, c. 4, MGH, Epp., V, p. 159: "Omnia autem membra corporis, cum sint multa, unum corpus sint, ita et Christus," and ep. no. 15, c. 4, pp. 224-25: "dixistis vos velle propter fragilitatem vitae . . . ut dum valvetis, nomen imperatoris, uni ex tribus filiis vestris imponeritis, in quo voluntatem Dei quoquomodo cognoscere potuissetis . . . Ceteris filiis vestris designastis partes regni vestri, sed ut unum regnum esset, non tria, pretulistis eum illis, quem participem nominis vestri fecistis."

embodied in the nomen imperatoris, which presided over this empire and whose responsibility it was to see to its well being. That Louis possessed and conferred the nomen imperatoris upon one alone among his sons, begins to appear everywhere in the sources.¹⁵⁸

Six years later, Louis sent Lothar to Rome for a second coronation that he must have viewed in exactly the same way as he viewed his own second coronation. This interpretation emerges from a source to be quoted momentarily. First, it must be noted that Lothar, who had been sent to Italy by his father in 822, was preparing to return over the Alps when Paschal I invited him to Rome at Easter time in 823.¹⁵⁹ So important a step as the coronation of his son cannot have been undertaken without Louis' approval, and perhaps not without his foreknowledge.¹⁶⁰ Nevertheless, most scholars assume that the initiative was papal and that the ceremony marks an attempt by the papacy to "correct" what it disliked about the coronations of 816 and

¹⁵⁸Supra, nn. 151 and 156. Also, Einhard, ep, no. 11, MGH, Epp., V, p. 114.

¹⁵⁹Ann. Reg. Franc., SSrG, s.a. 823, p. 161; Astron., Vita Hlud., 36, MGH, SS, II, p. 627; MGH, Dip. Kar., III, no. 51, p. 148.

¹⁶⁰Duchesne, L'état pontifical, p. 191, assumes a détente.

817.¹⁶¹ There is one source, which might be called the Roman conception of what took place in 823, that lends some support to this thesis.¹⁶² This source says that Paschal conceded to Lothar power over the Roman people. On the whole, however, the following words addressed by Lothar to his father in 833 must be taken as the definitive Frankish interpretation of what took place:

May your highness consider and deign to recall that your preeminent foresight made me equally take up in Christ the defense of this (i.e. Roman) church especially, and the defense of other churches, when your highness, together with the will of your people, made me consort of the whole empire in all power and honor, on every document and coin, in every disposition, save your honor and wisdom. Indeed your imperial highness sent me kindly to the same see to confirm in me whatever your pious honor had decided, that I might be consort no less in holiness than in power and name. So indeed, before the sacred altar and before the sacred remains of blessed Peter prince of the apostles I received from the supreme pontiff, with your consent and will, the blessing, the honor and the dignity (nomen) of the imperial office and also a crown and a sword for the defense of that church and of your empire.¹⁶³

¹⁶¹Eichmann, Kaiserkrönung, I, p. 47; Erdmann, Forschungen, p. 28; Von Schubert, Kirche im Frühmittelalter, p. 398; Hauck, Kirchengeschichte, II, p. 494; Ullmann, Papal Government, p. 157.

¹⁶²Pauli Continuatio Romana, MGH, SSrL, p. 203; "Lotharius imperator primo ad Italiam venit et diem sanctum pascae Romae fecit. Paschalis quoque apostolicus potestatem, quam priscis imperatores habuerunt, ei super populum Romanum concessit."

¹⁶³Paschasius Radbertus, Vita Walae, II.17; PL, CXX, 1637B. This is corroborated by Agobard, ep. no. 15, MGH, Epp., V, p. 225.

So, Lothar believed that he went to Rome with his father's consent to receive the nomen imperialis officii. In inviting Lothar to Rome, Paschal was probably trying to take some step which made him look less like a tool in the coronation process. Furthermore, it is possible that Paschal, who was a headstrong man, as we shall see later, viewed the coronation rather differently than the Franks. But it is the Frankish view which is of greater practical significance at this time. In the years after the Treaty of Verdun, the papacy would be able to use the imperial office as an enticement to get someone to do its bidding. After 843, or perhaps after Lothar's death in 855, only the possession of the title set one king above another in any way. The papacy could bargain from no such strong position in 816 and 823.

The case could be closed right here were it not for the fact that Lothar received a sword. This later became a regular part of the coronation ceremony but the ceremony of 823 marks its first occurrence. The problem posed by the sword given to Lothar can be dispensed with by two remarks. First, there can be no thought of investiture in 823 since defense--"gladium ad defensionem"--was an obligation freely undertaken by the Carolingian family.¹⁶⁴ Second, Louis, when he

¹⁶⁴Löwe, Karolingische Reichsgrundung, p. 137. See further the lines from Ermoldus cited supra p. 79. On sword symbolism see Eichmann, Kaiserkrönung, II,

crowned his son, Charles the Bald, in 838 girded him with a sword.¹⁶⁵ I think it not unlikely that this was a response to Paschal's action in 823. If so, it indicates unmistakably what Louis thought about it. Quite simply, he wished for all to know that it was he, the emperor, who made and invested kings.

Lothar's coronation in 823 no more made him emperor than his father's coronation in 816 had made him emperor.¹⁶⁶ It marked a sanctification of his dignity, his nomen, by the world's highest ecclesiastical authority: the Summus Pontifex.

We are now in a position to describe Louis' idea of empire, at least in so far as it emerges from his coronations and from certain related documents from the early years of his reign. First, the deeply religious tendencies of the period, and of Louis himself, are everywhere evident.¹⁶⁷ Louis felt that he held his

p. 103 and C. von Schwerin, "Zur Herkunft des Schwertsymbols," Festschrift Paul Koschaker, (Weimar, 1939), III and Morrison, Two Kingdoms, "Appendix B."

¹⁶⁵Nithard, I.6, ed. Rau, p. 398; Astron., Vita Hlud., 59, MGH, SS, II, p. 643; Ann. Bert., SSrG, s.a. 838, p. 15.

¹⁶⁶In several hundred pages of diplomas, I can find only one in which Lothar dated from 823, MGH, Dip. Kar., III, no. 23, p. 95.

¹⁶⁷One of Louis' coins bears the inscription "Christiana Religio," Fichtenau, Karol. Imperium, p. 217; Some gold solidi bear the inscription "munus divinum," Ewig, Handbuch, p. 124; in the arenga of some documents

office from God alone and none of the thinkers of his age disputed this.¹⁶⁸ This, of course, is the familiar Pauline thesis that there is no power unless it comes from God.¹⁶⁹ The power which Louis held was now thought to be held over the church¹⁷⁰ which was, as we have seen, increasingly identified with the empire itself.¹⁷¹

Louis described his office as a "munus divinum," Anton, Fürstenspiegel, p. 413; Louis' imperial title also bore deep religious significance, Sigurd Graf von Pfeil, "Die Augustus-Titel der Karolinger," WaG, XX, (1960), pp. 194-210. The religiosity of the period is well characterized by Ganshof, "Over het idee van het keizerschap," p. 16.

¹⁶⁸ Jonas of Orléans, Trans. S. Hucbert, 1, MGH, SS, XV.1, p. 235; Ardo, Vita Ben., 29, MGH, SS, XV.1, p. 211; Smaragdus, Via Regia, PL, CII, 933B; Jonas of Orléans, De Inst. Regia, 7, ed. Reviron, p. 155; Hrabanus Maurus, ep. no. 15, MGH, Epp., V, p. 414.

¹⁶⁹ This actually appears many times. E.g. Thegan, Vita Hlud., 44, MGH, SS, II, p. 599: "Non est enim potestas nisi a Deo."

¹⁷⁰ Jonas of Orléans, De Inst. Regia, 4, ed. Reviron, p. 145: "Regale ministerium specialiter est populum Dei gubernare et regere cum equitate et iustitia . . . Ipse enim debet primo defensor esse ecclesiarum et servorum Dei."

¹⁷¹ MGH, Cap., II, "Episcoporum Relatio," c. 3, p. 29 and Jonas of Orléans, De Inst. Regia, 1, ed. Reviron, p. 134: "ecclesiam dispositam esse, ut pontificale auctoritate et regali potestate gubernetur." Here the old Gelasian thesis is being twisted and both powers are placed inside the Church. See Lotte Knabe, Die gelasianische Zweigewaltenlehre bis zum Ende des Investiturstreits, (HSt, CCXCII, 1936), p. 47; Faulhaber, Reichseinheitsgedanke, pp. 20ff; Congar, Ecclésiologie, p. 257.

We must now ask what the nature of that power was. The first thing we note is that just as the nomen imperatoris was beginning to take on a clear definition a new term, ministerium, begins to replace it.¹⁷² Jonas of Orléans provides, in one place, a splendid definition of the essence of the nomen:

The king must zealously fulfill and live up to the royal dignity (nomen regis) not only in himself but also in those subject to him in order that the people subject to him might abound in piety, peace, love, justice, mercy, concord, unanimity and in other good works in order that, having these things, they might merit having God with them.¹⁷³

So, it is a massive moral responsibility which falls upon the ruler to provide an ambiance in which his people can find salvation. Nonetheless, in another passage of the same work, Jonas can be seen shifting to a ministerial concept:

It belongs to the sin of a king when he commits his ministry (ministerium) to wicked judges and ministers.¹⁷⁴

This agrees closely with what Smaragdus has to say on the subject:

¹⁷²Arno Borst, "Kaisertum und Namentheorie im Jahre 800," Festschrift P. E. Schramm, 2 vols., (Weisbaden, 1964), I, pp. 50-51, takes this as an indication that Louis' deeper understanding of the imperial dignity caused him to shift it to a more essentially religious plane.

¹⁷³De Inst. Regia, 3, ed. Reviron, p. 138.

¹⁷⁴Ibid., 5, p. 148.

Do whatsoever you are able for the role which you are playing, for the royal ministry which you bear, for the Christian name which you possess, for the place of Christ which you fill . . . ¹⁷⁵

Taken by themselves, these texts can only be seen as showing a way for Louis. The following text shows clearly that he took up the path that had been pointed out to him:

Since each person will render account for his deeds and we especially, who stand equal to others in our mortal condition but who surpass them greatly in the dignity of rule, are going to render account not only for our graver commission but also for our offensive deeds and words and even for our thoughts, since sacred scripture says our works will be examined and our thoughts scrutinized on the last day.¹⁷⁶

A few years later, Louis extended his ministerium to everyone in the empire, cleric and laymen alike. They were exhorted to share in his profound moral responsibilities and to take upon themselves some of the burden of providing peace, justice and so forth. He asked them to be his "adiutores."¹⁷⁷

¹⁷⁵Via Regia, 18, PL, CII, 958B.

¹⁷⁶MGH, Cap., I, "Prooemium Generale," p. 274. On this text see also Semmler, "Gesetzgebung und Reichsidee," p. 57.

¹⁷⁷MGH, Cap., I, no. 150, "Admonitio," pp. 303ff; no. 151, pp. 310ff. Cf. R. Bonnaud-Delamare, L'idée de paix à l'époque carolingienne, (Paris, 1934); Anton, Fürstenspiegel, pp. 198-202; Theodor Mayer, "Staatsaufassung in der Karolingerzeit," Das Königtum, p. 174.

This provides a fairly clear description of Louis' idea of the imperial office. We have already seen that he regarded his, and his sons', papal coronations as an ecclesiastical consecration and sanctification of the imperial office. Before his papal coronation, Louis was emperor in the secular sense of the word: ruler. After it, he became the principal guardian of the souls of all his subjects. He even went so far as to say that he would have to render account for them. This weighty responsibility, the heaviest of all responsibilities, could only be conferred by the highest direct representative of the spiritual authority. To be sure, Louis' nomen, or his ministerium, came, in his view, from God. But only a coronation ceremony could provide a clear public demonstration of this. After all, a bishop, for example, was raised to the episcopal office by God through a solemn ceremony.

Finally, Louis' imperial ideology can be tied even closer to the ceremony of 816. The capitulary text cited just above stems from 818-19 and the documents in which Louis extended his ministerium "ad omnes regni ordines" from 822/23. Before this, there is only one such programmatic statement from Louis himself. On Friday, October 3, 816 Louis said to Stephen:

Therefore, holy one, it is for us to care for the people which the Lord has given us to provide for; you are the holy priest, I am the king of Christians, let us serve the people in doctrine, in law and in faith.

Then, a little later, he said:

Be a powerful assistant to me, blessed one.¹⁷⁸

Two days later, Louis' adiutor crowned and anointed him and Louis began to act upon the mandate mysteriously and symbolically concealed in the ceremony.

¹⁷⁸Ermoldus, vs. 1028-31, 1055. Cf. Appendix A.

CHAPTER III

THE PACTUM LUDOVICIANUM

The next major step in the evolution of papal-Frankish relations is the Ludovicianum, which takes us from the realm of symbols and theories to the cold, hard world of legal and political realities. Ludovicianum¹ is the name applied by modern scholarship to the document granted to Paschal I by Louis in the early weeks of 817 and, ordinarily, Louis' privilege is regarded as the first in the long series of imperial privileges for the Roman Church. It has already been noted, however, that on Friday October 3, 816 Louis directed Helisichar to prepare a document for presentation to Stephen IV.² This document no longer survives, though it was still in existence as late as 1105.³ For at least two reasons,

¹Throughout this chapter I refer to Appendix C, which is my reproduction of the Ludovicianum from MGH, Cap., I, no. 172, pp. 353-55.

²Supra, p. 62.

³Chron. Farf., ed. Balzini, FSI, II, p. 255: "Interea pars Oddonis legit quoddam preceptum domni Hludovici imperatoris Stephano papae quarto concessum . . . "

therefore, it is useful to determine whether the two documents bear any relationship to one another. More specifically, it is necessary to determine whether the two documents are identical, or virtually identical. If this can be established, then the events responsible for the issuance of the Ludovicianum can be placed in a clearer context, and the date of the Ludovicianum can be pushed back from 817 to 816.

There is strong presumptive evidence that the two documents are similar, if not identical. Modern scholars have not failed to note this,⁴ and one historian observes that it would be most surprising if there had been any considerable changes.⁵ Indeed, one has only to read the Ludovicianum, the document of 817, to see that its provisions accord closely with the kinds of subjects discussed by Louis and Stephen in October of 816.

As stated in the preceding chapter, the document prepared by Helisichar concerned, according to the sources, the res, the property, of the Roman Church. It is also reasonable to assume that it concerned the

⁴Von Schubert, Kirche im Frühmittelalter, p. 397; Ullmann, "The Origins of the Ottonianum," Camb. Hist. Jour., XI, (1953), p. 117.

⁵Hildegard Thomas, "Die rechtliche Festsetzungen des Pactum Ludovicianum von 817: Ein Beitrag zur Echtheitsfrage," ZRG, XLII, ka, XXI, (1921), p. 131.

"utilitates sanctae Dei ecclesiae" which were the subject of negotiations at that time. The major portion of the surviving document of 817 forms an inventory of the property of the Roman Church and its remaining chapters pertain to matters of great utility and concern to the Church.

In addition, it has been observed that the language of the section of the Ludovicianum dealing with fugitives reflects negotiation.⁶ Hostages and fugitives were, as we have seen, one of the reasons for Stephen's journey to Reims and, on the day when Helisichar drew up his document, negotiations on just such matters took place.

This evidence is presumptive. There is another piece of evidence, however, which is a good deal more conclusive. Stephen died shortly after returning to Rome and Paschal I was elected to succeed him. Paschal immediately sent a letter to Louis to inform him of his election, and he sent another legation to confirm the pact concluded with his predecessors.⁷ The manner in

⁶Ibid., p. 145.

⁷Astron., Vita Hlud., 27, MGH, SS, II, p. 621; Ann. Reg. Franc., SSrG, s.a. 817, pp. 145-46: "Stephanus . . . postquam Romam venerat . . . circiter VIII Kal. Febr. obiit. Cui Paschalis successor electus post completam sollemniter ordinationem suam et munera et excusatoriam imperatori epistolam, in qua sibi non solum nolenti, sed etiam plurimum renitenti pontificatus honorem velut inpactum adseverat. Missa tamen alia

which Paschal informed Louis of his election conforms precisely to the provisions of the Ludovicianum⁸ which he only received some weeks after his own election. This suggests strongly that Paschal was following the prescriptions of the Ludovicianum as it had been put in writing during the preceding October. There is no evidence that Pepin or Charles ever formally required the papacy to notify the reigning Frank of a change in the See of Peter, nor was there ever a specific requirement to renew the papal-Frankish bond. True, Paschal claimed he was confirming the pact concluded with his predecessors, but he may have been referring broadly to the long-standing association of the papacy and the Carolingians on the one hand, and, narrowly, to the pact of 816 on the other. After all, the Ludovicianum had the result of putting into writing and institutionalizing, albeit with crucial changes, an old, but amorphous, relationship.

In summation, then, the Ludovicianum, the pact of 817, is the oldest, surviving written statement defining papal-imperial relations, but it was first set down in 816 and its provisions grew out of the meeting of Stephen and Louis at Reims. This is precisely the

legationem pactum, quod cum praecessoribus suis factum erat, etiam secum fieri et firmari rogavit. Hanc legationem Theodorus nomenclator et detulit et ea quae petierat impetravit."

⁸Appendix C, c. 10.

conclusion of the most recent scholar to look at the problem and, although his arguments do not take quite the same form as my own, I agree fully with his conclusions.⁹

Two further problems must be addressed before a detailed analysis of the Ludovicianum can be provided. The authenticity of the document must be established, as well as its provenance. In respect to the first problem, it need only be said that, for the most part, I agree with the results of modern scholarship. In what concerns the second, I am, again, in general agreement with recent work though in a few cases I am dubious about arguments with whose conclusions I agree.

Although modern scholars still, occasionally, call into question the authenticity of individual lines or passages of the Ludovicianum,¹⁰ there is today broad agreement that the document is genuine. The best means of demonstrating the authenticity of the Ludovicianum is to describe the arguments of a series of industrious

⁹Wolfgang Fritze, Papst und Frankenkönig: Studien zu den päpstlich-fränkischen Rechtsbeziehungen von 754 bis 824, (Vorträge und Forschungen, Sonderband X, 1973), p. 19.

¹⁰Some examples are Simson, JB Ludwig, I, p. 80 n. 7; Hauck, Kirchengeschichte, II, p. 493; Von Schubert, Kirche im Frühmittelalter, pp. 396-97; Brunner, Deutsche Rechtsgeschichte, II, pp. 118, 127 n. 57; Gregorovius, Geschichte der Stadt Rom, III, pp. 36-38; Heldmann, Kaisertum Karls, pp. 399ff. It is not necessary to detail their objections here, as they will be discussed later.

historians who labored in the latter half of the nineteenth century and the early decades of the twentieth.

Until well into the nineteenth century, authoritative opinion regarded the Ludovicianum as a forgery.¹¹ This opinion was canonized, so to speak, by Sickel, who presented strong arguments on diplomatic grounds for suspecting the document.¹² A few years later, one of the giants of nineteenth century scholarship, Julius Ficker, raised serious doubts about the prevailing opinions.¹³ So far as I know, he was the first to assert the authenticity of the document. His arguments are today of less significance than the fact that they caused Sickel to re-examine the problem. The result of his re-examination was the book which must remain the starting point for any serious study of the Ludovicianum.¹⁴

Sickel's first service was to demonstrate that our text of the Ludovicianum is handed down only via manuscripts of the eleventh century canonists Anselm of Lucca and Desiderius of Milan. The problem is further

¹¹For a good summary of the old literature see Thomas, "Pactum Ludov.," pp. 125-26.

¹²Acta Karolinorum, II, pp. 381ff.

¹³Forschungen zur Reichs- und Rechtsgeschichte Italiens, 2 vols., (Innsbruck, 1869), II, pp. 299ff, 332ff, 346ff.

¹⁴Das Privilegium Otto I für die römische Kirche, (Innsbruck, 1883).

compounded because the works of these authors are not handed down in a coherent manuscript tradition and because the oldest surviving manuscripts of their works date from the middle of the twelfth century.¹⁵ Sickel noted that although this manuscript tradition does little to inspire confidence in a single document that forms a part of it, it does tend to vitiate his own earlier arguments which were based on a diplomatic investigation.

Sickel studied the Ludovicianum in close juxtaposition with the Ottonianum, the document issued to the Roman Church by Otto I in 962. The importance of this will become apparent momentarily. For the present, it should be noted that the latter document is much better preserved than the former. Thus, Sickel's re-examination of the documents led him to the conclusion that the faulty protocol and eschatocol of the Ludovicianum are not sufficient grounds on which to suspect its authenticity. The Ottonianum possesses proper diplomatic devices, but it is handed down independently of the canonical collections and its authenticity can be verified differently from that of the Ludovicianum. The latter has some diplomatically suspect portions but this

¹⁵Ibid., pp. 55-69. The principal MSS of Deusdedit are Cod. Vat. 1984 and 3833 and Ottobonianus 3057. The principal MSS of Anselm are Cod. Vat. 1363 and 1364. Boretius' text in MGH is essentially a reproduction of Sickel's edition which is printed at the back of his book.

is due, in Sickel's view, to its having been taken up in a cartulary. The editor of a cartulary was usually far more interested in the contents of a document than in its diplomatic appurtenances. So, for example, the fact that the document gives Louis' title as simply Imperator Augustus instead of the correct divina ordinante providentia Imperator Augustus is no cause for concern.¹⁶

Having established this point, Sickel went further. In his earlier work he had been suspicious of the fact that the document was, in its language, very dissimilar from Louis' other diplomas. In his new study he confronted this suspicion in two ways. First, he observed that the Ludovicianum is quite close to the customary language of the capitularies. This, obviously, inspires some confidence in its genuineness. Second, he noted that there can have been very few, if any, models for the Ludovicianum. At most there would have been the documents from Quierzy, the one taken to Rome in 756 by Fulrad, the ones drawn up in 774 and, possibly, documents from 781 and/or 787. Now, the Ludovicianum goes further in its provisions than any of these documents are presumed to have gone and, in any case, none of them survive for study by scholars. Ordinarily, a

¹⁶Ibid., pp. 70ff. Thomas, "Pactum Ludov.," pp. 126ff, 131ff agrees completely with all of this.

diplomatist must work from one or more good models, so the Ludovicianum presents real difficulties since no models survive and since the form in which it is cast may not have reached any definitive point. That is, it is easy to say what an immunity diploma, for example, ought to look like but there is no way of knowing if a formula existed for a papal privilege. Perhaps, Sickel reasoned, the Ludovicianum stands at the beginning of a line of development. Its closeness to the Ottonianum in respect to the lands of the Roman Church points to the possibility of its having been a genuine beginning of the series of imperial privileges.¹⁷ All of these points, plus the document's evident relation to the historical situation of the years 816 and 817 led Sickel to conclude, or reconclude as it were, that the Ludovicianum is genuine for the most part.

Sickel stopped with this rather hesitant assertion of authenticity. He did not fail to note, however, that the Ludovicianum differed from the Ottonianum, and that the differences could be due to interpolations. He realized that the only way to resolve the problem of interpolations, which is of great importance in determining whether individual passages of the Ludovicianum are genuine, would be to submit the whole series of

¹⁷Sickel, Das Privilegium, pp. 84ff, 120.

imperial privileges to a diplomatic study. But he left the whole matter up in the air by holding such a study to be impossible.

A few years later Kehr added some precision to the series of imperial privileges. According to him, the chronological order of the series is 817-824-850-875-898-915-962-1020. Of course, for the years between 824 and 962 no privileges are preserved in a complete state, but Kehr made it imperative to look at more than the privileges of 817 and 962. He held a diplomatic study to be possible, though he did not undertake to achieve it. He did offer the tentative, but very important, observation that it is wrong to impute massive interpolations to the Ludovicianum simply because it differs from the more evidently genuine Ottonianum. In the first place, differences between the two may be due to perfectly genuine changes introduced over the years in any of the later issuances of imperial privileges. In the second, interpolations, if there were any, may be connected with one of the later pacts and not at all with the Ludovicianum.¹⁸

The hoped for diplomatic study was finally provided by Stengel in 1926. He established beyond all doubt that the first portion of the Ludovicianum, the

¹⁸Göttingische gelehrte Anzeigen, CLVIII, (1896), pp. 128-39.

inventory of papal lands, served as the direct model for the corresponding section of the Ottonianum. He proved, further, that the second part of the Ottonianum, dealing with papal and imperial rights, had as its model the Constitutio Romana of 824.¹⁹ It may be added, parenthetically, that the next chapter of this study will seek to show the connection between Louis' pacts of 817 and 824.

So, it may be concluded that the Ludovicianum is genuine. A brief description of the work that yielded the verdict of genuine has been provided only because, as already noted, there are still those who express doubts about individual parts of the Ludovicianum. Their specific doubts will be confronted below in the context of a detailed analysis of each section of the Ludovicianum. For now, it need only be emphasized that the greater part of the document is definitely authentic and that the means employed to establish its authenticity militate against arguments that specific parts of the document are forged or interpolated. In other words, modern diplomatics has established the authenticity of the Ludovicianum while showing that, in a comparison of the Ottonianum and the Ludovicianum, the apparently suspect portions of the latter may be due to genuine or

¹⁹"Die Entwicklung des Kaiserprivilegs für die römische Kirche, 817-962," in his Abhandlungen und Untersuchungen zur mittelalterlichen Geschichte, (Cologne, 1960), pp. 218-48.

spurious changes introduced after 817 but before 962. When historical proofs focusing solely on the Ludovicianum and its age are presented below it will be seen that the Sickel-Kehr-Thomas-Stengel position is unquestionably the correct one.

Having established the authenticity of the Ludovicianum, it is now crucial to determine its provenance. It is obviously of great importance in interpreting the Ludovicianum to know whether it was Frankish or papal in origin. Three basic arguments in favor of a papal-Roman origin have been advanced. A considerable number of scholars regard the Ludovicianum as marking a decided change in Carolingian policy in favor of the papacy.²⁰ These scholars reason that the change was great enough, and favorable enough to Rome, to justify an assertion that the Ludovicianum must be, in essence, a papal document. The very nature of this argument is such that it demonstrates the importance of establishing the provenance of Louis' privilege. The other two arguments for a papal origin come from Sickel. He says that the language of the document is very much like that of papal and Italian documents and that this points to its

²⁰ Representative views are those of Hauck, Kirchengeschichte, II, pp. 493ff; von Schubert, Kirche im Frühmittelalter, pp. 396-97; Halphen, L'empire carolingienne, p. 205; Ullmann, "Origins of the Ottonianum," p. 117.

having been composed in Rome. Then, he continues, the remarkably precise and orderly inventory of papal properties in chapters 2 to 8 of the document suggests a Roman model.²¹

The first of these arguments for a papal provenance comes in the form of an assumption. This assumption will be tested, confronted with the sources and found wanting throughout the balance of this chapter. Sickel's two arguments, however, appear to be rooted in the sources. To establish a Frankish provenance for the Ludovicianum, even tentatively, Sickel's ideas must be refuted. This can be done.

Sickel's statement that the language of the Ludovicianum is not too unlike that of papal and Italian documents is curiously inconsistent with his remark, noted above,²² that the Ludovicianum is very similar in its language to the capitularies. In any case, as Sickel himself would have to agree, any precise interpretations based on the exact language of a document which is so badly transmitted are, at best, hazardous.

More to the point, objections can be raised to Sickel's idea about the Roman origin of the inventory of papal properties. It is known that in 774, not to

²¹Das Privilegium, pp. 86-87, 120.

²²Supra, n. 17.

mention any other cases, several, probably three, copies of Charles' agreement to honor the promises of Quierzy were produced.²³ One of those copies was kept by Charles himself, so there is no reason to assume that the Franks did not possess accurate records of other donations made by Charles and Pepin. In fact, there is evidence in the Ludovicianum that Louis did have knowledge of these donations. He said that he was confirming the donations of his father and grandfather.²⁴ Perhaps, therefore, Stephen brought a detailed accounting of his properties to Reims in 816 and Louis, using his own counter documents, verified it. Or, perhaps Louis caused to be produced the inventory we read in the Ludovicianum.²⁵ Ultimately, however, the issue is an empty one because Louis directed Helisichar to draw up the document which was handed to Stephen.²⁶ Whatever the source of its

²³Vita Hadriani, Lib. Pont., ed. Duchesne, I, p. 498: The words "alliam donationis promissionem ad instar anterioris ipse . . . Carulus Francorum rex adscribi iussit" suggest a copy of the promises of Quierzy according to the copy of them taken to Rome by Fulrad in 756. On this see ibid., p. 453. On the identification of the document to which the quote refers see Levillain, "L'avenement de la dynastie carolingienne," p. 289.

²⁴Appendix C, c. 8 ad init.

²⁵Mention may again be made that on Friday October 3, 816, Louis and Stephen discussed the res, the property, of the Roman Church.

²⁶Ermoldus, vs. 1040-47.

information--and the possibility that the Franks were the source must not be discounted--the document which Stephen took back to Rome was Frankish. Now, whether in the following year Paschal sent this very document to Louis for confirmation, or whether he asked Louis to issue a new document is purely academic. The issue concerns one and the same Frankish document describing papal properties.

The results thus far obtained may be summarized briefly. The Ludovicianum, as we have it, is the document granted by Louis to Paschal in 817 but it is, in all probability, identical in all significant respects to the document granted to Stephen in 816. The whole of the Ludovicianum may be genuine--this remains to be proved in the balance of this chapter, but chapters 2 through 8, which contain an inventory of papal lands and revenues are certainly genuine. These same chapters, 2 through 8, are of Frankish origin. This suggests at least the possibility that the whole document is Frankish. This possibility, however, still leaves open the question of whether or not the Ludovicianum marks a change in Carolingian policy in favor of the papacy. For it must be admitted that the document could have been Frankish and still pro-papal.

The following pages consist of a detailed analysis of the Ludovicianum. In part, an attempt is made to

understand the document in se. In almost equal measure, however, attention is directed to the authenticity of the latter portions of the Ludovicianum and to the question of whose interests the document principally served.

As a final preliminary to an analysis in detail it may be useful to have a general description of the Ludovicianum. The document occupies slightly less than three quarto pages and was divided by its editor, apparently following the manuscripts, into paragraphs. To facilitate reference, I have numbered these paragraphs 1 through 13. Paragraph 1 is merely an invocation of the Trinity and paragraphs 2 through 7 form the inventory of papal lands which has attracted our attention already. At the beginning of paragraph 2 are found the words "Ego Hludowico concedo . . . Paschali" etc., which supply the names of the grantor and recipient. Paragraph 8 lists a number of rents and revenues due to the papacy. Paragraphs 9 and 10, which are in some respects the most important in the document, enumerate a number of specific papal and imperial rights. Paragraph 11 indicates that Louis had a number of individuals swear by oath to uphold the document. Paragraph 12 is Louis' subscription and paragraph 13 contains the subscriptions of Louis' three sons, ten bishops, eight abbots, fifteen counts and three papal officials. Lamentably, only the

names of Louis' three sons can be filled in: the other signatories remain unknown. Throughout the rest of this study I refer to these paragraphs as chapters (i.e. capitula) since this is customary practice in dealing with a document of this nature.

Chapter 1 requires no analysis and so we may begin with chapters 2 through 8 which, for purposes of analysis, may be treated as a single unit. Chapters 2 through 7 are simply confirmations by Louis of the lands in the possession of the papacy. What is striking about these chapters is that they are not a general and imprecise confirmation but, rather, a confirmation applied explicitly to a remarkably detailed listing of exactly those lands which the papacy did, in fact, possess. In chapter 8 Louis confirmed to the papacy several rents and revenues which his father had assigned to the papacy from certain Lombard estates. These revenues had once been paid to the palace of the Lombard kings in Pavia. Louis, expressis verbis, retained sovereignty over these estates and agreed only to the freeing of the stated revenues. Chapter 8 also contains confirmation by Louis of the donations of his father and grandfather.

In all of these chapters there is only one set of confirmed donations which gives rise to suspicion. Chapter 5 says that Corsica, Sardinia and Sicily were ceded to the papacy. Sickel held this passage to be

an interpolation²⁷ and many scholars have followed him in this view.²⁸ Sicily, of course, remained for some time Byzantine.²⁹ It is certainly interpolated. Not one source can be cited in favor of the granting of Sardinia to Rome at any time. It, too, must be considered interpolated. There is evidence, however, that Corsica was granted and that its appearance in the Ludovicianum should not be regarded as an interpolation. Two usually reliable sources say that Corsica was granted to Hadrian by Charles.³⁰ The authenticity of the rest of the territories named in chapters 2 to 7 has been established by Duchesne and there is no reason to reproduce his evidence.³¹

Three conclusions may be drawn from these chapters. The first is of broad historical significance.

²⁷Das Privilegium, p. 132.

²⁸Some of this literature is collected in Ullmann, Papal Government, p. 91 n. 2.

²⁹Classen, "Karl der Grosse, Papsttum und Byzanz," p. 541.

³⁰Vita Hadriani, Lib. Pont., ed. Duchesne, I, p. 498 and Codex Carolinus, no. 60, MGH, Epp., III, p. 587. The reliability of these sources was upheld by two nineteenth century scholars. Cf. Hinschius, Kirchenrecht, I, p. 213 and n. 2; A. Lapôtre, L'Europe et le saint-siège à l'époque carolingienne, (Paris, 1895), p. 207 n. 1.

³¹L'état pontifical, pp. 146ff, 189ff.

The Ludovicianum contains the first, full surviving inventory of the so-called Papal States. Several documents were issued in the times of Pepin and Charles but there is no evidence that any one of them contained a full listing of the papacy's properties. The first full listing was drawn up in 816 and its 817 copy survives for posterity. The broad interest and significance of this lies in the fact that the Papal States remained until 1870 much the same as they had come to be constituted during Hadrian's pontificate, and defined during Louis' reign.³² As a further point of interest, it should be emphasized that Louis, who is ordinarily seen as excessively amenable to clerical demands, defined the Papal States in such a way that men for a thousand years agreed in essentials with his settlement.

Two other conclusions are of more immediate concern and interest to Louis' reign. Since Louis did not make any new concessions in 816 or 817, the Ludovicianum marks a definite end to the lofty aspirations for territorial expansion once held by Hadrian. Prior to 816 the precise shape of the Papal States was in a state of flux. The truth of this is readily to be found

³²Haller, Papsttum, I, pp. 459-63; P. Partner, The Lands of Saint Peter, (London, 1972), p. 47; Duchesne L'état pontifical, p. 161: "Le pape Hadrien parvint à donner au duché de Rome, à peu chose de près, les limites qu'il conserva pendant le moyen age et qu'il avait encore en 1870."

in Hadrian's frequent pleadings to Charles concerning this or that estate.³³ Such entreaties could, and certainly would, have gone on interminably had not Louis demanded a reckoning of accounts. This must be seen as a major gain for the empire, for it removed the possibility that the reigning emperor would become involved in Italian affairs as a result of papal demands for imperial attention to essentially papal problems in Italy. On more than one occasion Charles had been sidetracked from more important business to go to Italy and do Hadrian's bidding. Future emperors were spared that annoyance by Louis' forthright action.

The third and final conclusion to be drawn from chapters 2 to 8 is closely related to the second. It is known that the Papal States did not form part of the Italian kingdom under the Carolingians³⁴ and that a boundary was presumed to exist between the two areas.³⁵ With its precise enumeration of just those territories which were papal, the Ludovicianum had the concomitant effect of defining those portions of Italy which belonged

³³Codex Carolinus, nos. 49, 56, 58, 60, 68, 79, etc., MGH, Epp., III, pp. 568-69, 580-81, 583-84, 586-87, 597-98, 611.

³⁴Eiten, Unterkönigtum, pp. 19-20.

³⁵MGH, Cap., I, no. 45, "Divisio Imperii," p. 126.

to the Italian kingdom. Of course, by process of elimination, the Greek south of Italy was also defined in 816, but this area does not enter into account here. The importance of the establishment of the regnal-papal border lies in the fact that a huge gain was achieved in clarifying administrative, judicial and, even, legal competencies. In other words, officials of many kinds were sent ad Italiam, frequently ad iustitias faciendas and the like. After 816 it became clear to one and all what Italia meant. This, certainly, must be interpreted as a plus for the empire even if it does not bear directly on the clarification of papal-imperial relations.

Before proceeding to a description and analysis of chapter 9, let me focus again on two aspects of the conclusions which have just been drawn. First, chapters 2 through 8 are genuine in all but two insignificant respects. The existence of two interpolations in no way impeaches authenticity of the rest of this material. Second, it is difficult to find anything in these chapters which is clearly pro-papal. Conceivably, the clarification of its possessions and the acquisition of a promise that those possessions would be defended was a gain for the papacy. But, bearing Hadrian's schemes in mind, it is not entirely clear that the papacy would have seen the hard and fast inventory in the Ludovicianum as a plus. The tangible, long and short term gains seem

to have been on the side of the empire. The truth of this, it may be added, lends support to a Frankish origin for the Ludovicianum.

In many ways chapter 9 is the most important section of the Ludovicianum. It contains three basic provisions: Louis promised to defend the lands, cities, towns, castles and revenues named in chapters 2 through 8; Louis agreed not to intervene in the Papal States unless expressly invited to do so; provisions were made for dealing with fugitives from the Papal States. In this chapter are contained the most important political and constitutional measures of the Ludovicianum. The greatest importance of chapter 9 is that it marks the first attempt by the Carolingians to define their sovereign rights in the lands of the Roman Church. It is important therefore to give a brief resumé of the position of the Carolingian kings and emperors in and around Rome before 816. A brief survey of the past will help to show the possible courses of action available to Louis as well as the originality of the course that he chose.

Much of the land that the papacy controlled had belonged to it for centuries and full proprietary rights were always exercised there by the popes. In addition, the majority of the papal lands were initially coterminous with the Duchy of Rome which was a regular Byzantine

political and military conscription. From the early eighth century on, papal power and rights had been expanding into the public domain in this area, partly because of bad relations with Byzantium after the accession of Emperor Leo III, and partly because of an increasing inability of the Greeks to maintain an effective administration in Italy. In 751 the Exarchate of Ravenna succumbed to the Lombards and, for all practical purposes, Byzantine rule in northern and central Italy ceased. The exarchate had been another of the regular conscriptions of Italy and, after 751, the papacy became actual master of it as well as of the Roman duchy. This, basically, was the situation in Italy when the Franks arrived on the scene.³⁶

Pepin's interventions in the papal and Byzantine parts of Italy were not decisive. He did little to augment his own power or that of the papacy. Charles conquered the Lombard kingdom but not the lands of Rome. He seems to have admitted, legally at least, the rule of the papacy in those parts of Italy which he did not conquer, but he did little to define his own rights or those of the papacy. Since he did intervene in and around Rome from time to time, and since he sent his

³⁶These points are conceded by nearly all scholars. Cf. Halphen, *Etude sur l'administration de Rome au moyen age*, BEHE, CLXVI, (1907), pp. xff; T. Hirschfeld, "Das Gerichtswesen der Stadt Rom von 8 bis 12 Jahrhundert," AUF, IV, (1912), p. 419.

missi there on more than one occasion, it is clear that Charles thought of himself as having some rights in the neighborhood of Rome.³⁷ All that can be said, however, is that a very unclear situation existed.³⁸

Upon his imperial coronation in 800 Charles presumably took up, in theory at least, full imperial rights in Rome. But what were those rights? No imperial rights had been exercised in Rome since at least 751 and no Frank had ever exercised such rights. It may be assumed that doing justice is one such right and there is abundant proof that Charles did this. But, we hear of no Romans who were called to serve in the Frankish army. Romans did not pay, so far as we know, customary Frankish dues. Frankish capitularies were not in effect in Rome and Charles never actually legislated for Rome. Obviously some special and, as far as can be determined, undefined status was accorded to the papal lands. The papacy after 800 did not deny Charles' sovereignty, but it is extremely difficult to say what form that sovereignty took. Some scholars argue, with considerable

³⁷ Brunner, Deutsche Rechtsgeschichte, II, p. 114; Hartmann, Geschichte Italiens, III.1, p. 32; Wilhelm Sickel, "Kirchenstaat und Karolinger," HZ, LXXXIV, (1900), p. 388 and passim.

³⁸ Duchesne, L'état pontifical, p. 165: "En somme aucun pas ne fut fait sous Hadrien dans la voie constitutionnelle. On vécut sur des cotés mal taillées, sur des arrangements provisoires et tacites."

justification, that sovereign rights were, for all practical purposes, in the hands of the pope on a day-to-day basis.³⁹ Rome had never formed part of the Frankish kingdom, and Charles did not conquer Rome as he did the Lombard kingdom or, for that matter, Saxony. Consequently no rights flowed to him in either of these customary ways. We have already seen that Charles never provided a clear definition of the imperial title or of his imperial office, so it should not surprise us that he did not, in so many words, define his rights in and around Rome.

Seen against this background, it is obvious that any attempt to clarify the rights of the emperor in Rome would have been a real step forward for the Carolingians. That chapter 9 of the Ludovicianum did clarify the situation, and that it did so in favor of Louis and the empire is the interpretation which will now be advanced. Considerable analysis is required to prove this contention, however, because chapter 9 does not say, in so many words, something like "I, Louis declare myself to be sovereign in the following respects . . . " In fact, if read superficially, the text almost seems to say the opposite.

³⁹ See the literature in n. 37 and Lapôtre, Le saint-siège, p. 205.

The first two provisions of chapter 9, Louis' promise to protect the lands named in chapters 2 to 8, and his agreement not to intervene in the papal states must, in reality, be studied in close connection with one another. At least, an attempt will be made to prove this in just a moment. First, however, one aspect of Louis' agreement to protect the lands of the Roman Church may be studied by itself.

Protection, to a Frank, connoted a powerful strengthening of the authority of the protector over the protected. One scholar has aptly characterized the Frankish attitude towards protection with the phrase "protectio trahit subiectionem."⁴⁰ Indeed, everywhere in the sources, one finds that that which a Frank protected, he dominated. Consequently, Louis' broad agreement to take the lands of the Roman Church under his protection should be interpreted as a strengthening of his influence over those lands. The papacy may have thought otherwise, but what is of greater importance is how the Franks understood protection.

The preceding point about protection is valid and worth raising but, to gain a proper understanding of this protection it is necessary to interpret it in connection with the clause which follows it in chapter 9. In this clause Louis agreed not to intervene uninvited

⁴⁰Ullmann, Papal Government, p. 72 n. 1.

in the Papal States. This sounds very much as though Louis had granted an immunity to the Papal States which, at the same time, made the pope something of an immunist. Indeed, Brunner sees it this way, as when he writes "constitutionally the papal region may be described as a dominion equipped with comprehensive seigneurial and immunity rights lying inside the Frankish empire."⁴¹

Immunity and protection bound together in successive clauses of one chapter in a document: this certainly indicates the general system outlined above⁴² which Louis had begun applying to the churches of his empire shortly after his accession. Both Semmler⁴³ and Ewig⁴⁴ assert that the system of binding immunity and protection was a "comprehensive program" in the time of Louis, and the veracity of this assertion is borne out by chapter 9 of the Ludovicianum. To outline the importance of this practice, and its appearance in the Ludovicianum,⁴⁵ it is only necessary to state again that

⁴¹Deutsche Rechtsgeschichte, II, p. 120.

⁴²Supra, p. 24.

⁴³"Gesetzgebung und Reichsidee," p. 42.

⁴⁴Handbuch, p. 123.

⁴⁵The practice was known in Italy which lends credence to its having been applied in Rome: Ann. Lobienses, MGH, SS, XIII, p. 231.

the association of immunity and protection bound the Frankish church to the emperor just about as closely as Frankish institutions would allow. By extending this practice to Rome and the pope in 816, and by renewing it in the following year,⁴⁶ Louis created, for the first time, a clear and operational place for the papacy and its lands inside the Frankish state. Moreover, and this is of no less importance, Louis used regular Frankish institutional practice to achieve this end.

The last clause of chapter 9 is a set of provisions for dealing with fugitives. Louis agreed to return to Rome fugitives from the pope who desired either to withdraw themselves from papal allegiance, or to escape punishment for a crime, or persons who feared any sort of evil stroke ("aliam quamlibet machinationem metuens"). Louis agreed not to receive such individuals unless he planned to intercede for them. He indicated that a precise investigation would be held to determine the nature of the offenses of these persons. If the crime were found to be minor, the fugitive would not be returned; if major, he would be. Finally, and with particular emphasis, Louis indicated that he would

⁴⁶The renewal is no cause for surprise. Immunities were in theory granted in perpetuity but, in fact, were regularly renewed on the death of either party. Cf. Kroell, Immunité franque, pp. 74-75.

intercede for all fugitives who had been victims of violence or oppression.

A proper interpretation of these provisions consists of three parts. First, in agreeing to return to Rome fugitives from papal allegiance and authority, Louis was only living up to the terms of the immunity which he had just granted to the Roman Church. Louis obliged himself to do neither more nor less than he would have done for any other immunist. Second, Louis arrogated to himself the right of investigating the cases of fugitives. He also claimed a general right of intercession. This was no mere gesture, for it means that Louis extended to the inhabitants of the Papal States a fundamental right of any inhabitant of the empire who had been, or who considered himself to have been, denied justice. This was the right of appeal to the emperor. To be sure, the Ludovicianum does not say this in so many words, but the plight of an appellant and that of a fugitive would have been much the same in practice.

The third part of the interpretation of these provisions is of a rather different nature. By agreeing, at least in some cases, to receive fugitives, and by adjudicating, whenever he saw fit, the case of any fugitive, Louis provided himself with a means of political intervention in Rome.

The papacy was often at the center of political intrigues which not infrequently took violent turns. The disorders of 767-768 and the attacks on Leo III in 799 are well enough known. For present purposes, it is more important to note that a massive rebellion against Leo III had broken out in 815 and that many of Leo's enemies were killed.⁴⁷ By agreeing to receive fugitives from such disorders and, particularly when violence was involved, by agreeing to intercede for them, Louis could intervene in a not altogether subtle way in Rome.⁴⁸ It should be noted further that this type of intervention could be carried out fully within the spirit of a promise not to intervene in Rome. When Louis suspected, or knew of, papal aggression, he could bring succor to the oppressed, who would certainly have taken from the Ludovicianum a powerful inducement to flee. Then, too, when he suspected violence against the papacy, he could aid the Roman bishop against his attackers by handing them over if they fled outside the Roman region.⁴⁹

⁴⁷Ann. Reg. Franc., SSrG, s.a. 815, p. 142; Ann. Fuld., SSrG, s.a. 815, p. 20; Ann. Sithienses, MGH, SS, XIII, p. 37. Benedict's Chronicle, c. 24, MGH, SS, III, p. 711 says that 300 were killed but this is probably an excessive figure.

⁴⁸Cf. Thomas, "Pactum Ludov.," pp. 148, 152-54.

⁴⁹Partner, Lands of St. Peter, p. 46, emphasizes this.

A few preliminary conclusions may be drawn from my observations on chapter 9. First, and foremost, chapter 9 procured an enormous gain in clarity and precision on the subject of the place of the Papal States within the empire. As we have seen, the papacy, after 800, never expressly denied Carolingian sovereignty in Rome but, by the same token, the Carolingians had not given a precise legal or institutional expression to their sovereignty. This was done in 816. Second, by applying to Rome and its environs a regular instrument of Frankish public law, the protection-immunity diploma or, in this case, its equivalent, Louis took a giant stride towards integrating this area into the institutional life of his empire. Third, the provisions of chapter 9 concerning fugitives provided the emperor with an effective means of intervening, presumably in a salutary way, in the turbulent political life of far-away and independent-minded Rome.

It is not possible to draw a full and well-rounded set of conclusions on chapter 9 until a few words are addressed to several other subjects. My views on the authenticity and provenance of chapter 9 must be stated. Then a long tradition of scholarly opinion which diametrically opposes the partial conclusions already presented must be met and refuted. There has even been a

tendency to impute substantial interpolations to chapter 9. This notion must also be dispelled.

The authenticity of the first two clauses of chapter 9 is proved by the remarkable parallel between these clauses and the immunity-protection diploma issued by Louis on so many other occasions. Given what is known about the terms and use of this diploma, it is absolutely inconceivable that the papacy, at some time subsequent to 817, would have substituted the immunity-protection formula for whatever the original may have contained. A later imperial interpolater is, of course, completely out of the question.

Thomas postulates the authenticity of the clause dealing with fugitives by saying that the lines reflect negotiation.⁵⁰ I agree with her conclusion, but I disagree with her reasoning. She argues that the language of the lines in question reflect negotiation. On examination, however, it will be seen that the Latin is clear and logically ordered; that is, it is not at all the "give and take" type of language that is frequently found in documents that result from lengthy discussion.

That the fugitive clause of chapter 9 reflects negotiation, or discussion, may be proved by relating it to the historical circumstances from which it arose.

⁵⁰"Pactum Ludov.," p. 145.

We have seen several times already that one of the reasons for Stephen's journey to Reims was to secure the release of exiles.⁵¹ Therefore, it is reasonable to assume that fugitives, exiles, hostages and the like were a topic of considerable concern at the time. Both Louis and the pope had legitimate interests in this topic and this fact is reflected in the fugitive clause. Again, it may be noted that after Louis and Stephen had negotiated over a wide range of topics, Helisichar prepared the very document with which we are concerned here.

Negotiations almost always end in some compromise. In the main, the section on fugitives is pro-imperial, but a certain degree of compromise may be seen in it. By agreeing in principle to return most kinds of fugitives, Louis went a long way towards recognizing papal overlordship in Rome. At the same time, however, papal overlordship was described as that of an immunist and, what is more, Louis insisted on his right of examining the cases of fugitives. In practice, then, the effective exercise of overlordship by the pope would have been considerably mitigated. This compromise, such as it was, also points to negotiation and, at the same time, to the meeting in October, 816.

⁵¹Vita Paschalis I, Lib. Pont., ed. Duchesne, II, pp. 52-53.

Thus, there are simply no grounds on which to suspect the authenticity of chapter 9.

The preliminary conclusions drawn above, and the fact that chapter 9 is unquestionably authentic, ought to obviate the need for a discussion of provenance. Clearly, chapter 9 is Frankish. Recently, however, a scholar of estimable talent, Wolfgang Fritze, has advanced a learned argument in defense of a Roman provenance for the protection clause. His theory must be met, and refuted, or, obviously, the protection-immunity theory upon which my interpretation is based will crumble.

Fritze believes that a provision of Lombard private law dealing with protection of conveyed lands is found in the Ludovicianum. This legal principle holds that when some man conveyed a piece of land to another he incurred the responsibility of defending it and of defending the person to whom the land was given against any third person.⁵² Presumably, when the Carolingians made donations to the papacy they would have incurred these responsibilities. The key point here is that a legal provision, under which the papacy is presumed to have been operating, obliged the Carolingians or, in this case, Louis, to defend papal properties. This theory raises quite a few questions.

⁵²Papst und Frankenkönig, pp. 41ff.

First, the lands which Louis undertook to defend consisted of properties which had long belonged to the papacy, properties which had been restored to the papacy by Pepin and Charles, and properties freely given to the papacy by the first two Carolingian sovereigns. Therefore, if Fritze's theory is assumed to be valid, then certainly it can be applied only to the properties in the third category, which formed, incidentally, the smallest body of lands in the possession of the papacy. One would then have to ask what legal forms applied to the remaining two categories of papal lands. Whatever response might be made to this question, the inescapable conclusion would be left that two or more sets of legal provisions were simultaneously in operation over a body of lands described basically as a single unit in one document, the Ludovicianum. This seems improbable, if not impossible.

Second, again assuming for a moment the validity of Fritze's theory, one must ask how a measure of Lombard private law intruded itself upon the legal system of Rome and the Papal States, an area which was almost entirely under Roman Law. Of course, it might be argued that the papacy correctly perceived the utility of this Lombard practice and took it over in order to use it in cases where lands were given to the Roman Church. Now, if one goes a bit further and accepts the truth of this

assumption, then one is drawn inescapably to the conclusion that the papacy tricked the Franks. It is difficult to imagine any of the Carolingians admitting that they had obliged themselves to defend this or that piece of land simply and solely because this was a consequence of their having given it to some pope. To believe this, it would be necessary to impute to the Carolingians an astonishing juridical naiveté. The other side of this coin calls for the assumption that the papacy understood the theory but never bothered to inform the Franks of the obligations under which they had fallen. This is obvious nonsense.

Third, one may ask when the Carolingians are supposed to have incurred this obligation. Fritze does not offer a conclusive answer. The sources provide no hint of it in 754, 756, 774, 781 or 787. Perhaps it is a product of 816-817. Ermoldus Nigellus, immediately before he describes the preparation by Helisichar of the pact of 816, has Louis say that he intends to protect the Roman Church and its property just as his ancestors had protected it.⁵³ In the Ludovicianum itself Louis says much the same thing.⁵⁴ Evidently,

⁵³vs. 1034-39, 1040ff.

⁵⁴Appendix C, c. 9.

he did not know of any such obligations, and he certainly does not seem to have submitted himself to any.

Fourth, and last, one may address the heart of the matter. Did this protection arrangement in land conveyances actually exist in Lombard law? No Lombard legal text can be cited in support of it, but one should not expect to find such a text because, according to Fritze, the measure existed in private law. The crucial sources are the Lombard diplomas. On examination, it is discovered that they do from time to time contain a clause reading "promitto defendere ab omnibus hominibus" or the like where land conveyances are at issue. But this clause does not always appear, and there does not seem to be any geographical regularity in its appearance.⁵⁵ My own study of these documents leads me to suggest that, at least in a great many cases, the appearance of the clause in a diploma is meant to guarantee the conveyed lands against the heirs of the conveyor more than against some vague third party. The implications of this are certainly much less broad than those drawn by Fritze.

⁵⁵To cite but a few examples: Codex Diplomaticus Langob., ed. Schiaparelli, FSI, I, no. 18, p. 55, Pavia, has clause; no. 23, p. 89, Pisa, has clause; no. 26, p. 97, Lucca, has clause; no. 28, p. 101, Lucca, has clause; no. 30, p. 108, Lucca, no clause; no. 34, p. 122, Lucca, no clause; no. 36, p. 126, Milan, has clause; no. 37, p. 128, Treviso, no clause; no. 38, p. 130, Pistoia, has clause. In addition, it is interesting that two forged documents, nos. 39 and 41, pp. 134 and 140, Treviso and Dronero, do not have the clause. If the practice were regular and desirable would not a forger, even a reasonably good one, have included it?

However, not being an expert in Lombard law, I am willing, with some reservation, to subscribe to the arguments of the great Italian scholar P. S. Leicht. He believes that the practice was widespread during the eighth century and that it spread to much of Italy, including the Roman region.⁵⁶ This is well and good, but it does not explain the fact that the measure makes virtually no appearance in Frankish documents before 900.⁵⁷ This tends to prove that it did not appear in the Ludovicianum. Similarly, it is difficult to explain the passage of a piece of Lombard private law into Frankish public law--which appearance in a capitulary or similar document would have effected--on only one occasion.

Of course these problems cannot be explained because they do not exist. In the first place, all of the evidence thus far adduced, and all yet to be adduced, points to the Frankish origin of the Ludovicianum. In the second place, the Franks had a very clear concept of protection, and of all that it implied. They needed no help in seeking a definition, and would have had no reason to accept anyone else's definition. As we have seen, Louis applied the old concept of protection, or

⁵⁶Storia del diritto italiano, Vol. III, Il diritto privato, (Milan, 1948), pp. 115ff.

⁵⁷Brunner, Deutsche Rechtsgeschichte, II, p. 677.

Mundherrschaft, and the new concept of immunity and protection, to the lands of the Roman Church.

In the end, then, Fritze's theory does not hold up. The Frankish origin and inspiration of chapter 9 are beyond dispute.

As already intimated, there is a venerable tradition in existence which interprets chapter 9 in a fundamentally different way from the interpretation presented here. Proceeding along three different paths, scholars have argued that chapter 9 evidences an extreme diminution of imperial rights. The language of the chapter has been said to prove this in a general way, and the immunity and fugitives clauses have been pointed to as specific examples. Finally, scholars of such repute as Hauck and Brunner believe that even Louis was incapable of such a remarkable piece of backsliding and, as a result, they suspect the authenticity of the chapter.⁵⁸

Since my reasons for believing that chapter 9 is genuine have already been stated, there is no point in offering now a specific refutation of Hauck's and Brunner's doubts. Attention should only be called to the fact that their doubts arise from a belief that chapter 9 is derogatory to the empire. Their views will, however,

⁵⁸Kirchengeschichte, II, p. 493 n. 2; Deutsche Rechtsgeschichte, II, p. 127 n. 57.

be refuted by implication as part of an attempt to show that the arguments holding chapter 9 to be a reduction of imperial rights are groundless.

Those scholars who argue that Louis gave up his sovereign rights--and this is usually seen as an example of his weakness before the Church--sometimes focus on the language of chapter 9.⁵⁹ First they point to the place where Louis conceded to Paschal the use, enjoyment and disposition of everything in his "ditio." In the same connection, they note that the document speaks of papal potestas, principatus and the like. The appearance of these words, and their association with the papacy, suggests to these scholars that Louis abdicated his sovereignty. When viewed in their proper context, however, these words can be explained easily.

Ditio and potestas can be found in imperial diplomas from Louis' time in which properties were granted to individuals.⁶⁰ No one would care to argue that when Louis gave away a piece of property, he also gave away sovereignty over it. Furthermore, in a letter of 818, Paschal wrote of Louis' "ditio" in the

⁵⁹These views are discussed by Thomas, "Pactum Ludov.," pp. 135ff.

⁶⁰MGH, Form. Imp., no. 2, p. 289 (potestas), no. 27, p. 305 (ditio). Cf. Thomas, "Pactum Ludov.," p. 136.

papal states.⁶¹ In my judgment, these cases prove only that neither of these terms can be taken as decisive in a quest for a definition of sovereignty.

What about principatus? This word appears from time to time in the papal sources and it is found in the Constitutum Constantini. In the famous forgery it occurs at a point where the supremacy of the bishop of Rome over all other bishops is being asserted.⁶² This caused Thomas to argue that principatus has spiritual or ecclesiastical connotations more than political ones.⁶³ I am inclined to agree and, again, this word must be ruled out of any technical, legal argument because of its lack of clarity.

There are other words in the document which provide some help in this matter. In chapter 8 where Louis agreed to cede certain revenues from Tuscany and Spoleto, he indicated emphatically that these areas would remain in his "dominatione" and "subiectione." This is very much like the language used in the Divisio Imperii of 806 and of the Ordinatio Imperii of 817.⁶⁴

⁶¹Paschal I, ep. no. 10, MGH, Epp., V, p. 68.

⁶²Constitutum Constantini, ed. Führmann, MGH, FIGA, X, p. 81.

⁶³"Pactum Ludov.," p. 137: "Überordnung mehr in geistigen und geistlichen Sinne."

⁶⁴MGH, Cap., I, nos. 45, 136, pp. 130, 271.

These two documents are so evidently concerned with the possession and transmission of sovereignty that their vocabulary may be almost technical. Alas, these documents are not always consistent; nor are diplomas, nor any other sources. Again, all that may be concluded is that it is simply not possible to base a whole interpretation on the appearance of a word or two. At the same time, extreme care must be taken so as not to take these words out of context. This is what Louis' critics have done.

More serious in the eyes of some scholars are the lines in which Louis agreed not to intervene in Rome except on the request of the pope. These lines, it is said, clearly indicate that imperial rights had been cast to the wind. Interesting is the fact that some scholars who so argue recognize that chapter 9 created something of an immunity without realizing the significance of this.⁶⁵ Another historian, influenced by the now antiquated position on immunities, sees that the papal lands became immune and judges this to have been a diminution of imperial rights.⁶⁶ Finally, two scholars saw that the lines imply an immunity and,

⁶⁵Von Schubert, Kirche im Frümittelalter, p. 350; Thomas, "Pactum Ludov.," p. 133.

⁶⁶Hartmann, Geschichte Italiens, III.1, p. 99.

again influenced by the older thinking on the subject, decided that the lines were interpolated.⁶⁷ The key point here is that the idea that imperial rights suffered as a consequence of the immunity clause derives from scholars who recognize that an immunity, or something like one, was created.

Leaving completely to one side what is now known about the binding of protection and immunity, there is still no excuse for this sort of thinking on the subject of immunity itself. Immunity simply did not bring about a lessening of royal power. It was an effective extension of that power so long as the royal power itself remained strong. No one has put the real significance of immunities into sharper focus than Lot when he wrote:

For a long time historians understood nothing . . . about these concessions. Their view was superficial. The Carolingian sovereigns knew what they were doing. It did not escape them that their presumed functionaries, the counts, were intractable, without cease in a state of rebellion, open or hatching. To withdraw from their action immense quantities of immune land, immunized that

⁶⁷Supra, n. 58. It is interesting to note that Ullmann, "Origins of the Ottonianum," pp. 118ff, holds the lines to be genuine because they are so favorable to the papacy. He goes so far as to suggest that the lines in the Ottonianum which explicitly reserve imperial rights are an imperial forgery. His theory is destroyed by Horst Führmann, who proves that the text of the Ottonianum as we have it is curial and probably due to Cardinal John "digitorum mutilis": DA, XXII, (1966), pp. 128ff. I bring this up only because I cannot consider Ullmann an ally in my attempts to prove the authenticity of the passage. Obviously our interpretations are very different.

is, this was in reality to weaken the provincial tyrannies and to reinforce the central power. The immunist, in effect, was transformed into a sort of functionary.⁶⁸

So, a grant of immunity to the papacy in no way weakened imperial rights.

Fortunately, there is a case which proves this. In 823 litigation arose between Paschal and Abbot Ingoald of Farfa. It seems that Paschal claimed that Farfa owed rents to the papacy for certain estates. Lothar, co-emperor and then in Rome as his father's agent, investigated the matter and found Paschal's claim to be utterly without foundation. He delivered a judgment in favor of Farfa.⁶⁹ Paschal's claim was so patently false that he surely did not invite Lothar to sit in judgment of it. Therefore, Lothar's action proves that imperial rights still obtained in "immune" Rome. For, after all, a grant of immunity only forbade entry to royal or imperial officials, never to the king or emperor himself.

Similarly, those historians who argue that Louis damaged imperial rights by agreeing to return fugitives

⁶⁸"Le concept d'empire à l'époque carolingienne," Recueil des travaux historiques de F. Lot, 3 vols., (Paris, 1968-73), I, p. 351. These words were written in 1947.

⁶⁹Paschal's false claim and the case itself are described in Chron. Farf., ed. Balzini, FSI, I, pp. 182ff; cf. MGH, Dip. Kar., III, no. 51, pp. 147-48 (a diploma of Lothar from 840 describing the case of 823).

are on weak ground.⁷⁰ In the first place, Pepin and Charles had done precisely the same thing⁷¹ without bringing the opprobrium of historians down upon themselves. More to the point, however, those who interpret the fugitives clause as having been damaging have not penetrated its nuances. When this penetration is undertaken it becomes clear that the fugitive clause enhanced the definition and regularization of imperial rights.

Definition is the keystone of chapter 9. This chapter is genuine and it is Frankish. Much more importantly, however, it is original. Never before had the Franks set down clearly and in writing the precise rights which they possessed over the Roman Bishop and the Papal States. Not only were those rights written down in 816, but they were inscribed in considerable detail. And, amidst those details, it is possible to see the application to Rome of regular Frankish institutions and concepts.

The tenth chapter of the Ludovicianum contains provisions for papal elections. It established that no Frank, nor Lombard, nor any man whatsoever, should move against the Romans in papal elections. Residents of

⁷⁰Examples: von Schubert, Kirche im Frühmittelalter, p. 397; Hartmann, Geschichte Italiens, III.1, p. 99.

⁷¹MGH, Cap., I, no. 91, c. 9, p. 93; no. 95, c. 16, p. 201.

the Papal States were forbidden to perpetrate any sort of evil at the time of elections. All Romans, aided by divine inspiration and the intercession of St. Peter, were to see to the election of a new pope and a canonical consecration was to follow. After election and consecration, notification of the election was to be brought to the emperor, or to his successor, and the bond of love, peace and friendship was to be renewed. These measures seem simple enough but they have, like most of the rest of the Ludovicianum, evoked a good deal of controversy. Therefore, I shall begin by offering my own views of chapter 10 and conclude by discussing views to the contrary.

Chapter 10 can only be interpreted when it is placed firmly into a context. Such a context may be sought either in previous Carolingian practice with regard to papal elections or in any canonical text from the Carolingian period which governed papal elections. Fortunately both of these avenues may be followed and each yields the same result. Let us begin with previous Frankish practice.

The year 751 may be taken as a point of departure. In that year the Carolingians and the papacy began to have very serious relations with one another. Moreover the Exarchate of Ravenna was dissolved. The latter fact is important because it had been through the exarch that

the Byzantine emperor exercised his right to approve of any elected candidate before the newly elected was consecrated. Dissolution of the exarchate provided a possible ambiance for Carolingian intervention. Therefore it may be asked whether the Carolingians, whose star was on the ascendant in Italy just as the Byzantine star was being extinguished, ever claimed or exercised the old Byzantine right of approval. Scholars have long recognized that this question must be answered negatively.⁷² Thus, it is clear that when Louis guaranteed free elections in 816 he did no more than to give written expression to the practice of his ancestors.

Turning to the matter of prescriptive documents, we find that there was, indeed, a rule in force, from the Carolingian age, governing papal elections. In 769 an election decree was passed which forbade intervention in the election of a pope by any layman, be he Frank, Roman, peasant or emperor.⁷³ Since Frankish bishops

⁷²Ullmann, "Origins of the Ottonianum," p. 117; Ernst Mayer, Italienische Verfassungsgeschichte, 2 vols., (Leipzig, 1909), II, p. 64 and n. 67. That the Franks did not intervene can be seen in the time between elections and consecrations: Paul I, 35 days (due to political strife in Rome), Hadrian, 8 days, Leo III, 1 day, Stephen IV, less than 10 days. Cf. C. Bayet, "Les élections pontificales sous les carolingiens," Révue Historique, XXIV, (1884), pp. 69-72. The statement in the Libellus de imperia potestate, MGH, SS, III, p. 720, that Charles placed an agent in Rome to oversee papal elections is patently anachronistic.

⁷³MGH, Conc., II.1, no. 14, p. 86; cf. Vita Stephani III, Lib. Pont., ed. Duchesne, I, p. 476.

were present at the synod which issued the decree, it may be presumed that the decree met with the approval of the reigning king, Charles.⁷⁴ Hinschius noted long ago that the elections of Stephen and Paschal conformed to the decree of 769.⁷⁵ In the case of Paschal, whose election followed the issuance of the Ludovicianum in 816, Hinschius' observation is inaccurate for reasons which will appear presently. Nevertheless, Hinschius' assertion serves to demonstrate that, in issuing the Ludovicianum, Louis did not feel privileged to override the decree of 769.

On the whole, then, it appears that Louis let Frankish custom and canon law be his guides in making his own pronouncement on papal elections. This is certainly true in all that concerned royal or imperial intervention, but a closer examination of the text of chapter 10 reveals that Louis introduced a very important change. The decree of 769 had reserved elections to the Roman clergy. Chapter 10 says the person whom "all the Romans" ("omnes Romani") have elected should be consecrated without turmoil. Louis vastly expanded the

⁷⁴For the names of the Franks see MGH, Conc., II.1, no. 14, pp. 75ff.

⁷⁵Kirchenrecht, I, pp. 230-32.

franchise in papal elections, and it is this aspect of chapter 10 which yields a proper interpretation of it.

The great political and economic importance of the papacy in Rome is well known, as are the troubles in Rome since at least the election of Paul I. Louis' measure, then, which was fully in the Frankish tradition in one sense, must actually be regarded, like the provisions of chapter 9, as an attempt to create some stability in Rome, by allowing the citizenry as a whole to have a say in choosing their immediate overlord. Louis then enveloped this extension of the franchise with promises not to intervene himself, and to insure nonviolent elections. Understood in this way, the election provision in chapter 10 accords perfectly with the provisions of chapter 9 which gave Louis some means of intervening in Rome. First Louis gained a means of intervening and then he attempted to minimize the likelihood of his having to intervene. It may be noted in passing, moreover, that when the constitutional and political provisions of chapters 9 and 10 are looked at together, the consistency and cogency of the Ludovicianum become rather apparent.

Opposing views may now be considered. Von Schubert suspects the authenticity of the passage. He thinks that it is too favorable to the papacy and that some later pope is responsible for the passage as we

read it. His argument is not based only on this assumption, however. He believes his theory is confirmed by the fact that the imperial office is not mentioned and that subsequent announcements of elections and consecrations were to be made to "reges Francorum."⁷⁶

The lack of the imperial title proves nothing. The words in question are "legati ad nos . . . dirigantur" and since the imperial title is mentioned several other times in the document, it may be concluded that Louis assumed the existence of his title in using "nos." As to Louis' designating his sons "kings of the Franks," that is exactly what they were. It must be remembered that we are dealing with a document first issued in 816 and then again in early 817. At that time Louis' sons were only kings: Lothar of Bavaria and Pepin of Aquitaine. The Ordinatio Imperii, which made Lothar co-emperor and sole successor to the imperial title, was not issued until later in 817.⁷⁷ Von Schubert's objections are utterly without substance.

Another argument dealing not so much with the authenticity of the chapter as with its provenance was advanced by Thomas. She considers the passage a curial production from the time of Hadrian. According to her,

⁷⁶Kirche im Frühmittelalter, p. 397.

⁷⁷BM, no. 650, places the Ordinatio in July.

the overwhelming strength and prestige of Charles caused Hadrian to leave the document in obscurity for fear of what might have happened if he had presented it. Then, under the weaker Louis, the curia rescued the document from oblivion and foisted it upon its weaker adversary.⁷⁸

Her evidence is scant. First she says that the precise language of the passage suggests that a model was used. Then she feels that the lack of reference to the imperial title points to the years before 800. Finally, she says that Leo III never demanded free election so the production is due to Hadrian (772-795). Her arguments are ingenious, but little more.

Thomas' theory may readily be countered. First, there are no sound reasons for arguing that the Franks could not draw up a document in clear, precise language. Second, she is guilty of reasoning from invention. Not one single source proves, let alone intimates, that chapter 10 is based on a document which emanated from Hadrian's curia. Third, her theory is badly out of step with the historical circumstances as our sources do describe them. In other words, neither Leo III nor Hadrian had to call out for free election because of the existence of the election decree of 769 which the Franks never violated. Fourth, her idea that the lack of mention of the imperial title points to the years

⁷⁸"Pactum Ludov.," pp. 155-65.

before 800 is erroneous. As we have seen in connection with von Schubert's ideas, the lack of the imperial title in chapter 10 proves nothing.

Finally, as aspects of von Schubert's and Thomas' reasoning indicate, there is a line of interpretation which holds chapter 10 to be favorable to the papacy. Generally, it is argued that Louis gave up his imperial rights in papal elections.⁷⁹ These scholars usually argue that since Byzantine emperors had the right of confirming a papal election before the elected was consecrated then, after 800, the Carolingians had the same right and Louis gave it up in 816. This, however, is jumping to conclusions about the nature of the Carolingian imperial office and the rights attendant upon it. There is no evidence that the Franks considered themselves to be the exact constitutional duplicates of their Eastern counterparts. Certainly, the Franks considered themselves to be equally prestigious, but this is a very different thing. Indeed, it would be easy to cite many things which Byzantine emperors could, and did, do, which the Franks never did, and never claimed a right to do. Moreover, as noted already, the Franks never claimed and never exercised any rights in papal elections.

⁷⁹ Besides those already noted: Hartmann, Geschichte Italiens, III.1, p. 97; Bayet, Les élections pontificales, pp. 72ff.

Thus, in 816, Louis did not abdicate any imperial rights; that is, he did not "favor" the papacy.

Chapter 10 is another authentic and essentially Frankish component of the Ludovicianum. It is traditional in some important respects, though by introducing a subtle but crucial change in tradition, it provided the Carolingian sovereigns with yet another means of controlling and influencing the volatile political life of Rome.

One final point concerning the Ludovicianum must be made. At the end of chapter 10 we read of a pact of "friendship, love and peace" and in chapter 9 we find a promise to defend the named rights, territories, etc. of the Roman Church. It is necessary to determine the precise significance of this pact and promise. In other words, did they have any binding legal content, and, if so, to whose advantage?

Let us look first at the promise in chapter 9 and ask whether Louis legally obliged himself by means of an oath to protect the Roman Church. Most historians hold that Louis performed an oath to this effect as a part of his coronation ceremony in 816.⁸⁰ They believe this to be reflected in the Ludovicianum. This theory

⁸⁰Eichmann, Kaiserkrönung, II, pp. 151, 169; Fritze, Papst und Frankenkönig, pp. 43-44. The latter work provides a good discussion of other literature.

is based on the fact that oaths later became a regular part of the coronation ceremony. This reasoning is unsound.

The ordo used in 816 contains no oath and no source conclusively proves that Louis swore one.⁸¹ The next surviving imperial ordo has, presumably, an oath. It is reasonable to assume that its text would not have changed a great deal from that of the oath that scholars assume was used in 816, and its text is useful for analysis in any case because it is considered to be the first surviving imperial coronation oath. It reads:

Promissio Imperatoris:

In nomine Christi promitto, spondeo atque polliceor ego N. imperator coram Deo et beato Petro apostolo, me protectorem ac defensorem esse huius sanctae Romanae ecclesiae in omnibus utilitatibus, in quantum divino fultus fuero adiutorio, secundum scire meum ac posse.⁸²

One need not look very deeply at this text to see that in both spirit and language it corresponds to the Ludovicianum. It also corresponds to the appropriate passage in the Ottonianum, a point which I mention only because Otto I is also presumed to have sworn an oath.

Is this actually an oath? Let us look at another oath from a twelfth century ordo:

⁸¹The lines from Ermoldus cited supra p. 62 are certainly too vague to be called into witness.

⁸²Ordines, ed. Elze, MGH, FIGA, IX, no. I, p. 2.

In nomine Dei Iesu Christo Ego N. rex et futurus imperator Romanorum promitto, spondeo, polliceor et per hec evangelia iuro coram Deo et beato Petro apostolo tibi N. beati Petri vicario fidelitatem tuisque successoribus canonice intran-
tibus, meque amodo protectorem ac defensorem fore huius sancte romane ecclesie et vestre persone vestrorumque successorum in omnibus utilitatibus, in quantum divino fultus fuero adiutorio secundum scire meum ac posse, sine fraude et malo ingenio. Sic me Deus adiuvet et hec sancta evangelia.
 (Italics mine)⁸³

An examination of the italicized parts of this text shows that this is, quite unmistakably, an oath. Moreover, the oath was sworn to the person of the pope. It is also very clear that the second text cited here is built upon the first. Before drawing any conclusions, and in order to gain a little more precision, let us look at a Frankish oath from 802:

Sacramentale qualiter repromitto domno Karolo piissimo imperatori, filio Pippini regis et Berthane, fidelis sum, sicut homo per drichtum debet esse domino suo, ad suum regnum et ad suum rectum. Et illud sacramentum quod iuratum habeo custodiam et custodire volo, in quantum ego scio et intellico, ab isto die inantea, si me adiuvet Deus, qui coelum et terram creavit, et ista sanctorum patro-
cinia. (Italics mine)⁸⁴

Again, look at the italicized words. These words, or words like them, appear in the second passage above but not in the first. Let us admit without hesitation

⁸³Ibid., no. XIV, p. 37.

⁸⁴MGH, Cap., I, no. 34, p. 102.

that the last two are oaths and then ask why their common language is not met in the first.

I am well aware that I am comparing oaths of very different natures. Nevertheless, any oath must have certain components to make it an oath. In the second and third texts above we find iuro, iuratum habeo, sacramentum and the use of gospels or relics. Words like these, and an item on which an oath was sworn are always met. In the first passage above there is nothing like this, nor is there anything similar in the Ludovicianum. For the sake of argument, let us assume for a moment that the promise cited above from Ordo B did exist in Ordo A, the ordo used in 816, and that it subsequently disappeared from the manuscripts. How are we then to explain the changes in the oath from Ordo XIV: changes in just those kinds of things which actually constitute an oath? Let me again emphasize that the promise cited, whatever its relation to the coronation of 816 may be, corresponds to the Ludovicianum. The answer can only be that in the Ludovicianum there is a promise and not an oath at all.

It was on Friday October 3, 816 that Louis made a promise to Stephen and handed him a document to that effect. A few months later he extended the same promise to Paschal. Whether Louis symbolically laid down the promise again on Sunday October 5, 816, however likely

it may be, is of no consequence. The evidence suggests only a promise and, at that, one freely undertaken. By the twelfth century, if not before, an oath concerning protection would be a pre-condition to coronation, but no such thing existed in 816 or 817. This is not surprising in view of the enormous strides made by the papacy in the eleventh and twelfth centuries.

There is other evidence which points to the same conclusion. In chapter 11 of the Ludovicianum Louis spoke of the oath sworn by his bishops, abbots and nobles to uphold the Ludovicianum, and he spoke of his own promises. Certainly, he was drawing a distinction between a promise and an oath. In 818 Paschal wrote to Louis and reminded him of his "vows" ("votionum") to take up the cause of the Roman Church.⁸⁵ Why did Paschal not use sacramentum or iuramentum or some such word if he meant precisely oath and not vaguely vow or promise? Papal sources knew such words and certainly the distinctions between them were not so fine as to be beyond Paschal's understanding.⁸⁶ Later in the ninth century

⁸⁵Ep. no. 10, MGH, Epp., V, p. 68. Fritze, Papst und Frankenkönig, p. 44 takes this as evidence of an oath.

⁸⁶Vita Hadriani, Lib. Pont., ed. Duchesne, I, p. 498: "seseque mutuo per sacramentum munientes." The year was 774 and the passage is speaking of Charles and Hadrian in reference to the reaffirmation of Quierzy. This is further proof that, from either side, we should expect such a word if an oath had been sworn.

bishops assembled at Troyes knew of royal promises and of oaths sworn by Pepin and Charles, but not by Louis.⁸⁷ Finally, not one source connected with the coronation of 816⁸⁸ or with the pacts of 816 and 817 knew of an oath. Louis promised, but he did not legally bind himself, to defend the Roman Church. In my view, Louis undertook a solemn moral obligation embodied in a promise. In later centuries this promise was transformed into an oath and, instead of being freely offered out of imperial initiative, it became a prerequisite to coronation. It may be that this whole problem is a prime example of the dangers of reading history backwards.

How is the pact of "friendship, love and peace" to be understood? The Ludovicianum indicates that this was to be renewed after the election of each new pope. Scholars have concluded, rightly it seems, that this pact was personal and to be renewed on the death of either party.⁸⁹ Since the Ludovicianum was first issued in 816, it is possible to see in Paschal's election the

⁸⁷Mansi, Concilia, XVII, 347: "Promissio regum . . . et sacramenta quae Pippinus et Carolus obtulerunt beato Petro apostolo." Note that here, as in 816, the promises and oaths are to Peter whereas in Ordo XIV they are to the person of the pope.

⁸⁸It is significant that one will search in vain for any reference to an oath sworn by Lothar in 823.

⁸⁹Thomas, "Pactum Ludov.," p. 133; Fritze, Papst und Frankenkönig, p. 17.

operation of the provisions with which we are here concerned. The Annales Regni Francorum clearly indicate that two legations were sent by Paschal: one to inform Louis of his election; one to renew the pact which had been made with his predecessors.⁹⁰ The Astronomer does not distinguish between the legations, but he indicates that their function was to confirm the friendship which existed between the papacy and the Franks.⁹¹ All sources which deal with this particular pact make it clear that it was distinct from the promise which was just analyzed. Unfortunately, they do not detail the nature of this pact.

Historians have long been debating the nature of the personal bond between the Carolingians and the papacy, a bond which goes back at least to Charles Martel. This bond is almost always viewed as something distinct from the bonds created after 754 by the Frankish donations to the Roman Church. The personal bond has been called political or legal or moral and the impetus behind it has been alternatively assigned to the papacy or to the

⁹⁰SSrG, s.a. 817, pp. 145-46, cited supra n. 7.

⁹¹Vita Hlud., 27, MGH, SS, II, p. 621.

Franks.⁹² One great scholar, apparently despairing of finding a sure answer, speaks of "formlose Versprechungen."⁹³

There is a way out of the morass. Recently, Fritze has postulated that the description of the bond of friendship corresponds to certain particulars of Franko-Latin legal usage. It points to the creation of a Schwurfrundschaft in Frankish law, probably in 754, but perhaps later. This was an intensely personal bond between a Frank and another important person with whom there existed no other logical basis for a relationship than "peace, love and friendship." It did not imply an alliance in the strict sense and it did not create obligations other than the preservation of "amicitia, pax et caritas" between the concluding parties.⁹⁴ The only weakness in Fritze's theory is that it calls for an acceptance of the idea that Schwurfrundschaft actually existed in Frankish law. If it did, and Fritze's own

⁹²The classic studies are Caspar, "Papsttum," pp. 154ff; Haller, Papsttum, I, pp. 421ff, 451ff; Schramm, "Das Versprechen Pippins und Karls des Grossen für die römische Kirche," in his Kaiser, Könige und Papste, I, pp. 149-92.

⁹³Brunner, Deutsche Rechtsgeschichte, II, p. 115.

⁹⁴Papst und Frankenkönig, pp. 17-35, 45-62.

earlier researches make this extremely likely,⁹⁵ then there is no reason to doubt that it was extended to papal relations. Indeed, it explains the pacts concluded between Louis and Stephen and Paschal better than any previously offered solution.

Seen in this light, the personal bond between Louis and the papacy turns out to be the one over which there existed a legal sanction. It is, however, crucial to see that this bond was personal between Louis and Stephen and between Louis and Paschal, and that it had nothing to do with any arrangements made by Louis as emperor with popes as representatives of the papacy. In this latter sphere Louis made political and constitutional provisions, and he made promises, but he did not legally bind himself or oblige himself in any inextricable way. In fact, he bound the papacy to adhere to the law embodied in his proclamation, the Ludovicianum. Of course, Louis was no less bound by the document. But it was his creation and he could, and did, make alterations. The papacy could only comply.

The Ludovicianum was, therefore, a landmark in papal-Frankish relations. It marked the first attempt by the Carolingians to put their relations with the

⁹⁵"Die fränkische Schwurfreundschaft der Merowingerzeit," ZRG, LXXI, ga, LXXI, (1954), pp. 74ff. Schramm, Kaiser, Könige und Päpste, I, pp. 176-79, expresses some doubts about Fritze's theory.

papacy on a clearly defined basis. It also saw the first attempt to integrate the Papal States into the institutional life of the Carolingian Empire. At the same time, however, a close reading of the document provides a glimpse of Louis as a policy maker. In this respect, Louis appears most favorably. As policy, the Ludovicianum is clear, concise and cogent. It addressed itself to the great problems of the day and, given the alternatives which were available in the early ninth century, it proposed sensible solutions to those problems. There is no persuasive evidence that the document is inauthentic and there is no reason to seek its origin in Rome. Finally, there is not a single line in the Ludovicianum which justifies the conclusion that Louis was a weakling.

CHAPTER IV

THE CONSTITUTIO ROMANA

About seven years after the issuance of the Ludovicianum, there ensued the next milestone in papal-imperial relations. This was the Constitutio Romana of 824. It seems to me that this document, when viewed in its proper light, is a coherent extension of policies which Louis had begun at least as early as 816. Nonetheless, the Constitutio contains some minor and some major alterations and adjustments of the measures already taken. These changes were made necessary by two things. First, they reflect Louis' increasing awareness of the real nature of the social and political life of Rome. Second, the changes were responses to the emergence of problems that Louis could not have foreseen in 816 and 817. Still, the alterations effected in 824 did not depart from the spirit and objectives of the Ludovicianum, and the consistency with which Louis applied himself to the problem of integrating the papacy and the Papal States into the empire is a real tribute to his good sense and judgment.

The Constitutio, however, presents some intriguing problems. Some scholars regard it as the beginning of a radical departure from previous Frankish practice. The Ludovicianum, these historians argue, was extremely favorable to the papacy, whereas the Constitutio was not.¹ Even among scholars who do not regard the Ludovicianum as a total gain for the papacy there is a tendency to see the Constitutio as the beginning of a new era in papal-imperial relations.² As we shall see, this line of thought arises from a failure to study the two documents in connection with one another. All too often the pacts have been studied separately--much too separately--and, while this method certainly and legitimately leads to the conclusion that they were very different, it obfuscates all that they had in common.

Other problems arise as well. Not infrequently the Constitutio is seen as the work of Lothar or of Wala. Its inspiration has been sought among Lothar's entourage and among the radical ecclesiastical reformers of the period. Very seldom is it attributed directly to Louis. In the pages that follow, considerable attention

¹Recent and characteristic of this view is Ullmann, "Origins of the Ottonianum," p. 117.

²For example, Fritze, Papst und Frankenkönig, p. 17.

will be directed to the question of who was responsible for the Constitutio.

Finally, the constitution is much less easy to analyze in detail than the Ludovicianum because its material is topical in nature, and the topics are scattered throughout the document. It was, for example, possible to provide a concise description of the Ludovicianum but such a description is virtually impossible for the Constitutio. It can be said that it is shorter than its predecessor, occupying about one and one-half quarto pages, and that it contains nine paragraphs and an oath. Then, because legal, institutional and political provisions are scattered so randomly throughout the text--one paragraph often touching on two or three different subjects--it becomes impossible to make any concise descriptive statements. Consequently, the analysis which follows is topical in nature. The broad topics which the document contains are singled out and analyzed individually. This is, perhaps, less desirable than a chapter-by-chapter analysis but the nature of this document precludes such an analysis.

Fortunately, there is no need to enter into any diplomatic or textual arguments concerning the Constitutio Romana. With only one small and insignificant exception, there is no reason to suspect the authenticity of any

part of the constitution.³ This exception is the oath at the end of the document and, since it will be discussed in some detail later, it suffices for now to say that it is perfectly genuine. From the diplomatic point of view it is enough to note that the Constitutio forms the model for the whole of the second half of the Ottomanum.⁴ It is interesting to observe that Louis' two pacts with the Roman Church served as the foundation upon which were built the more famous imperial privileges of later centuries.

Before the constitution itself can be analyzed as a coherent extension of policies begun in 816, and as a document that involves adjustments rooted in the course of events after 816, it is crucial to clarify two matters. First, the basic Roman institutions and their interrelationships must be described in order to gain a firm comprehension of the position of the papacy in early ninth century Rome. When these institutions are understood in their proper perspective, it will be easier to see why the measures Louis adopted in 816 were only partially adequate. Another way of saying this is that it is now necessary to analyze the consequences of the fact that,

³For its MSS tradition see Boretius' comments, MGH, Cap., I, no. 161, p. 322.

⁴MGH, Dip. Ott., I, no. 235, pp. 324-27, esp. pp. 326-27.

since 754 at least, the Franks admitted that the pope was lord--if I were writing German I would have said "Landesherr"--of the Papal States. Second, a series of particular historical events which led up to the constitution must be examined. Individually and collectively these events were decisive in instilling in the Franks a deeper awareness of the peculiarities of the Roman situation, and of the inadequacy of their earlier attempts to deal with it. Unhappily, this second preparatory study must suffer from a documentation which is appreciably less ample than we would like. But, several general trends can be discerned which, in the past, have not been sufficiently recognized as precursors to the Constitutio.

The student of Roman institutions is fortunate to have had his path cleared by some of the most able medievalists of this and of the last century. Therefore I have been content, in what follows, to summarize their findings, while emphasizing certain key points. In the main I have relied on Duchesne's book on the Papal States, a learned work grounded on the years of research he invested in his monumental edition of the Liber Pontificalis, and on Hartmann's history of early medieval Italy. The latter work is dated in places, but remains fundamental. Louis Halphen's study of Roman institutions contains much of value, as does Hirschfeld's study of

the Roman courts. Peter Partner's new book on the Papal States is a bit jejune but contains some fresh ideas. Here and there other scholars are vouched to warranty, but, for the greater part of what follows, the historians just noted have been my principal guides.

The Duchy of Rome, that old Roman and Byzantine conscription inside of which were situated most of the lands which we now lump together and call the Papal States, had undergone considerable internal reorganization after the Byzantine reconquest of Italy in the sixth century. The characteristically bureaucratic forms, which were ubiquitous in the Byzantine Empire, were to a great extent set aside in favor of military rule rooted in the land. Apart from high officials, such as the Exarch of Ravenna, the Duke of Rome, Urban Prefect and the civil judges, the whole area was organized under soldiers to whom landed estates had been granted. This system was not unlike the later feudal institutions in many respects. The greatest among these soldiers were entrusted with castles, a virtual ring of which had long since been built around Rome to protect it from barbarians. A small number of regular Byzantine high officials and a hierarchically structured military organization, then, were the basic characteristics of the constitutional and political structure of Italy on

the eve of Arichis' conquest of the exarchate in 751, at which time, of course, the whole system came crashing down.⁵

The papacy, probably since the fourth century but certainly since the time of Gregory I (590-604), had been building a bureaucracy of its own. This bureaucracy, however, should not be seen as a deliberate attempt to thwart the Byzantines or to set up a rival government. Rather, it was a well-conceived and tightly organized structure whose purpose was to facilitate the efficient administration of papal lands, charitable services in Rome ranging from the food supply to hospitals, and care of regular ecclesiastical services throughout Rome and its environs.

The papal bureaucracy consisted in part of twenty-five cardinal priests, all of whom were in the eighth century associated with a particular Roman church. They had charge of the revenues of these churches and conducted services in them. They formed a council around the pope, but it may be doubted whether their advisory functions were very important in great affairs. In addition to them there were seven deacons, each one of whom stood at the head of one of the ancient ecclesiastical regions of the city. Their chief, the archdeacon, was the head of the ecclesiastical personnel as a whole.

⁵Hartmann, Geschichte Italiens, II.1, passim.

Under these seven deacons were two further groups of seven deacons. One group had subordinate administrative duties in a region and the other group had duties around the pope. The deacons' principal charges were administration of papal lands and supervision of charitable services. The deacons all resided at the Lateran which was the real nerve center of the papal government.

The papal palace at the Lateran was presided over by an official called the vicedominus. Around him were other officials such as the superista, cubicularii, stratores, nomenclator and vestiarius. The duties of some of these officials are well known, while for others there is available only the scantiest information, if any at all.

The papal chancery was also located at the Lateran. Its employees were called notarii or scrinarii. Within the chancery there was a special group of officials, the seven regional notaries. The first two of these, the primicerius and secundicerius, were among the great officers of the Church, and their duties extended far beyond the confines of the chancery. The bibliothecarius, or papal archivist, began to separate from the chancery and head a distinct office in the ninth century.

Finally, the Lateran contained the financial offices. These were headed by the arcarius and

saccellarius. To the financial office were attached defensores, who had relationships with the tribunals, doubtless in cases touching the papal revenues. They may also have had the duty of executing sentences passed by the ecclesiastical courts. Again, there was a hierarchy, with the primicerius defensorum being among the great officers of the Church.⁶

The last element within the papal bureaucracy which requires special mention is the judicature. The regular exercise of legal jurisdiction in Rome was performed by the public officials and by the officers of the papacy. Naturally, the principal business that ought to have fallen to the papal courts touched on the ecclesiastical jurisdiction of the papacy. But, because the Church held that clerics could only be tried by clerics, there was a very considerable blurring of the lines of demarcation between the ecclesiastical and public jurisdictions. The problem was further compounded by the fact that so much of the business of the papal bureaucracy was essentially public in nature.

The highest papal judges were the seven palatine or ordinary judges. Usually they are called iudices ordinarii in the sources. It appears that their principal work consisted of sitting with other judges,

⁶For the above see Duchesne, L'état pontifical, pp. 98-102.

but they could preside over the tribunals. These judges were not confined to judicial responsibilities since they were also great officers of the central government of the papacy. The body of ordinary judges took shape from the fourth century to the ninth and consisted of the following officials: the primicerius and secundicerius of the notaries, the arcarius, the primicerius defensorum, the nomenclator, the saccellarius, and the protoscrinarius, who was the last to be added. It is not known whether these judges had competence solely or mainly in cases touching upon their fields of administrative specialization. Next to these judges was a body, of unknown number, called iudices dativi, who may originally have been appointed ad hoc but who later appear as regular magistrates. It seems that they could not render decisions by themselves and, in distinction to ordinary judges, they could be laymen. Finally, it should be noted that these were not the only judicial officers or, at any rate, they were not the only officials who could be employed as judges. In 772 Hadrian used his vestiarius as a judge.⁷

This complex and efficient system was in full operation at the time of the collapse of the Byzantine administration in Italy. It may well be assumed that

⁷Hirschfeld, "Gerichtswesen der Stadt Rom," pp. 444-45, 467-70; Halphen, L'administration de Rome, pp. 37, 42-51.

so long as the Byzantine government was capable of exerting steady and watchful influence, the papal government was confined to its proper sphere. Likewise, while the Greeks controlled papal elections, the central figure in this highly centralized system could not act too independently. In fact, the more tightly the pope was controlled, the more likely it was that his government was used by the Greeks to complement their own.

This all changed after 751. The papal bureaucracy was left intact while its counterpart virtually disappeared. Moreover, the landed nobility, which had been the keystone of the Byzantine reorganization of Italy, was left in a highly disorganized state over against the massive and efficient papal machinery. It may be noted, parenthetically, that the highest Byzantine civil magistrate in Rome, the urban prefect, remained in existence but he became a papal appointee and his role declined so much in significance that he is unmentioned in the sources for more than 200 years.⁸

The papacy could call on great reserves of prestige because of its leadership of the Church and, during several centuries, this prestige had been translated into various kinds of political power. Also, the

⁸Some doubt his continued existence, but the arguments of Halphen, *L'administration de Rome*, pp. 16-18 and Hirschfeld, "Gerichtswesen," p. 473, in favor of it are persuasive.

fact that the papacy was responsible for feeding much of the population of the city and because Peter's successors ministered to many of the human needs of the Roman populace, a large and natural following was available to the pope. Added to this was the power that accrued to the papacy from its proprietary rights over a significant portion of the lands of central Italy. It is obvious the papacy was an institution of no little power and influence. We have seen that the Franks first interacted seriously with popes who were generally recognized as Landesherrn of the old Duchy of Rome. This is important, but it is even more important to realize that the papacy was, after 751, the institutional center of this area as well. Administrative and judicial business passed almost entirely into the hands of the papacy and its bureaucracy.

The status of the military nobility is closely related to the new ordering of Roman affairs. These noblemen held estates, often of very great size, and sometimes castles, around Rome. They formed the leadership and much of the ranks of the Roman militia. They thus possessed considerable military and economic power, and their importance to the Byzantine government had given them great political power.⁹ In addition, they

⁹Some good words on this subject may be found in Heldmann, Kaisertum Karls, pp. 131ff.

had a voice, and probably a very important one, in papal elections until the election decree of 769.

This decree, coming as it did after the collapse of the Byzantine government in Italy, was a cause of considerable consternation to the nobility. It forbade any participation in papal elections by laymen. The decree also gave clear expression to the position which the papacy was claiming for itself in Rome. It required all citizens to regard the pope as their common master.¹⁰ It was grievous enough to the nobility that it had lost much of its standing in the constitutional structure of Rome, but in 769 it was threatened with a complete loss of political power. At very least, the nobles were deprived of any voice in the choosing of their immediate overlord.

As if this were not serious enough, the papacy initiated a new land policy at least as early as the pontificate of Zachary (741-752). Estates of up to twenty miles in breadth, called domuscultae, were set up in the countryside around Rome and exploited directly by the papacy itself. The inhabitants of these estates, peasants mostly, were papal employees and they could be armed, whereas the ecclesiastical bureaucrats could not

¹⁰MGH, Conc., II.1, no. 14, p. 86: "optimates militiae vel cunctus exercitus . . . ad salutandum eum sicut omnium dominum properare debent."

be. This system certainly provided the papacy with a counterbalance to the military power of the nobility in the countryside.¹¹

Seen from the point of view of the nobility, however, the domuscultae raised more serious concerns. Influential laymen had long held in their hands, usually by means of an emphyteusis contract, large tracts of papal lands. With the passage of time much of this land had been lost to the papacy. Byzantine and Lombard confiscations had also caused a good deal of papal land to pass into the hands of the nobility. Naturally enough, the nobles did not want to lose this land and, at the same time, they must have looked with suspicion towards a future which held out the prospect of no more papal lands for them. For this was precisely the thrust of papal policy. The papacy could only hope for the restoration of a limited number of its confiscated estates, and experience had taught the popes that supervision of lands which were in the hands of others was both troublesome and unprofitable. Therefore, the papacy decided to get directly into the business of exploiting its own lands. To this must be added the fact that many of the domuscultae were, apparently, new colonizations. The nobility can hardly have been happy with this

¹¹On the domuscultae see Partner, Lands of St. Peter, pp. 45-46; Duchesne, L'état pontifical, pp. 105-06; Hartmann, Geschichte Italiens, II.2, p. 297.

reduction in the pool of available land. Land was wealth in early ninth century Italy, as elsewhere, and it is not surprising that the new papal land policies became a source of much contention.¹²

In studying Roman affairs, then, one does well to heed the words of Heldmann who wrote that it is a grave error to see the papacy, the Byzantines and the Franks as the only actors in the drama.¹³ Indeed, the Roman scene itself was very complicated.

Let us note just a few more factors which contributed to that complication. The Romans themselves had a number of very legitimate and historically important concerns. Likewise, it would be wrong to view internal Roman affairs as a constant battle between two implacable adversaries, the clerical bureaucracy and the military nobility. Most of the popes of this period came from the nobility¹⁴ and cannot, therefore, have been completely out of tune with its wants and needs. Likewise, the

¹²The papal transition to "Grundherrschaft" in its lands is the subject of a lucid article by Hartmann, "Grundherrschaft und Bureaukratie im Kirchenstaat vom 8 bis zum 10 Jahrhundert," Vierteljahrschrift für Social- und Wirtschaftsgeschichte, VII, (1909), pp. 142-58.

¹³Kaisertum Karls, p. 366.

¹⁴This can be concluded from the first paragraph of nearly every papal vita in the Liber Pontificalis from the time of Stephen II (752-757). Leo III was a notable exception.

papal bureaucracy had a constant and crying need for an ample supply of able men. There existed two schools for the recruitment of Roman clergy, that is, potential bureaucrats. Children of nonnobles entered the schola cantorum and sons of nobles entered among the cubicularii.¹⁵ So many nobles entered the clergy that, according to Duchesne, it is only until mid-way in the pontificate of Hadrian I (772-795) that it is possible to speak of a confrontation of the clerical and military orders.¹⁶ After that time it is more proper to speak of factional strife within the bureaucracy itself.¹⁷ In my opinion, this factional strife does explain most litigious circumstances that arose, but the nobility, it seems to me, would have objected en bloc to the land policy of the papacy after Zachary, because this struck at the very source of their wealth and position.

I already noted that during the years from 800 to 816 the Franks had not intervened in any decisive way in the internal life of Rome. This is no less true for the years before 800, the years during which the forms

¹⁵Duchesne, L'état pontifical, pp. 103-04.

¹⁶Ibid., pp. 110ff.

¹⁷Partner, Lands of St. Peter, pp. 25-26; cf. Haller, Papsttum, I, p. 442 and Classen, "Karl der Grosse, Papsttum und Byzanz," p. 544.

just described took shape. Charles went to Rome several times and dealt there with various problems. However, he did not integrate Rome into the Italian kingdom. It is safest to say that Charles' interventions before 800 were not undertaken in respect of any legal rights which he possessed, but because he was the ally of the pope.¹⁸ He did not, we should note, erect Frankish institutions in Rome, and he did nothing to alter the institutions of the city.¹⁹

Did Charles have any rights in Rome? There are at least two ways of looking at this. Schramm has argued that, from at least 772, the papacy had begun to confer upon Charles the prerogative rights of the Byzantine

¹⁸Hartmann, Geschichte Italiens, II.2, p. 342.

¹⁹The Libellus de imperia potestate in urbe Roma, MGH, SS, III, p. 720, an Italian work written in the last decade of the ninth century according to Congar, Ecclésiologie, p. 70 n. 50, contains a number of anachronistic errors, one of which says that Charles placed the first permanent missus in Rome. The Libellus is often quite accurate, however, as when it says, p. 721, "Si enim aliquis iram incurrebat imperatoris . . . et licitum esset caesari venire Romam, veniebat; sin autem, mittebatur dux Spoletinus." This must refer to the years after 800 since caesari is used. The reference to a duke must be to Winigis. This means that the reference could even be to the reign of Louis. Still, this appears to be an accurate reflection of Charles' activities before 800 as well. Gregorovius, Geschichte der Stadt Rom, III, pp. 10-11, made the mistake of assuming that Charles did keep officials in Rome, though he correctly assesses the role of Winigis. Duchesne, L'état pontifical, p. 164 is more accurate. He says that Charles claimed some right of inspection. This is not entirely accurate, however, because Charles did not have this as a right until after 800.

emperors. These would have included such things as dating by his years, coining in his effigy, depicting him in Roman churches, and the like. According to this view Charles was, by about 796, "quasi-emperor" and therefore his coronation in 800 should be viewed as a "recognition" ("Anerkennung") of his imperial dignity.²⁰ It almost seems superfluous to point out that a quasi-emperor is no emperor at all and has no imperial rights. However, Schramm's thesis has been confronted from another direction by Josef Deer who has proved that the actions of Hadrian and Leo III were taken solely to the advantage of the papacy. They did not give away, and had no intention of giving away, any rights in Rome.²¹

Even if Charles had no imperial rights there are those who argue that he had specific rights because he held the title Patricius Romanorum.²² This is simply not true. Ganshof has shown that it was the only title by which Charles could exercise any authority in

²⁰"Die Anerkennung Karls des Grossen als Kaiser," in his Kaiser, Könige und Päpste, I, pp. 215-63.

²¹"Die Vorrechte des Kaisers in Rom, 772-800," Schweizer Beiträge zur allgemeinen Geschichte, XV, (1957), pp. 5-63, esp. 61-62.

²²For example, Haller, Papsttum, II, p. 24, who says that this made Charles lord in Rome.

Rome²³ but that it certainly did not give him any decisive judicial or administrative rights there.²⁴

The pope could only confer this title in the name of the emperor²⁵ and even if Hadrian had it in mind to create an office like the exarch,²⁶ it must be pointed out that Charles did not take up the rights of the exarch.

Finally, it should be observed that Patricius was only an honorary title in Byzantium and not an office or magistracy.²⁷ Its bearer had no rights simply because he was a patrician.

²³"Notes sur les origines byzantines du titre 'Patricius Romanorum,'" Mélanges Henri Gregoire, Annuaire de l'institut de philologie et d'histoire orientales et slaves, X, (1950), p. 263.

²⁴Cf. Waitz, Deutsche Verfassungsgeschichte, III, p. 85; Brunner, Deutsche Rechtsgeschichte, II, p. 113 n. 1; Heldmann, Kaisertum Karls, p. 345; Sickel, "Kirchenstaat und Karolinger," p. 405.

²⁵Hartmann, Geschichte Italiens, II.2, p. 187. Although the Constitutum Constantini, c. 15, ed. Führmann, p. 89, claimed this right for the papacy it is difficult to attribute much significance to this because the forgery itself cannot be taken as a statement of fact, and because it cannot be said for sure when the forgery was produced.

²⁶Brunner, Deutsche Rechtsgeschichte, II, p. 119.

²⁷Hartmann, Geschichte Italiens, II.2, p. 188. Ganshof, "Patricius Romanorum," p. 265, makes a point that has been overlooked by most scholars. In the Byzantine Empire public offices were conferred by a decree ἀξίαι δία λόγου whereas the patriciate was conferred by a letter ἀξίαι δία βραβείων which was not unlike the letters patent that English kings used to confer honors.

The Frankish king became emperor in 800 and this most certainly conferred upon him rights in Rome. Not until 816, however, did the Franks begin to spell out their rights. As we have already seen, Louis, in issuing the Ludovicianum, took some measures which were designed to mitigate the volatile situation in Rome. He expanded the franchise in papal elections which, at least, gave the nobility some way in choosing its master. He also agreed to receive some kinds of fugitives and to examine the reasons for their flight. Certainly this gave him a means of exercising some influence in Roman politics. But, as we shall see, these measures were inadequate. They did not come to grips with the fact that the papacy and some dominant faction had a virtual stranglehold on the institutional structure at Rome. Little by little Louis realized the kinds of oppression that resulted from this and so, in 824, he took steps to regulate the situation.

However, the Franks had been reluctant to intervene in internal Roman affairs during their previous dealings with the Romans and this prevented them from learning very much about the situation in Rome. They had dealt, at least prior to 816, with specific problems on an ad hoc basis and it is difficult to discern anything very consistent or deliberate in their actions. Consequently Louis' first attempt to define his rights

proved lacking. Actually, it may be more accurate to say that in 816 Louis defined his own rights in Rome rather clearly but failed to give sufficient precision to the rights of the Romans. While this is more accurate, it is still not a complete answer, because in 824 Louis spelled out his own rights even more clearly than he had before. A series of events gave Louis a deeper understanding of the Roman situation than he had possessed in 816-17, and his response was the Constitutio Romana. We must now turn to those events.

There are five crucial events which led to the issuance of the Constitutio Romana. These must be studied in order to place the document into its proper perspective. In each of the five events which will now be described we can see the Franks, and Louis in particular, gaining precise insights into the nature of Roman affairs. As we shall see, when the Constitutio Romana is judged against the background formed by these events, it takes on the character of a response to them.

The first case was alluded to in the previous chapter where the litigation between Paschal and the monastery of St. Maria of Farfa in 823 in which Lothar passed judgment against Paschal was described. My concern then was to show that the Franks did, indeed, act upon the provisions of the Ludovicianum. In the context of the present chapter, it should be said that it must

have taught Louis something about the territorial aspirations of the papacy. The facts of the case have been presented already and so it is only necessary at this time to summarize them and to indicate what Louis learned. Paschal raised a claim that rents from some of Farfa's estates belonged, in fact, to the papacy. Lothar finally presided over the case and discovered Paschal's claim to be so false that he immediately rendered judgment in favor of Farfa. Never before had Louis seen the papacy raise such a claim, and the very fact that Paschal raised it must have shown Louis that papal territorial ambitions were not only not dead, but also not sufficiently checked in 816.

The second problem concerns the travails of Pope Leo III in 815. Of course, Leo's pontificate had been disturbed in a more famous uprising against him in 799.²⁸ Leo was attacked by a mob in Rome and almost murdered. This event, which was so important as a prelude to the coronation of Charles, is of concern to us at this time only in so far as it shows that violence in Rome was not uncommon before Louis' reign. In 815, probably in the spring,²⁹ Leo discovered that certain noblemen were

²⁸For the basic details it suffices to refer to Ann. Reg. Franc., SSrG, s.a. 799, p. 107.

²⁹The chronology is difficult to establish. Astron., Vita Hlud., 25, MGH, SS, II, p. 619 says "hoc anno cursum vertente, perlatum est imperatori . . ."

conspiring against him.³⁰ We do not know how he discovered the conspiracy but his response is known. He rounded up the leaders and had them executed in a field near the Lateran.³¹ News of all this reached Louis, who was then in Saxony, and he dispatched his nephew, King Bernard of Italy, to investigate. Bernard was asked to report back to Louis through a Count Gerold.³² Bernard and Gerold went to Rome and looked into the matter but, unfortunately, the sources fail us at this point. They say only that Bernard fell ill in Rome, and that he did

which, perhaps, suggests early in the year. But, Ann. Reg. Franc., SSrG, s.a. 815, p. 142, says that Louis heard about the conspiracy at about the time of the assembly at Paderborn. BM, no. 587b, dates this assembly July 1, 815. Allowing a few weeks for news to travel from Rome places this conspiracy in May or, possibly, late April.

³⁰The sources lay considerable emphasis on the fact that nobles were involved. Ann. Reg. Franc., SSrG, s.a. 815, p. 142: "quosdam de primoribus Romanorum"; Ann. Fuld., SSrG, s.a. 815, p. 20: "quidam primores"; Astron., Vita Hlud., 25, MGH, SS, II, p. 619: "Romanorum aliqui potentes"; Ann. Sithienses, MGH, SS, XIII, p. 37: "Quidam primores." Examples could be multiplied.

³¹Ann. Reg. Franc., SSrG, s.a. 815, p. 142. Benedict, Chronicon, 24, MGH, SS, III, p. 711, adds the detail "in campo Lateranensis." This same source says 300 were killed. BM, no. 587a and Simson, JB Ludwig, I, p. 61 n. 5, think this excessive.

³²The fullest accounts are Ann. Reg. Franc., SSrG, s.a. 815, p. 142 and Astron., Vita Hlud., 25, MGH, SS, II, p. 619. BM, no. 589a says that Gerold was count of the east march, so, an important person.

report back to Louis through Gerold.³³ Probably all he discovered was that there had been, in fact, a conspiracy and that the leaders had been put to death.

Did Leo exceed his rights? There is a very interesting passage in the Astronomer's account of this affair. He says that Leo captured the conspirators and sentenced them to death "by the law of the Romans."³⁴ We do know that Count Gerold was hotly pursued back to Louis by three papal legates, Bishop John of Silva-Candida, the Nomenclator Theodore and Duke Sergius, in order that these men "might make satisfaction to the emperor concerning all that had befallen their lord."³⁵ The sources do not tell us what Louis told this legation or, indeed, if he told it anything.

It is very likely that Louis learned something from all of this. First, he would have learned that a capital sentence in Roman law had been rendered at Rome. This, in one sense, need not have surprised him, for Roman law was the only law in force at Rome. But, what

³³Ann. Reg. Franc., SSrG, s.a. 815, p. 142: "Is cum Romam venisset, aegritudine decubuit, res tamen, quas compererat, per Geroldum comitem . . . imperatori mandavit."

³⁴Vita Hlud., 25, MGH, SS, II, p. 619.

³⁵Ann. Reg. Franc., SSrG, s.a. 815, pp. 142-43. One should not be misled by the presence of "Dux Sergius" in this legation. Dukes were papally appointed officials who were responsible for getting persons to appear before the tribunals and who sometimes presided over the courts. Cf. Halphen, L'administration de Rome, pp. 34-35.

manner of crime had been committed? If we take note of the position of the pope in Rome as described earlier and if we note that the papal legation spoke to Louis of the conspiracy against their "lord," then it seems likely that the crime was lésè-majesté. Now, this is a crime against a sovereign and Louis had not been attacked, at least not directly. Louis learned for the first time of the dangers implicit in the very unclear situation at Rome. The papacy had never, so far as is known, denied Carolingian sovereignty over Rome after 800. But, the Carolingians had never attempted to define the precise nature of their sovereignty. Since the position of the papacy in Rome was virtually that of a sovereign and since Leo's actions in 815 were very much those of a sovereign, something had to be done by way of definition. In other words, Louis discovered that he had to make it clear that he was sovereign in Rome. As we have already seen, Louis took some steps in just that direction in 816. We shall also see that in 824 he was compelled to go further.

Meanwhile, the unhappy Leo was not yet rid of his troubles. Later in the year, the precise date cannot be determined, Leo fell ill and the Romans seized upon this opportunity to ravage certain newly established papal estates in Campania. These estates were the

domuscultae which were described above.³⁶ Bernard got wind of this sedition and took two steps. He sent Winigis of Spoleto to stop the plundering and he sent news to Louis.³⁷ Apparently, Louis took no immediate action, at least we do not hear of any. In June of the following year Leo died and Stephen IV was elected in his place.³⁸ We have already seen that Stephen set out from Rome to meet Louis almost immediately after his election. In all probability, the flames of sedition were still very much alive at Rome.

Several things about Stephen's journey to Reims have already been noted.³⁹ First, he was a nobleman. Second, he sought release of those persons held in Francia for their part in the attacks on Leo. Third, he sought to satisfy the emperor about his election. Finally, he wished to discuss a number of things which

³⁶Ann. Reg. Franc., SSrG, s.a. 815, p. 143: "Romani cum Leonem papam aegritudine decubuisse viderent, collecta manu omnia praedia, quae idem pontifex in singularum civitatum territoriis noviter construxit, primo diripiunt, deinde inmisso igne cremant"; Astron., Vita Hlud., 25, MGH, SS, II, p. 620 adds, "domocultas appellat." For some reason Haller, Papsttum, II, p. 25, calls this a peasant's revolt.

³⁷Ann. Reg. Franc., SSrG, s.a. 815, p. 143.

³⁸BM, no. 616a.

³⁹Supra, pp. 53ff.

were of some importance to the Church. His meeting with Louis resulted in the coronation and in the Ludovicianum.

Stephen must have told Louis that he himself represented and had been elected by those interests which had so long and so violently opposed Leo III. This may have been one of the things in his election about which he wanted to satisfy Louis. The emperor, naively as it turned out, seems to have believed that the noble party had returned to the fore in Rome and so he did not cut incisively into the institutional or political structure of the city in 816. The smooth and orderly election of Paschal in 817 must have confirmed Louis' impressions. Leo III must have looked, or he may have been made to look, like an intruder in an otherwise orderly succession of noble popes. Consequently, Louis satisfied himself with a firm assertion of imperial rights in 816 and 817. At the same time, Louis defined the possessions of the papacy. This was, no doubt, an attempt to put an end to papal requests that the Carolingians should restore various papal lands. However, given the recent attacks on the domusculatae, the measure was most certainly directed equally against the Romans. Finally, Louis set himself up as final arbiter of such difficulties as might arise in Rome.

If we look only at what Louis had learned about Roman affairs down to 816/17, then his response, embodied

in the Ludovicianum, appears to be a major step forward. A very considerable degree of clarity had been given to papal-imperial relations and to imperial rights in Rome, and it must have seemed as though the most pressing political issues at Rome had been resolved. However, Louis had seen only some symptoms of the diseases which were then afflicting the Roman body politic. The years ahead showed him several more.

The third event which must be seen as a prelude to the Constitutio Romana was the sending of Lothar to Italy in 822. Since the death of King Bernard in 818 Italian affairs had been ruled by means of missi. Roman affairs, we may assume, were being governed by the provisions of the Ludovicianum. As the third decade of the ninth century began, it may have appeared to Louis that Italian affairs required attention. In September of 822, Louis sent Lothar to Italy along with Wala and a palace official, Gerung.⁴⁰

This fact hangs together with several others from the years 821 and 822. In 821 Louis resolved on a general reconciliation with all of those who had suffered anything at his hands since 814, and particularly with those who had been implicated in the revolt of

⁴⁰Ann. Reg. Franc., SSrG, s.a. 822, p. 159. For the date see BM, no. 762a.

Bernard of Italy.⁴¹ It is particularly important to note that Adalhard returned from exile and that Wala returned to court.⁴² These two men had a greater knowledge of Italian affairs than any other Frank. Wala had been sent to Italy in 812 as adviser to the young and inexperienced Bernard and Adalhard had also served there in an advisory capacity. More importantly, however, Adalhard had spent some time in Rome and was an intimate of Leo III.⁴³ It cannot be mere coincidence that shortly before he sent Lothar to Italy Louis recalled the two men who knew the most about the peninsula.

Adalhard apparently wanted no part of the busy public life he had led under Charles, and he spent the years until his death in 826 on monastic concerns at Corbie, where he was abbot. When Adalhard did return to the palace in 821, he was, it seems, interrogated on his feelings towards Louis and he answered that all

⁴¹For sources see BM, no. 740d.

⁴²It cannot be said for certain that Wala was banished, though he was certainly out of favor. Cf. Weinrich, Wala, p. 32. Hartmann, Geschichte Italiens, III.1, p. 108, believes that Adalhard was responsible for Wala's return. This is likely.

⁴³Pasc. Rad., Vita Adalhardi, 16, 17, PL, CXX, 1571A-D; Trans. S. Viti, 5, MGH, SS, II, p. 578. Cf. I Placiti, ed. Manaresè, nos. 21, 26, 28.

was well.⁴⁴ Nevertheless, he retired to his monastery. Now, Wala's biographer says that Wala became "quasi fidissimus" and it is not impossible that Adalhard had a hand in getting him restored to favor.⁴⁵ In any case, in 824 Wala was sent to Italy as adviser to the young, inexperienced Lothar.⁴⁶ This is precisely the role he had played earlier with Bernard, and since only eight or nine months separated Adalhard's and Wala's restoration from Louis' decision to send Lothar to Italy, there may well be a connection.⁴⁷ It might be wrong to assume that Louis recalled Adalhard and Wala solely to gain advice on Italy. But it is very likely that he did and that they advised him of the necessity of introducing a direct Frankish ruling presence in Italy. Furthermore, it is almost a certainty that Adalhard suggested to Louis that Wala should accompany Lothar.

⁴⁴Pasc. Rad., Vita Adalhardi, 48, PL, CXX, 1534A.

⁴⁵Pasc. Rad., Vita Walae, I.26, PL, CXX, 1601D. The author was so hostile to Louis that his use of "quasi fidissimus" may be sarcastic. Wala was, to all appearances, quite important. Agobard sought his intercession with Louis: Agobard, ep. no. 4, MGH, Epp., V, p. 164.

⁴⁶Pasc. Rad., Vita Walae, I.25, PL, CXX, 1600, says Wala was "pedagogus . . . augusti caesaris." Cf. Ann. Reg. Franc., SSrG, s.a. 822, p. 159: "Walahum . . . et Gerungum . . . , quorum consilio in re familiari et in negotiis ad regni comoda pertinentibus uteretur."

⁴⁷Von Schubert, Kirche im Frühmittelalter, p. 396, assumes this connection.

Lothar left for Italy in September of 822 and he returned to Francia by mid-June of 823.⁴⁸ While in Italy, he issued some legislation and handled, it seems, a good deal of litigation.⁴⁹ Of course, he also ruled in the dispute between Paschal and Farfa, and he was crowned emperor. His commission in Italy cannot have been a very broad one judging from his actions there.⁵⁰ The Astronomer tells us that Lothar was planning to return to his father to inform him about the things he had accomplished and the things he had left undone when he was invited to Rome.⁵¹ Perhaps Lothar had only been sent to Italy to take account of the situation there. Wala, however, remained in Italy⁵² and, when he finally returned in 824, the abbot of St. Denis, Hilduin, one of

⁴⁸BM, nos. 762a, 773a.

⁴⁹The best accounts of Lothar's activities in Italy during these months are Eiten, Unterkönigtum, pp. 73-79 and Weinrich, Wala, pp. 47-48. Some interesting anecdotes are preserved in Pasc. Rad., Vita Walae, I.26, PL, CXX, 1601B-1602B.

⁵⁰Mohr, Karol. Reichsidee, p. 85, believes that Lothar did not really become consort until 825.

⁵¹Vita Hlud., 35, MGH, SS, II, p. 627: "et quibusdam perfectis, quibusdam adhuc infectis, de singulis respondere et ad patrem de reditu cogitaret."

⁵²Pasc. Rad., Vita Walae, I.28, PL, CXX, 1640D, indicates clearly that Wala did not return until after the election of Eugenius II in 824.

Louis' most trusted advisers, was sent south.⁵³ By that time, though, Lothar had himself been sent back to Italy.

The years from 821 to 823 seem to have taught Louis not only that an imperial presence was required in Italy, but also that the presence of one or more of his trusted advisers was needed as well. This was not called for in the Ludovicianum, but it was spelled out in great detail in the Constitutio Romana. Why, if Lothar himself had been given only a limited mandate in 822, did the change take place? We have seen that Lothar returned to his father without having solved all of the problems which existed in Italy. The gravity of that unfinished business was brought home to Louis by certain events which occurred shortly after Lothar had departed from Italy.

Sometime between June 28 and July 27, 823⁵⁴ Louis received news that Theodore and Leo, respectively the primicerius and nomenclator of the Roman Church, had

⁵³Ex Adrevaldi Flor. Mir. S. Benedicti, 28, MGH, SS, XV.1, p. 492, states that Louis sent Hilduin to Rome. Odilo, Trans. S. Sebastiani, 2, MGH, SS, XV.1, p. 380, adds some details. Its editor, Holder-Egger, does not believe that Hilduin could have been in Italy because diplomas were issued to him in 824 and 825 at Compiègne, Aachen and an undetermined place. Cf. BM, nos. 789, 791, 796. Weinrich, Wala, p. 50 nn. 49-51 removes these difficulties (with further literature).

⁵⁴BM, no. 778a.

been blinded, and then beheaded, in Rome.⁵⁵ Apparently at least two other persons had suffered a like fate.⁵⁶ This sorry affair was the fourth prelude to the Constitutio. These men were destroyed for loyalty which they had shown to Lothar and some in Rome felt that the murders were committed with the knowledge and perhaps on the order of Paschal.⁵⁷ Louis immediately decided to send missi to Rome to investigate the affair and he chose Adalung of St. Vaast and Count Hunfrid of Chur. Before they had even set out, however, papal envoys, Bishop John of Silva-Candida and the archdeacon Benedict, appeared before Louis and asked him to lend no credence to the report that Paschal had been involved in the murders. Louis quickly sent them away "with an appropriate response" ("cum congruo responso remissis," "iuxta

⁵⁵ Ann. Reg. Franc., SSrG, s.a. 823, p. 161.

⁵⁶ Considerations were made on behalf of the widows and orphans of a Floronis and a Sergius in the Constitutio. Theodore is also mentioned, but not Leo, suggesting that he was not married. Cf. Appendix, D, c. 1.

⁵⁷ Ann. Reg. Franc., SSrG, s.a. 823, p. 161: "et hoc eis ob hoc contigisse, quod se in omnibus fideliter erga partes Hlotharii iuvenis imperatoris agerunt; erant et, qui dicerent, vel iussu vel consilio Paschalis pontificis rem fuisse perpetrata." Astron., Vita Hlud., 37, MGH, SS, II, p. 627, suggests that Paschal consented to the murders. Thegan, Vita Hlud., 30, MGH, SS, II, p. 597, speaks of "quandam insolentiam quam Romanus populus super Romanum pontificem Paschalem dixit" and continues "imputantes ei . . . "

quod ratio postulabit") and directed his own missi to proceed to Rome and discover the truth of the matter.⁵⁸

Upon reaching Rome, Louis' missi were unable to pursue their investigation because Paschal and a number of other Roman clerics had purged themselves by oath of any wrongdoing.⁵⁹ Again Paschal dispatched envoys, this time four: John of Silva-Candida, Sergius the Bibliothecarius, Quirinus a subdeacon, and Leo the Magister Militum. They bore an insolent response. Paschal said that he had had nothing to do with the murders but that he had no intention of delivering up the murderers because they belonged to the "familia S. Petri," that is, the clergy of the Roman Church. Moreover, Paschal said, they had gotten what they deserved. Finally, the envoys, speaking of course for Paschal, said that the dead had been guilty of a breach of majesty and had been condemned by law.⁶⁰

⁵⁸Astron., Vita Hlud., 37, MGH, SS, II, pp. 627-28. His words "investigatueros de dubliis veritatem" suggest that Louis was not entirely satisfied with the information proffered by the papal legates. Cf. Ann. Reg. Franc., SSrG, s.a. 823, pp. 161-62.

⁵⁹Astron., Vita Hlud., 37, MGH, SS, II, p. 628; Ann. Reg. Franc., SSrG, s.a. 823, p. 162; Thegan, Vita Hlud., 30, MGH, SS, II, p. 597, says 34 bishops and 5 priests and deacons.

⁶⁰Ann. Reg. Franc., SSrG, s.a. 823, p. 162: "et interfectores praedictorum hominum, quia de familia sancti Petri erant, summopere defendens mortuos velut maiestatis reos condemnabat, iure caesos pronuntiavit." Astron., Vita Hlud., 37, MGH, SS, II, p. 628, brings

The sources make it quite clear that because of the oath sworn by Paschal and his clergy there was little that Louis felt he could do. At the same time Louis was displeased by the affair and desirous of taking some action. He did see, though, that his present course of action was likely to lead to no good result. It may be argued by some that Louis' characteristic weakness before the Church caused him to be satisfied with Paschal's response. As we shall see, however, he was not satisfied. Again he sent away the papal envoys with a suitable response, but this time he seems to have been determined to do something.

This is not the manner in which this series of events is normally interpreted. Hauck and Haller are quite representative of the positions usually taken. According to the former, Louis was completely satisfied with Paschal's explanation, while "others," who remain unnamed, were not.⁶¹ The latter concludes that we have in this affair yet another example of Louis' acting "weak and short sighted as ever."⁶² Only Thomas has

out Paschal's insolence more clearly: "Interfectores autem nequaquam exhibere potuerit; sed et eos qui interfecti sunt, meritis exigentibus talia perpressos asseruerat."

⁶¹Kirchengeschichte, II, p. 494.

⁶²Papsttum, II, p. 27.

suggested that the murders indicated to Louis the need for a new course of action.⁶³

The sources support Thomas' position. In fact, they indicate clearly that Louis resolved to take affirmative action. Let us examine at the key passages on which one can base this interpretation. If this view is correct, then we are dealing with a very important prelude to the Constitutio Romana, which was issued before another year had run its course.

The first significant account is presented by the Astronomer:

The emperor, therefore, most merciful by nature, feeling himself powerless to pursue further the cause of the dead, though very much wishing to do so, decided to desist from this sort of investigation, and he dismissed the Roman envoys after giving them a suitable response.⁶⁴

The other key source is the Annales Regni Francorum:

Louis, when he had been informed of the pope's oath and exculpation by his own legates and those of the pope, decided that there was nothing further to be done in this affair and he sent the aforementioned Bishop John and his colleagues back to the pope, having given them an appropriate response.⁶⁵

These passages are certainly not evidence of any weakness on Louis' part. They show that he was anxious

⁶³"Pactum Ludov.," p. 168.

⁶⁴Vita Hlud., 37, MGH, SS, II, p. 628.

⁶⁵Ann. Reg. Franc., SSrG, s.a. 823, p. 162.

to take further action but was hindered in his ability to do so. Let us remind ourselves that Louis sent his own missi to make inquiries and that he did not merely accept the papal version of the story.⁶⁶ Indeed, Louis seems to have been at least mildly skeptical throughout this sorry business. This affair was almost enough to make Louis take vigorous action in Rome and, in any case, the sources demonstrate the firming of Louis' resolve.

When viewed from another angle, however, the sources for this event show us that Louis gained additional insights into Roman politics. What about the oath that Paschal swore? It bears an obvious relationship to the one sworn by Leo III in 800. Each time a pope stood accused of high crimes, and each time a public purgation was performed. Did this have any legal significance? It is hard to say. Purgatio canonica, an oath of defense against evidence in a judicial proceeding, may be the procedure with which we are here concerned. This raises some problems, however. It was never admitted by anyone that Leo was tried in 800, and there is no evidence of a trial in 823. In 823 there is no evidence of any kind of judicial proceeding. The missi sent by Louis cannot be construed as a court because they found, upon reaching Rome, that they could not pursue their investigation

⁶⁶Ann. Lobienses, MGH, SS, XIII, p. 232, says that the oaths were performed in the presence of Louis' missi but this does not imply a judicial proceeding.

because of the oaths. If there was no investigation, there was certainly no trial. Then, too, scholars are not of one mind on when purgatio was introduced into canon law. Wallach feels that it was introduced at the time of Burchard's treatise in the eleventh century,⁶⁷ while Adelson and Baker believe that it was introduced for the first time in 823 but that it did not then take on its later legal significance.⁶⁸ About all that can safely be said is that another very unclear situation existed. At stake, obviously, was whether or not a pope could act with virtual impunity by covering his acts with a cloak that was of very dubious legal validity.

The murders raised another very similar problem. Paschal argued that he did not have to turn over the murderers because they belonged to the familia of St. Peter. What he did, quite simply, was plead benefit of clergy. This tactic was always a great vexation to medieval rulers and it was not brought to any satisfactory resolution until centuries after Louis had gone

⁶⁷Luitpold Wallach, "The Genuine and Forged Oaths of Pope Leo III," Traditio, XI, (1955), pp. 37-63, esp. pp. 51ff; cf. idem, "The Roman Synod of 800 and the Alleged Trial of Leo III," Harvard Theological Review, XLIX, (1956), pp. 123-42.

⁶⁸H. Adelson and R. Baker, "The Oath of Purgation of Pope Leo III in 800," Traditio, VIII, (1952), pp. 35-80, esp. pp. 51ff.

to his grave. It is a bit perverse to blame Louis for not solving this dilemma when greater men than he had no better luck with it.

Amidst the affair of the murders two further points must have come to Louis' attention. Both of them deal with internal affairs at Rome. First, Paschal's envoys argued that the dead men had been condemned by law ("iure") and they mention a breach of majesty ("maiestatis reos"). As we have seen, the same thing had happened in 815. For the second time, the fact of the pope's preeminence in Rome had been brought home to Louis. The legal system in force in Rome, and Louis' sovereign rights there, had been twice called into question. The Ludovicianum had left the pope as something of an immunist in Rome, and we may well suspect that Louis and Paschal had very different interpretations of what that immunity implied. In the following year (824) Louis detailed it according to his own view.

Fifth, and finally, Louis must have realized that Rome was not polarized between the clerical bureaucracy and the nobility. Let us recall one of the first facts which was established in the case of the murders. The dead men had lost their lives for loyalty to Lothar. Let us further remember that Theodore and Leo were two of the highest officers of the Roman Church, noblemen, perhaps, but part of the clerical bureaucracy just the

same. An interesting bit of detail is provided by the little treatist on imperial power in Rome. It says that all the "greater" men of the city, both bishops and laymen alike,⁶⁹ became adherents of the emperor at about this time. Gregorvuis argued that on Lothar's first appearance in the city there had been a split into papal and imperial factions.⁷⁰ As we shall see in a moment, the cleavage was not quite so neat. What it is important to note is that Louis learned, probably for the first time, that the strife in Rome was factional and that it cut across what he had regarded as traditionally lay and clerical lines. Louis did not learn this in 815 because at that time the dispute concerned papal land policy, and in a contest of that type, the lay and clerical lines would have manifested themselves very clearly.

Now, if the fact of factional strife had not emerged clearly enough in the murders of two high officials of the Church, then Louis did not have to wait long for further clarification. The strife, of which the murders must have been a part, continued into the next year. When Paschal's legates returned

⁶⁹Lib. de imp. pot., MGH, SS, III, p. 720: "Propterea inventum est, ut omnes maiores Romae essent imperiales homines, tam episcopi quam laici . . ." This must refer to 823-24 since the next line refers to the oath sworn in 824.

⁷⁰Geschichte der Stadt Rom, III, p. 45.

to Rome they found him ill, in fact, on the point of death. A few days later he did die and there ensued a double election. Finally, Eugenius, a nobleman and titular of St. Sabina, was raised to the papal dignity.⁷¹ The sorry state of Roman affairs can be seen in the fact that, on the one hand, we have a report that the Romans refused to let Paschal be buried in St. Peter's,⁷² while, on the other, the Liber Pontificalis states tendentiously that Eugenius was elected unanimously.⁷³ Another source relates that Wala played a great role in getting Eugenius elected⁷⁴ and many scholars consider this to be a reliable story.⁷⁵ Wala

⁷¹Ann. Reg. Franc., SSrG, s.a. 824, p. 164. BM, no. 785b, places Eugenius' elevation in May which seems late to me. Paschal's envoys had been received at an assembly at Compiègne on November 1, 823 and dismissed shortly thereafter. The Annales say Paschal died "paucis post adventum (that is, back at Rome) illorum exactis diebus" so perhaps January 824. I think four to five months too long an interval despite the contested election.

⁷²Thegan, Vita Hlud., 30, MGH, SS, II, p. 597.

⁷³Vita Eugenii II, Liber Pontificalis, ed. Duchesne, II, p. 69.

⁷⁴Pasc. Rad., Vita Walae, I.28, PL, CXX, 1604D: "in cujus nimirum ordinatione plurimum laborasse dicitur."

⁷⁵Weinrich, Wala, pp. 51-52; Ewig, Handbuch, p. 129; Amman, L'époque carolingienne, p. 208; Haller, Papsttum, II, p. 27.

then left Rome for Francia, no doubt to report to Louis on the state of affairs in Italy.

It seems that it was felt that Wala had effected the election of a man through whom necessary reforms could be achieved.⁷⁶ Obviously, the time had come to deal with the troubled political situation at Rome. Everything points to the fact that, at long last, the Franks had come to grips with the precise nature of the conflict at Rome. The papacy had been using its position in Rome not only to the derogation of imperial rights but also to the immediate disadvantage of Roman citizens. Paschasius Radbertus says that, for a long time, individuals had been suffering confiscations of their lands. The Liber Pontificalis states that Eugenius spent much of his pontificate restoring, from the property of the Lateran, estates to persons who had been unjustly deprived of them.⁷⁷ The Ottonianum, in a passage containing certain provisions which it had taken over from the Constitutio Romana, says that the measures

⁷⁶Pasc. Rad., Vita Walae, I.28, PL, CXX, 1604D: "Gallias tandem, pene omnibus correctis rebus, et Eugenio sanctissimo apostolicae sedis ordinatio antiste . . . si quo modo per eum deinceps corrigerentur, quaediu negligentibus a plurimis fuerant depravata, regrediamur." Von Schubert, Kirche im Frühmittelalter, p. 398, calls Eugenius a "gefügiger" man, which is probably correct. Gregorovius, Geschichte der Stadt Rom, III, p. 55, calls him pro-Frankish, which is certainly an exaggeration.

⁷⁷Vita Eugenii II, Liber Pontificalis, ed. Duchesne, II, p. 69.

were first taken "for a variety of reasons, indeed because of inexcusable acts undertaken by popes against the people subject to them."⁷⁸ Finally, a passage in the treatise on imperial power in Rome, which certainly refers to the time after the issuance of the Constitutio, says that persons condemned in Roman courts would have their properties divided equally between the emperor and the pope.⁷⁹ This is a compromise struck in 824 but it reflects the situation before 824 in that popes had probably been using the courts to take possession of all of the property of various persons. The Franks finally learned that the papacy had been abusing its own pre-eminence in Rome and its control of the Roman institutions, particularly the courts, to sate its gluttonous desire for lands. Years before, Charles had heeded or ignored, strictly at his own pleasure, Hadrian's almost incessant pleadings concerning the lands of the Roman Church. Still, Charles never tried to rule the situation precisely. In 816 Louis did attempt to reach some definition. Both policies failed, quite simply, because neither emperor understood the precise nature of the problem at hand, or how to deal with it.

⁷⁸MGH, Dip. Ott., I, no. 235, p. 326, pp. 20-21.

⁷⁹Lib. de imp. pot., MGH, SS, III, p. 721.

If it took Louis a long time to learn his lesson, then, at least, he learned it well. In June of 824 Louis resolved to send his son Lothar to Rome in order that "in his place he might do those things which necessity seemed to compel."⁸⁰ Sometime in August, Lothar arrived in Italy and shortly thereafter the Constitutio Romana was issued.⁸¹

Before analyzing the Constitutio it is necessary to say something about exactly who was responsible for it. Many scholars are of the opinion that the Constitutio is the work of Lothar and/or Wala.⁸² This view is grounded in the belief that Louis was such a weakling that he could never have taken such firm and forthright steps as are found in the constitution. This view conflicts with the sources. Louis sent Lothar to Italy to order the situation. There is no reason to doubt that the precise provisions of the constitution

⁸⁰Ann. Reg. Franc., SSrG, s.a. 824, p. 164; "conventu circiter VIII Kal. Iul. (June 24) pronuntiato atque Compedio . . . animo intento Hlotharium . . . Romam mittere decrevit, ut vice sua functus ea quae rerum necessitas flagitare videbatur." Cf. Ann. Fuld., SSrG, s.a. 824, p. 23: "Imperator Hlotharium filium suum ad iustitias faciendas Romam misit."

⁸¹BM, nos. 1020a, b.

⁸²Partner, Lands of St. Peter, p. 49; Weinrich, Wala, p. 48; Ewig, Handbuch, p. 129; Von Schubert, Kirche im Frühmittelalter, p. 398; Amann, L'époque carolingienne, p. 209; Hauck, Kirchengeschichte, II, pp. 496-98.

were not due to Lothar's on-the-spot judgments. But he cannot have issued so important a constitution on his own initiative, nor can its general tenor have been other than what Louis desired it to be. As for Wala, it is very likely that his final reports were influential. Louis had not been in Rome, after all, and he had to rely on what others told him. Still, it is simply impossible to believe that Lothar and Wala forced the constitution on an unwilling Louis. Finally, considerable attention has just been directed to the background to the constitution in order to show that it resulted from an increasing awareness on Louis' part of the measures that had to be taken.

I shall now try to prove my earlier assertion that the measures taken in 824 were a logical extension of those taken in 816, with allowances for all that had been learned in the intermediate eight years.

Let us begin with what the Constitutio says about papal elections. In chapter 3 of the constitution we find that the franchise is still extended to all Romans, as it had been in 816.⁸³ Again, a stern warning is issued to anyone who might presume to interfere, but this time a sanction was added. Louis stated that he

⁸³For all subsequent references to the Constitutio see Appendix D which is my reproduction of the text from MGH, Cap., I, pp. 323-24.

would exile anyone who impeded the regular election process. This certainly reflects the troubled election of Eugenius. In 816 Louis had felt it sufficient to give all Romans a voice in papal elections. Then, the double election in 824 showed Louis that the populace as a whole was divided. Thus did Louis learn that the factional strife in Rome cut across lay and clerical lines and centered on the person of the pope, the immediate lord of all Romans. So by adding a firm imperial sanction, embodied in a threat to exile troublemakers, Louis tried to bring some order and harmony into the electoral process. It is difficult to see what else Louis could have done. Papal elections were supposed to be essentially spiritual affairs but circumstances had made them into intensely political contests. Louis had, therefore, to de-politicize as much as possible the spiritual side of the process, while, at the same time, he had to control the political contest.

The Constitutio has appended to it an oath which says several important things. It required the swearer to be faithful to Louis in all respects. It also demanded that papal elections be carried out canonically and justly and that a newly elected pope could not be consecrated until he had sworn the oath to the emperor through the emperor's missi.

It is crucial to observe that this was, in Frankish law, a subject's oath.⁸⁴ Since an Italian source hands down the oath in exactly the same form as the Constitutio, there is no reason to doubt the authenticity of the form and language of the oath.⁸⁵ As we shall see, this oath is a very revealing document.

Before looking at the implications of the oath itself, let us see what the text of the oath has to say about papal elections. The Romans were enjoined not to tolerate an election which had proceeded unjustly or uncanonically, and they were not to recognize the new pope until he had sworn an oath to the emperor in the presence of imperial missi. This was, obviously, an enormous advance over previous Carolingian practice; indeed, Halphen called it a revolution.⁸⁶ The oath presents a problem, however, in that some very good and serious scholars have suspected that the oath was

⁸⁴Fundamental is Lot, "Le serment de fidélité à l'époque franque," RB, XII, (1933), pp. 569ff. See also Charles Odegaard, "Carolingian Oaths of Fidelity," Speculum, XVI, (1941), pp. 284-96, esp. p. 295 and Anton, Fürstenspiegel und Herrscherethos, pp. 321-22. Cf. contra, Auguste Dumas, "Le serment de fidélité et la conception du pouvoir du I^{er} au IX^e siècle," Revue historique du droit français et étranger, (1931), esp. pp. 294-96. Lot ably destroys Dumas' argument that a separate subject's oath did not exist.

⁸⁵Pauli Continuatio Romana, MGH, SSrL, p. 203.

⁸⁶L'empire carolingien, p. 225.

never sworn at all, or that it was not sworn in the form in which we now read the text of it.⁸⁷

Therefore, in order to determine whether there really was a revolution in papal relations, it is necessary to establish that the oath was sworn. The problem can be approached in several ways. First, we can attempt to determine whether such an oath, a Frankish subject's oath, could have been sworn by a cleric, in this case the pope. The answer to this query must be affirmative. Between 822 and 824, in a capitulary, Louis reminded the clergy of his empire of the fidelity which they had sworn to him.⁸⁸ Agobard, who was neither an ardent admirer of Louis nor soft on the matter of clerical rights, recalled on several occasions the fidelity which he and other churchmen had sworn to Louis.⁸⁹ After the great revolt of 833, Ebbo, Archbishop of Reims, was deposed for infidelity to the emperor.⁹⁰ Finally, Hincmar of Reims, the greatest ecclesiastical

⁸⁷ Simson, JB Ludwig, I, p. 230 n. 4; BM, no. 1021; von Schubert, Kirche im Frühmittelalter, p. 397; Ullmann, "Origins of the Ottonianum," p. 117.

⁸⁸ MGH, Cap., I, no. 150, c. 8, p. 304.

⁸⁹ Agobard, epp. nos. 10, 15, MGH, Epp., V, pp. 202, 223-24.

⁹⁰ Flodoard, Hist. Rem. Ecc., II.20, MGH, SS, XIII, p. 471. He adds that Jesse of Amiens was deposed for the same reason.

jurist of the time, never denied the duty of clerics to swear fidelity to the emperor, though he had strong words on the form of the oath that was to be used because he did not want clerics to swear the vassal's oath.⁹¹ Incidentally, this is why it is important to realize that the oath with which we are dealing is a subject's oath and not a vassal's oath. Many other examples could be cited, and historians generally agree that bishops and other clerics had to swear to become fideles of the emperor but that this did not imply that they held their offices from him as fiefs.⁹² This certainly establishes the possibility that such an oath was extended to the person of the pope.

Possibility has been established in another way. The fact that the oath speaks of an oath Eugenius made in writing ("per scriptum"), and that the Roman continuation of Paul the Deacon's History of the Lombards places the oath in 825, has led several scholars to argue that the oath formed part of a second pact between Louis and Eugenius from the year 825, but that this pact has not

⁹¹Anton, Fürstenspiegel und Herrscherethos, p. 326 (with sources).

⁹²Ganshof, Feudalism, trans. P. Grierson, 3d ed., (New York, 1964), p. 54; Imbart, Les élections épiscopales, p. 110; Lesne, Hist. prop. ecc. en France, II.2, pp. 85-88; DeClercq, La législation religieuse franque, II, p. 177.

survived.⁹³ These scholars' arguments need not detain us here, for convincing as they are, they still establish probability more than certainty. That is, they make it almost a certainty that Eugenius swore an oath but call into question whether we possess a copy of the oath from 824 to 825.

Certainty is gained by a study of the circumstances of the following years. The Ottonianum, and this is significant in and of itself, took up the requirement that an oath be sworn. At the same time, the Ottonianum says that the oath was to be sworn as it was by "our venerable and spiritual father Leo."⁹⁴ For many years it was thought that the Leo in question had to be Leo VIII (963-65) because the language of the Ottonianum seems to speak of a living man. Then, diplomatic studies demonstrated that this portion of the Ottonianum was taken over verbatim from an earlier privilege from about the year 850. This privilege has not survived.⁹⁵

⁹³Stengel, "Entwicklung des Kaiserprivilegs," pp. 224-25 and nn. 40, 41; Brunner, Deutsche Rechtsgeschichte, II, pp. 127-28; Ottorino Bertolini, "Osservazione sulla 'Constitutio Romana' e sul 'Sacramentum Cleri et Populi Romani' dell'824," Studi Medievali in Onore Antonio de Stefano, (Palermo, 1956), pp. 50-52, 67ff. This study agrees almost entirely with Stengel and is mainly a detailed critique of Ullmann's theories.

⁹⁴MGH, Dip. Ott., I, no. 235, p. 326, ll. 24-27.

⁹⁵Kehr, Göttingische gelehrte Anzeigen, pp. 135-37.

Finally, Hampe proved that the Leo in question is Leo IV (847-855).⁹⁶ Therefore, Leo IV swore an oath. Unfortunately, nothing can be said about his immediate predecessor, Sergius II (844-847) and nothing can be said for sure about Eugenius' immediate successor, Valentinus. Since the latter survived his election by only a few weeks the sources say almost nothing about him. Very significant, however, is Gregory IV (827-844). It is known that his election was examined in the manner prescribed by the Constitutio⁹⁷ and there is evidence in a letter written by Gregory that he swore an oath.⁹⁸ So, if subsequent popes had their elections examined and swore oaths in just the manner required by the Constitutio, then there is no reason to doubt that the practice was, in fact, instituted in 824. Greater force is given to this argument by the fact that the practice

⁹⁶"Die Berufung Ottos des Grossen nach Rom durch Papst Johann XII," Historische Aufsätze Karl Zeumer dargestellt, (weimar, 1910), pp. 159ff, 163ff.

⁹⁷Ann. Reg. Franc., SSrG, s.a. 827, pp. 173-74; Astron., Vita Hlud., 41, MGH, SS, II, p. 631; Benedict, Chronicon, 24, MGH, SS, III, p. 711.

⁹⁸Gregory IV, epistola, apud Agobard, ep. no. 16, MGH, Epp., V, p. 230.

had never before been used by the Carolingians.⁹⁹
Therefore, one cannot look before 824 for the institution of the oath.

Let us sum up the new regulations governing papal elections. The franchise belonged to all Romans. Elections were to be canonical. The election process itself was to be examined by the emperor and the pope had to swear an oath indicating that he was a subject of the emperor. Moreover, firm sanctions were introduced to discourage hindrances of the electoral process.

It should be noted that these regulations proved to be durable. As we have seen they were included in Otto's privilege in 962. In 898 John IX tried to effect a return to the electoral principles embodied in the decree of 769, but he must have failed, and his actions suggest that the policies of 824 were still in effect at the end of the ninth century.¹⁰⁰

It is wrong to see in the policies of 824 a return to the Byzantine system, as some historians do.¹⁰¹

⁹⁹The oath itself is absolutely new. The statement in Lib. de imp. pot., MGH, SS, III, p. 720 that Charles placed an official in Rome to observe elections is patently false. So far as I know only Heldmann, Kaiserum Karls, pp. 347-48 believes it.

¹⁰⁰Mansi, Concilia, XVIII, 221.

¹⁰¹E.g., Schieffer, "Krise des karol. Imperiums," p. 7.

The eastern emperors had possessed a right to approve papal elections and not infrequently they exerted some influence in the electoral process itself. The Constitutio did not claim the right to approve elections and it asserted no right of intervention.¹⁰² Simply, but very importantly, the Franks claimed the right to guarantee free and canonical elections and to include the newly elected among the subjects of the empire. This latter fact is the most important measure taken in 824 in respect to papal elections, for the pope was made so visibly a subject of the emperor that he could not henceforth exploit the fact that the Carolingians had never required him to show his subjection. Leo III and Paschal had been able to act with virtual impunity because Carolingian legal pronouncements, or, actually, the lack of them, had left the pope as a "petit-sovereign" in Rome. Subjects, however, are not sovereigns and this was made perfectly clear in 824. Consequently, it is only in respect to the fact that the Carolingians made the pope admit his subject status that we can speak of a return to the Byzantine system.

It has been argued that this requirement that an oath be sworn derived from the radicals of the imperial unity party who desired a firm integration of the papacy

¹⁰²Hinschius, Kirchenrecht, I, p. 236; Mayer, Italienische Verfassungsgeschichte, I, pp. 65-66.

into the empire in order that the empire might no longer have the appearance of having two heads. These men, it is argued, wished that the empire would fully conform to the concept of a Christian "corpus."¹⁰³ Perhaps these thinkers were influential though one must be careful not to assign too much significance to their influence or, again, one runs the risk of taking responsibility for the Constitutio away from Louis. When the provisions of 824 are set beside those of 816, then it seems quite obvious that theoretical considerations were less influential than an awareness on Louis' part of the need to create greater legal and political clarity. This is not to say that Louis did not think that the empire was not a "corpus" or that he was not deeply impressed by the thinkers of his age who so argued. It is simply a matter of getting first things first. The spirit of the Constitutio is remarkably practical. That is, the document appears as a response to the cold, hard, political realities of the city of Rome.

The oath was, as its text indicates, to be sworn by all Romans. Again, this marked a real advance. In 796 Leo III had tried to get Charles to require an oath of all Romans.¹⁰⁴ Charles refused, for reasons which have

¹⁰³Von Schubert, Kirche im Frühmittelalter, p. 398; Mohr, "Kirchliche Einheitspartei," p. 15.

¹⁰⁴Ann. Reg. Franc., SSrG, s.a. 796, p. 98.

never been sufficiently explained. There is no evidence whatsoever that the oaths required by Charles in 802 were sworn in Rome. This oath, after all, was to be sworn "nomini caesaris" by all those who had already sworn "nomini regis." The Romans had never sworn to Charles as king and, quite logically, were not obliged to swear to him as emperor.¹⁰⁵ In 816 Stephen IV took up the oath of the Romans before he went to Reims. Paschal did not do this in 817 and there is no mention of it in the Ludovicianum. Apparently, Louis initially planned to follow in his father's footsteps. He must have been satisfied with the implicit integration of the Romans into his empire contained in the Ludovicianum. Experience then seems to have taught him that it was both wise and necessary to give clear legal expression to the fact that the Romans were his subjects.

In chapters 1, 2, 4, 6 and 7 of the Constitutio, Louis dealt with depredations, injustices and property disputes which had taken place in recent years. He ordered that such unlawful acts should cease and that where they had already taken place, they should be rectified, if possible. Louis' insistence on doing justice in these matters is clearest in chapter 6 where he declared that he would amend damages done by popes

¹⁰⁵Lapôtre, Saint siège, pp. 212-13, 213 n. 2, argues that the oaths of 802 were never sworn in Rome. One text (there are two) of this oath is cited supra, p. 170.

or on their orders. Finally, he said that old cases requiring correction, or new cases that might emerge, should go before either his missus or the missus of the pope, unless the latter refused to do justice, in which case Louis' officials would handle the matter. This leads to one of the most important provisions of the Constitutio.

In chapter 4 Louis provided that permanent missi should be established by himself and by the pope. Louis' missus had two principal responsibilities. He was to make a yearly report to Louis on the conduct of papal officials in Rome, and he was to hear complaints from those who felt that they had been denied justice. Experience had taught Louis that a firm imperial presence was required in Rome if even a modicum of stability were to be introduced into that tumultuous city. In 824 he created such a presence on a permanent basis. He actually went further than this. We have already seen that in the 820's Louis' eldest son Lothar spent a good deal of time in Italy and that, from time to time, some of Louis' most trusted advisers labored in and around Rome. Moreover, there is abundant evidence that wandering (discurrentes) missi now worked regularly in the Papal States. This was certainly a vigorous assertion of imperial rights and, at the same time, a check upon blatant attacks on those rights by anyone in Rome.

The permanent missus was supported by revenues from the exercise of justice and by funds from several fiscal estates in the neighborhood of Rome.¹⁰⁶ The quality of justice rendered by this missus must have been high, for he soon became a court of first instance for cases which ought to have gone before the regular Roman courts and he may well have been receiving business that should have fallen to the papal missus.¹⁰⁷ There is a case from 829 which is instructive. The monastery of Farfa went before the imperial missus and argued that the papacy held in its possession some estates unlawfully taken away from Farfa by Hadrian and Paschal. Gregory IV argued that the lands did not belong to Farfa. An investigation was held, and Farfa was found to be correct in its claims. Judgment was rendered accordingly. Gregory, however, refused to give up the estates until the emperor himself should appear.¹⁰⁸ Brunner has argued that in seeking to get a judgment from the emperor the pope may not so much have been trying to avoid a judgment that was going to go against him as exercising the "ius reclamandi ad regis definitivam"

¹⁰⁶ Lib. de imp. pot., MGH, SS, II, p. 720. Cf. Hirschfeld, "Gerichtswesen," p. 436.

¹⁰⁷ Ibid., pp. 436-37.

¹⁰⁸ Chron. Farf., ed. Balzini, FSI, I, pp. 186-87; I Placiti, ed. Manarese, FSI, no. 38.

sententiam."¹⁰⁹ Anyone who was under the protection of the king could have his case brought before the king, in which case the king functioned not as a representative of the person under his protection, but as highest judge. Whatever Gregory's intentions may have been, however, the case is interesting because it shows the workings of the newly erected institutions. In 823 Lothar had rendered judgment in Rome against the papacy, but he then functioned solely as emperor. In 829 imperial officials handed down a decision in much the same way as they would have done if the court had been in Bavaria or Saxony or Aquitaine.

The introduction of a permanent missus into Rome has been interpreted as an indication of the weakening of the central power of the Carolingian government under Louis. According to this view, Charles never instituted permanent missi and, therefore, retained centralized control in his own hands.¹¹⁰ This view is historically inaccurate in at least one respect. It has recently been shown that Charles did use permanent

¹⁰⁹Deutsche Rechtsgeschichte, II, pp. 64-65.

¹¹⁰Victor Krause, "Geschichte des Instituts der Missi Dominici," MIOG, XI, (1890), pp. 238-39.

missi, at least as early as 802.¹¹¹ Moreover, the establishment of a permanent missus in Rome did not preclude the sending of itinerant missi to keep an eye on the permanent one.¹¹² These wandering missi were always the principal agents through whom the Carolingians exercised supervision in the territories subject to them. There certainly existed the possibility that, without regular examination, the permanent missus could have begun to act arbitrarily. This situation need not have arisen, however, and it was no more likely in Rome than anywhere else in the far-flung empire. What finally brought a weakening of central control over this missus was the separation of Italy from secure imperial control in the civil wars which began in 829, and also the general decline in the use of itinerant missi after the death of Louis.¹¹³ Louis cannot be blamed for not foreseeing these eventualities.

There is another interesting way to look at the Roman missus created in 824. In many ways he was more like a count than a missus. Like a count he was

¹¹¹W. A. Eckhardt, "Die Capitularia missorum specialia von 802," DA, XII, (1956), pp. 498-516; cf. Ganshof, Institutions, pp. 25-26 and Lesne, Hierarchie épiscopale, pp. 82-83.

¹¹²Halphen, L'administration de Rome, p. 3.

¹¹³On the decline of the missi see Krause, "Missi Dominici," pp. 229-30.

appointed for a long term, perhaps for life, in a specific place. He had responsibilities for preserving imperial rights, keeping peace and order, doing justice and exercising the bannum, collaborating with itinerant missi and taking oaths.¹¹⁴ Now, the Roman missus is never called count (i.e. comes) in the sources and I would not dare to call him one. However, it does seem fair to draw an analogy between the two. No matter how this missus is viewed, though, the result is the same. Rome and its environs had been firmly, that is, legally and institutionally, integrated into the Frankish state. This same thing had been done by something analogous to an immunity in 816 but the turmoil of the intervening years made it clear to Louis that the more usual Frankish administrative and judicial institutions were necessary.

The next set of provisions in the Constitutio which require some comment are those governing the Roman officials. Chapter 1 required all Roman officials to show the proper obedience to the pope and to his dukes and judges. As we have already seen, chapter 4 required the permanent missus to make an annual report to Louis on the conduct of these officials. Finally, chapter 7 demanded that all officials in Rome who exercised judicial power should present themselves to Louis "in

¹¹⁴On the duties of the counts see Ganshof, Institutions, p. 27. Useful too is Fustel des Coulanges, Royaume Franque, pp. 423-37.

order that he might know their number and their names and admonish each one of them concerning the ministry entrusted to him."

These points call for several remarks. First, it should be noted that not only in chapter 1 but also in chapter 8 Louis called for obedience to the pope. This is indicative of the traditional Carolingian reserve with respect to the historic position of the papacy in Rome. The pope was left as Landesherr in Rome and Louis had, evidently, no intention of substituting himself for the pope in the day-to-day administration of Rome. All statements in the Constitutio about the Roman officials make it clear that Louis considered them to be papal officials.¹¹⁵ Even Louis' reordering of the judicature in Rome by placing his own missus at its head does not imply that high criminal jurisdiction passed to the Franks.¹¹⁶ What Louis did was to claim the right of supervision over the officials generally and particularly over those who functioned in the courts. Experience had taught him that venality was rife, and so he made it abundantly clear to everyone that he would no longer tolerate judicial abuses.

¹¹⁵Halphen, L'administration de Rome, p. 2; Hirschfeld, "Gerichtswesen," p. 424.

¹¹⁶Ibid., p. 423.

One final aspect of the constitution requires notice. In chapter 5 Louis stated that all inhabitants of the Papal States should declare the law under which they wished to live. This had several extremely important consequences. First, it broke the Roman concept of territoriality of the law in favor of the Germanic principle of personality of the law.¹¹⁷ Second, it seems to have removed Franks, Lombards and other non-Romans from the regular jurisdiction of the Roman courts.¹¹⁸ This means that non-Romans were made equal to Romans in the Papal States, for all persons were given access to a system of courts where they could get a fair airing of their cases.¹¹⁹ Unfortunately, there is no surviving evidence from cases prior to 824 indicating how or why the rights of non-Romans had been

¹¹⁷Ibid., pp. 435-36. Personality of the law had been the Fränkish practice in all of Italy except the Roman region before 824. This even held true for Romans found outside the area of Rome. Cf. MGH, Cap., I, no. 90, c. 11, p. 191, no. 91, cc. 6, 7, 8, 10, pp. 191-93, no. 94, c. 4, p. 199, no. 95, c. 4, p. 201, no. 98, cc. 1, 8, p. 204, no. 103, p. 212, no. 105, c. 14, pp. 218-19.

¹¹⁸This must be the proper interpretation of "si alterius gentis invenirentur habitores regali iudicio iudicabantur," Lib. de imp. pot., MGH, SS, III, p. 720. Partner, Lands of St. Peter, p. 49 believes that this provision allowed Romans to escape the harshness of the Roman courts. Certainly, Mayer, Italienische Verfassungsgeschichte, II, p. 74, is correct in arguing that the "professio iuris" meant that each person had to declare his own law, not choose one or the other.

¹¹⁹Hirschfeld, "Gerichtswesen," pp. 435-36.

abused. However, since most of the rest of the Constitutio was a response to necessitous circumstances, there is every reason to believe that this portion was as well.

If the constitution has been correctly interpreted here, then it can only be seen as a continuation of the policies begun in 816. It marked the final Carolingian answer to the question of how to integrate Rome and its bishop into the institutional structure of the empire. The sovereignty of the emperor was made clearer than it had ever been, and the pope was made to feel the fact that he was a subject. Louis reserved to himself the right to pass capital sentences against anyone who perpetrated a crime against a person under his protection, and this was certainly a response to the quasi-sovereign actions of previous popes who, on their own volition, murdered their opponents. This was really an extension of the protection measures in the Ludovicianum. Louis did not suppress the native institutions of Rome, thus showing the reserve which the Franks always showed in their dealings with the position of the papacy in Rome. But, in erecting Frankish institutions in Rome, Louis brought his own pre-eminence clearly to the fore. Moreover, in creating, as it were, a set of checks and balances on the exercise of authority by the papacy, Louis went a long way towards preventing arbitrary papal actions in the future.

All of this is not to say that Louis turned the pope into some kind of an imperial chaplain. A very wide scope of secular business was left to the pope in and around Rome, and the spiritual primacy of Peter's successors was never called into question. In fact, the years ahead and, to some extent, the years during which Louis was tightening the imperial grasp on Rome, witnessed a counter-offensive on the part of the papacy. No doubt as a consequence of its realization that its secular ambitions were being thwarted, the papacy began vigorously to assert its spiritual authority. As we shall see in the following chapters, this provided the papacy with new ground upon which to do battle with its imperial masters.

CHAPTER V

LOUIS, THE PAPACY AND THE SECOND ICONOCLASTIC CONTROVERSY

In all that concerns papal relations, the first twenty years of Louis' reign falls into two fairly distinct periods. The first decade may be called imperial and the second decade papal. In 816 Louis was crowned by Stephen IV and he used the occasion to demonstrate to one and all the profound dignity of his imperial office. He cast his office in deeply religious terms and it was, therefore, fitting that the highest possible ecclesiastical authority perform the coronation. In 817 Louis crowned his own son, Lothar, and later, in 824, he was sent to Rome for an embellishment of his office. In 816 Louis began the process of integrating the papacy and the Roman territory into the Carolingian Empire. This process was completed in stages and culminated in the Constitutio Romana of 824. Legal restraints were placed on the secular ambitions of the papacy and a firm imperial presence was created in Rome. The papacy was not again so effectively constricted in politics until more than a century after Louis' death.

These legal and political measures did not strip the papacy of its ancient traditions or of its essential vitality. Under Paschal and Eugenius the papacy began to employ its spiritual weapons to renew and reinforce its influence in the world. Whatever else he may have been, or may have striven to be, the pope was a priest. Indeed, he was the chief priest of the Christian world. At least partly because the Carolingians themselves laid such enormous emphasis on the Christian foundations of their empire, the papacy discovered that it had an even grander role to play than ever the earlier popes might have imagined. Although Louis judged papal secular strivings to be intolerable and, in consequence, took vigorous steps against them, he could hardly have passed the same judgment on papal spiritual, that is, priestly, strivings. If anything, Louis encouraged them by insisting on the Christian ethic as the basis for his empire.

All of this led to an apparent paradox. The Carolingians, and Louis in particular, defined their territories as a Christian empire. Carolingian legislation literally breathes Christian ethics and Christian morality. The Carolingians regarded clerics, whether popes or parish priests, as helpers, adiutores, in the work of saving the souls of the inhabitants of their empire and in making God's will reign supreme on earth. But here was the paradox. Salvation was, au fond, the work of priests, not of kings.

Both kingship and the priesthood had long histories behind them but priests had always been concerned with the next world. Kings, who were once essentially judges, or rich potentates, or powerful warlords, had only recently gone into the business of saving souls. Consequently, to define kingship in spiritual terms and to identify the obligations of a Christian king with the duties of the clergy was to create the possibility that secular government would become inessential. In other words, the domination which the papacy had been unable to accomplish through political machinations would be obtained, with no little help from the Carolingians themselves, by the exercise of priestly powers. It is not necessary, and in fact it is wrong, to argue that the papacy, from its inception, sought sole leadership in the world. What it did seek was spiritual leadership, though it cannot be denied that the papacy made some forays into a few alarmingly unspiritual areas. But, and again this is the key point, spiritual leadership and total leadership amounted to virtually the same thing in a world which was called the Imperium Christianum and whose inhabitants were the populus Christianus.

The preceding chapters focused on Louis. The remaining chapters of this study concentrate, for the most part on the papacy. During the later years of Louis' reign the major initiatives in papal-imperial relations came from Rome, not Aachen. This is by no means to say

that Louis became an idle observer or that he began to be pushed around by the pope. Far from this, Louis remained true to the firm and conscientious stand he had adopted in the years 814 to 824. Events in papal-imperial relations after 824, however, must be viewed from the perspective of the pope simply because, in beginning to deploy its spiritual weapons, the papacy became the driving force. As we shall see, Louis responded to papal initiatives and, at times, he used new initiatives of his own.

The first case which displays the dimensions of this new orientation in papal-imperial relations is the second iconoclastic controversy which arose in 824. Sometimes one gets the impression that Charles, with one stroke of his regal might at Frankfurt in 794, put an end to the iconoclastic controversy in the West. This, of course, is not true. The papacy was never really brought around to the Frankish point of view, despite the fact that papal envoys attended the discussions at Frankfurt. Then, during the reign of Louis, the Frankish Empire itself was rent by an iconoclastic struggle which, if we may believe one of its chief participants, Claudius of Turin, was of considerable proportions.¹ Louis, it seems, commissioned two of the more learned churchmen of his empire to write treatises

¹Ep. no. 12, MGH, *Epp.*, IV, p. 610. Claudius spoke of reports against him which had spread "per omnes Gallias usque ad fines Spanie."

against Claudius² and there is every reason to believe that the problem engaged the attention of many persons. Finally, in 824, the Byzantine Emperor, Michael II, appealed to Louis for some assistance in dealing with a new quarrel over images which had broken out in the East. This was the so-called "Second Iconoclastic Controversy" and it is this dispute which forms the subject matter of the present chapter.

Since, as in the seventh and ninth decades of the eighth century, it was the Greeks who involved the papacy and the Franks in a quarrel, it is fitting briefly to survey the course of the iconoclastic problem in the East in the years after the second council of Nicaea in 787.³ If Nicaea had returned the East to the iconodule position which had reigned before the emergence of the Isaurian dynasty in the person of Leo III in 726. The decree of the iconoclastic council of 754 had been removed. The iconodules saw their position remain dominant under Irene and her successors Nicephoros and Michael Rhangabe. Genuine

²Jonas of Orléans, De Cultu Imaginum, PL, CVI, 305ff and Dungal, ep. no. 9, Responsa contra perversas Claudii Taurinensis, MGH, Epp., IV, pp. 583-85. On the relation of these works to Louis and to the iconoclastic problem see Anton, Fürstenspiegel und Herrscherethos, p. 212, K. Voigt, Staat und Kirche von Konstantin dem Grosse bis zum Ende der Karolingerzeit, (Stuttgart, 1936), p. 417 n. 169 and Manitius, Geschichte der lat. Literatur, II, p. 377.

³For the following see A. A. Vasiliev, History of the Byzantine Empire, 2 vols., (Madison, Wis., 1964), I, pp. 283ff.

sentiment in favor of icons, however, was probably less of a factor than constant civil strife and foreign threats from Muslims and Bulgars which tended to preclude serious discussion of dogmatic issues. It is even difficult to attribute the strength of the iconodules to the monks, who were always the most vocal supporters of the icons, because their leader, Theodore of Studion, was in exile for his opposition to the elevation of the Patriarch Nicephoros from the laity.

Then, in 813, an iconoclastic reaction set in when Leo V came to the throne. Leo, an Armenian and more of a soldier than anything else, deposed Michael Rhangabe and quickly began to push through various iconoclastic measures. Leo's program was so extreme that Patriarch Nicephoros protested and was himself deposed. In 815, a new council was called and the iconoclastic decrees of 754 were returned to force.⁴ Theodore of Studion, whom Michael Rhangabe had recalled from exile, was again banished along with a great many iconodules, and it appears as though large numbers of Eastern Christians met martyrdom under Leo V.

Leo's excesses were not confined to persecuting iconodules. Thus, in 820, a revolt by Michael II sent Leo to his grave and Michael to the imperial dignity. Michael was, perhaps, mildly iconoclastic. His religious policy

⁴On this council see C. J. Hefele and H. Leclercq, Histoire des conciles, 5 vols. in 10, (Paris, 1907-13), IV.1, pp. 1-7.

has been variously interpreted but most scholars regard him as tolerant of the iconodules, while noting that he never restored to them all of the privileges and practices they lost in 815.⁵ In 824, Michael appealed to Louis in order to obtain use of Louis' good offices with the pope.

Michael's letter to Louis has survived.⁶ Michael described to Louis the strife which had torn the Eastern Empire since the times of Irene and how he had come to the throne to restore peace and harmony. Michael stated his great desire that the peace and friendship earlier concluded between the two empires might continue. Michael then commented on the superstitions that had sprung up everywhere because of over zealous devotion to icons, and he went on to say that in 821 a synod was held to discuss the matter. It had been decided at that time to raise icons to higher places in churches so that people would not have ready access to them. Because of these measures, some iconodules felt that Michael had attacked orthodoxy and they fled to Rome to seek aid from the pope. Michael assured Louis that he held strictly to the faith as it was set down in the

⁵Several of the leading positions on Michael are dispassionately discussed by Vasiliev, Byzantine Empire, I, pp. 285-86 and nn. 162-64.

⁶MGH, Conc., II.2, no. 44A, pp. 475-80. The letter is dated in April of 824 and was received by Louis in November. BM, no. 793a.

six⁷ ecumenical councils and he wished Louis to know that only false Christians and enemies of the Church ("pseudo-christiani, ecclesiae calumniatores") had fled to Rome. Michael had written to this effect to the pope, and now he sought to enlist Louis as an ally.

Interpretations of Louis' subsequent actions are generally based on his dealings with Eugenius. Therefore, it is crucial, particularly in view of the fact that Michael sought Louis' intercession with Eugenius, to establish the role of the papacy in this controversy. There is some very important evidence pertaining to the papal position which has not been exploited by any of the scholars who have concerned themselves with this controversy, and it is only when this evidence is described and placed into its proper perspective that Louis' role can be assessed.

Theodore of Studion was the leader of the iconodule elements in the East and one of the most influential clerics of his time. On at least two occasions he appealed to Pope Leo III to intervene in dogmatic disputes in the East.⁸ In both cases Theodore's adversary was the emperor and in

⁷The reference to six councils is perhaps a gesture to Frankish sensitivities which had been severely offended by the so-called seventh council, or II Nicaea, in 787.

⁸Theodore of Studion, Bk. I, epp. nos. 33, 34, PG, IC, 1017B-C, 1021B.

one letter he particularly upbraided him for holding that his own will was superior to that of God.⁹ Theodore was arguing the thesis that in matters of dogma the will of the clergy is superior to that of emperors because the former stood closer to God. Important too is his appeal to the pope as the highest judge. Some years later, in two letters to Paschal, Theodore went even further. In the first of these letters Theodore expressed what no eastern churchman had ever expressed: the Petrine theory of papal supremacy.¹⁰ In the second letter Theodore appealed to Paschal as the man "sitting upon the premier apostolic throne."¹¹ This letter may have been a reaction to the introduction of an iconoclastic patriarch in 821 but it does not seem necessary to take Theodore's writings as politically motivated and lacking in genuine conviction.

⁹ Ibid., ep. no. 34, 1025C: "τὸ βούλημα τῶν βασιλέων προκρίνειν θεοῦ ὁπόταν βούλονται." ("Since they wish to place the will of emperors above that of God.")

¹⁰ Ibid., Bk. II, ep. no. 12, 1152C: "Ἄκουε, ἀποστολικὴ κεφαλή, θεοπρόβλητε ποιμὴν τῶν χρίστου προβάτων· κλειδοῦχε τῆς οὐρανῶν βασιλείας· πέτρα τῆς πίστεως, ἐφ' ἣν ᾠκοδομεῖται ἡ καθολικὴ ἐκκλησία· Πέτρας γάρ σὺ τὸν πέτρον θρόνον κοσμῶν καὶ διέπων." ("Listen, apostolic head, placed by God before the flock of Christ, keeper of the kingdom of heaven, rock of faith upon which the Catholic Church is built; for you are Peter, ruling and governing the See of Peter.")

¹¹ Ibid., Bk. II, ep. no. 13, 1153D: "Ἐπὶ τὸν ἀποστολικὸν πρῶτιστον θρόνον θέμενος."

There are certain other aspects of his correspondence which bear out this contention. After Michael held his synod in 821, the iconodules said that Michael should appeal to the pope, and again they used the familiar Petrine arguments.¹² Theodore can not have been solely responsible for trying to get Michael to appeal to the pope. Moreover, in his first letter to Leo III, Theodore associated the Bishop of Thessalonika with his ideas.¹³ Finally, in a letter to Patriarch Thomas of Jerusalem, Theodore suggested that they should seek the aid of the "Western Patriarch" because of his pre-eminence.¹⁴ All of this suggests that there was, perhaps for the first time, some genuine sentiment in favor of papal primacy in the East. Thus we would go very far wrong if we understood Theodore's letters to the pope as mere blandishments.

In order to place these Greek sentiments into their proper perspective, let us recall what the Greek attitude to Hadrian had been in 785. Hadrian, upon receipt of news that the Byzantines were about to hold a synod to reverse the iconoclastic decrees, was overjoyed. He wrote a fairly lengthy letter which was to be read at the opening session

¹²Mansi, Concilia, XIV, 399.

¹³Bk. I, ep. no. 33, PG, IC, 1020D-1021A.

¹⁴Ibid., Bk. II, ep. no. 121, 1397A.

of the synod.¹⁵ Hadrian set forth what he considered to be the orthodox position on icons. He also articulated very clearly the doctrine of papal primacy, and he demanded restoration of the papal estates in southern Italy as well as the church provinces of Sicily and Illyria which had been taken away by Leo III and Constantine V. When this letter was read to the synod all reference to papal primacy and to the lands to which Hadrian had laid claim were omitted.¹⁶ In addition the Greeks made some subtle changes in the theological arguments which Hadrian had presented. So, at the end of the eighth century the Greeks had rejected papal political primacy as well as papal spiritual primacy.

Now, a question may be raised as to whether Hadrian's spiritual primacy had been rejected, because he did endorse the canons of II Nicaea. It is certainly possible that Hadrian did not know that his letter had been changed, and that the positions which the Greeks had adopted were not quite the ones which he had proposed to them. This, of course, is a guess, but it is a fact that Hadrian misunderstood the iconoclastic controversy. Hadrian was an iconodule in the tradition of Gregory the Great. For him, icons were useful didactic tools, helpful in the instruction of illiterate Christians. In the East, however, the

¹⁵Mansi, Concilia, XII, 1056ff.

¹⁶Ibid., 1059ff.

controversy was Christological and, perhaps, the last manifestation of those Antiochene and Alexandrian disputes which had disturbed the eastern half of the old Roman world since the third century. Hadrian did not perceive this, and so he certainly did not grasp the true nature of the canons which he embraced in 787.¹⁷

Let us consider for a moment the possibility that Hadrian's motives were essentially political in embracing the canons of II Nicaea. The Franks, as we know, were extremely upset at the pronouncements of the second Nicaean council. It hardly needs to be said that the Franks differed widely from the extreme iconodule position which carried the day in 787. What particularly annoyed them, however, was the fact that the Greeks called II Nicaea an ecumenical council.¹⁸ For years scholars have argued that the Franks disliked being regarded as inferior by the Greeks or that the Franks refused to recognize a universal synod in which they had taken no part. These views are only partly true, and they tend to place too secular an emphasis on the Frankish perception of the problem. It has recently been shown that the Franks were genuinely and particularly repulsed by the theological positions adopted

¹⁷Gert Haendler, Epochen karolingischer Theologie, (Berlin, 1958), pp.24-26, 31ff.

¹⁸The Frankish wrath is evident in many sources, e.g., Ann. Reg. Franc., SSrG, s.a. 794, p. 94: "Pseudo-synodus Graecorum quam falso septimam vocabant. . . . reiecta est."

in 787.¹⁹ Subsequent Frankish conduct demonstrates that power politics was much less a factor for them than religious concerns.

Charles dispatched a letter to Hadrian in which he had the author detail a number of specific objections to the canons of II Nicaea. This letter does not survive but Hadrian's lengthy response does. This letter is very important.²⁰ In it, Hadrian said that he in no way intended to defend the persons responsible for the eastern synod but that he felt obliged to defend the tradition of the Roman Church and of his predecessors.²¹ He then went on to respond to the objections raised by the Franks. It is clear, in this portion of the letter, that he did not grasp the full significance of the Nicaean canons. He articulated a series of typically Gregorian positions as though they had been the ones adopted in 787. Then, and this is crucial, Hadrian said that he had still not returned a response to the East concerning the synod because he feared that they might return to their errors. He noted that the Greeks had recanted their doctrinal errors but they had neither recognized his primacy in the Church nor returned his lands

¹⁹Ohnsorge, "Orthodoxus Imperator," in his Abendland und Byzanz, pp. 64-78.

²⁰Epp. Sel. Pont. Rom., no. 2, MGH, Epp., V, pp. 5-57.

²¹Ibid., p. 7.

and church provinces. He concluded by saying that if the Greeks did not make these concessions he would seriously consider pronouncing them heretics.²²

What is important here is that Hadrian left the door open for the Franks. They wanted, above all, a condemnation of II Nicaea, and they desired this mainly for theological reasons. If II Nicaea were to gain the mark of papal approval, so the Franks must have reasoned, it would have become the seventh ecumenical council of the Universal Church and they would have been bound by its provisions. Since they differed greatly from the theology of II Nicaea they were in a very difficult situation. To refuse to recognize a universal council would have made them heretics, and to change their own theology was unthinkable. So, on political grounds, Hadrian provided for the condemnation of II Nicaea which pleased the Franks and left the papacy able to maintain its claims to spiritual primacy in the Church.

This condemnation came at Frankfurt in 794. Scholars have long regarded this assembly as a dire humiliation for Hadrian and the papacy.²³ This view is wrong for a variety of reasons. One has only to look at the Libri Carolini, a work which may have been written by

²²Ibid., p. 57.

²³Very characteristic is Haller, Papsttum, II, p. 15 and Voigt, Staat und Kirche, p. 344.

either Alcuin or Theodulf of Orléans but which certainly had Charles' explicit approval,²⁴ to see that it is a massive polemic against the Greeks, not against the papacy.²⁵ Wherever Hadrian was mentioned, he was treated with the greatest gentility and obeisance²⁶ and the Roman See was praised as the very font of orthodoxy.²⁷ The Franks even went so far as to blame Presbyter John and Patriarch Tarasias for deceiving Hadrian about the true events of 787.²⁸ Finally, the author of the Caroline Books said that the Franks had only one intention: to come to the aid of the papacy.²⁹ This is not the stuff out of which humiliations are made and neither is the second capitulum of the Capitulary of Frankfurt where the papacy is treated with respect.³⁰ Again, Hadrian's path was smoothed, and anathemas were launched only at the Greeks.

²⁴Wolfram von den Steinen, "Karl der Grosse und die Libri Carolini," Neues Archiv, XLIX, (1932), pp. 260ff.

²⁵Libri Carolini, ed. Bastgen, MGH, Conc., Supp., I.1-30, pp. 8-30 passim, II.31, pp. 100-102, IV.28, pp. 227-28. Numerous other examples could be cited.

²⁶E.g., Ibid., I.2, p. 12, I.4, p. 16.

²⁷Ibid., I.6, pp. 20-22.

²⁸Ibid., II.4, p. 66.

²⁹Ibid., prologue, pp. 2-3.

³⁰MGH, Conc., II.1, c. 2, p. 165.

We know that papal envoys attended the deliberations at Frankfurt,³¹ but we have no conciliar documents which show us what role they played or how the discussions proceeded in general. All we have is a capitulary issued at that time and, as a result, Werminghof printed it among the Concilia. This was, perhaps, misleading because it can lead to the conclusion that the greatest business undertaken there concerned the Greeks and the iconoclastic problem. But, a careful examination of the capitulary shows that this was not the case. The first capitulum dealt with the adoptionist heresy then raging in Spain, the second with images, and then there followed dozens more dealing with a huge range of secular and ecclesiastical concerns. Hadrian's supposed humiliation did not even rate pride of place! Beyond this, however, Ganshof has shown that the Capitulary of Frankfurt betrays a profound effort on the part of Charles to procure some peace, stability and order in a very troubled kingdom. He reached this conclusion on the basis of a very precise analysis of the circumstances preceding the assembly at Frankfurt and, in so concluding, he places the whole iconoclastic problem into its proper perspective.³² In short, it was one among many problems then faced by the Franks.

³¹Ann. Reg. Franc., SSrG, s.a. 794, p. 94.

³²"Observations sur le synode de Francfort de 794," Miscellanea Historica A. de Meyer, (Louvain, 1946), pp. 306-318.

Let me recapitulate. The Franks achieved their goal; II Nicaea was condemned. But Hadrian did this for political reasons. The Greeks had refused to recognize his primacy and would not return his lands. Hadrian was not humiliated and no source suggests even the remote possibility that Charles had set out to humiliate him. Finally, it should be noted that no source explicitly states that Hadrian submitted to the Frankish theology on icons. Such a submission can not be presumed from his condemnation of the Greeks, and the second canon of Frankfurt does not say that Hadrian accepted the Frankish view. Certainly it would be a grave error to argue that the Libri Carolini were somehow binding on the papacy. If it is true that the Franks refused to submit meekly to Hadrian's ideas, then it is no less true that Hadrian elected not to submit to theirs. Hadrian may have suffered a little in prestige as a result of the Franks not bending to his will, but we should not lose sight of the fact that the Franks did everything in their power to make it look as though they were, as always, fully in the tradition of the Roman See on this important dogmatic issue.

When Theodore's writings, and the fairly wide sentiment which they must have represented, are judged against the background formed by this digression into earlier events, it should be clear that his letters would have been like veritable manna to the pope. Here was a Greek,

a member of that race who had been responsible for the papacy's difficulties in the first place, arguing Petrine theories and papal spiritual primacy. As we have seen, the Ludovicianum had been a first step in curbing the political and territorial ambitions of the papacy and by the time the second iconoclastic controversy had really broken out in the West the Constitutio Romana will have been the decisive check upon those ambitions. In 794 papal spiritual supremacy had been, at least to some extent, called into question on all sides and now, in the early ninth century this very authority was being asserted, and from an unexpected quarter at that. Spiritual primacy was really the only pre-eminence that the papacy could still claim for itself in 824 and the obstinacy shown by Eugenius should not, therefore, surprise us. Likewise, the second struggle over images allowed the papacy, in the person of Eugenius, to maintain its essentially iconophile position, a position which it had never abandoned.

The course of the second controversy may now be surveyed. As a response to Michael's appeal for assistance Louis sent Freulf of Lisieux and a certain Adegar, about whom nothing else is known, to Rome to request papal permission for a Frankish inquest into the affair.³³ Permission was granted and on November 1, 825 a number of

³³MGH, Conc., II.2, p. 482.

Frankish bishops met at Paris.³⁴ By December 6, the bishops had concluded their discussions and they sent Halitgar of Cambrai and Amalar of Metz to Louis with a document containing their opinions.³⁵ Louis then wrote to Jeremias of Sens and Jonas of Orléans, the latter of whom was among the most learned churchmen of the empire and probably chosen for this reason as well as for his very close relationship with Louis,³⁶ and stated that the proffered documents met with his approval. Furthermore, Louis ordered Jeremias and Jonas to go to Rome and there to present Eugenius with a summary of the conclusions reached at Paris.³⁷ Louis also prepared a personal letter to Eugenius which Jeremias and Jonas were to bear to Rome.³⁸ The two bishops were urged to make Eugenius see the correctness of the Frankish point of view and, in both his letter to them and in his letter to Eugenius, Louis sought to gain permission to send legates of his own to Constantinople in any delegation that

³⁴The basic facts are adequately presented by Hefele-Leclercq, Histoire des Conciles, IV.1, pp. 40-48; cf. Jaffe, no. 2560.

³⁵MGH, Conc., II.2, p. 483. This was the Libellus Synodalis.

³⁶Jean Révillon, Les idées politico-religieuses d'un évêque du IX^e siècle: Jonas d'Orléans, (Paris, 1930), pp. 27ff, 61ff, emphasizes this, as does DeClercq, Législation religieuse franque, II, p. 57.

³⁷MGH, Conc., II.2, p. 533.

³⁸Ibid., pp. 534-35.

Eugenius might wish to send there. The evidence, which will be analyzed in detail in just a moment, suggests that Eugenius was not persuaded by the Frankish envoys.

These are the basic facts of the case and, unfortunately, they can not be followed further with any degree of certainty. Louis seems to have had in mind as his legates to the East Halitgar and Amalar³⁹ and the Royal Annals, under the year 828, report of the return of Halitgar from Constantinople. However, Halitgar's companion was Ansfrid of Nonantula, not Amalar.⁴⁰ Moreover, legates from Michael had appeared before Louis in the year before to confirm peace between the two empires.⁴¹ It has been suggested that these diplomatic exchanges were connected with the religious dispute and that Halitgar was Louis' personal envoy in a papal mission to the East.⁴² This is, of course, possible, but it does not explain what happened to Amalar. It seems safest to admit that we do not know what became of the whole affair after Jeremias and Jonas went to Rome. Our sources contain no subsequent references to the papacy or to the Byzantines in connection with this dispute, and this makes it a little difficult to

³⁹Ibid., p. 533.

⁴⁰SSrG, s.a. 828, p. 174.

⁴¹Ibid., s.a. 827, p. 174.

⁴²Von Schubert, Kirche im Frühmittelalter, p. 400.

reach any firm conclusions about the affair itself and about Louis' role in it. However, if some of the subtleties of the Paris documents from 825 are studied carefully, a few points, at least, can be established with considerable clarity.

The documents make it readily apparent that the Franks expected some trouble from Eugenius. In his letter to Jeremias and Jonas, Louis instructed them to prepare an extract of the most pertinent points of the Paris conclusions in order to facilitate their presentation to Eugenius.⁴³ Louis continued and urged the bishops to be patient and modest and to remind Eugenius that the fathers at Paris had undertaken their labors only with papal permission. Above all, they were advised to avoid offending Eugenius. In fact, Louis told his envoys to use extreme caution to carry their point and to be sure that they did not arouse the wrath of the pope and push him into an extreme position. Eugenius was to be reminded that the Paris bishops had as their concern only the resolution of a grave theological issue.⁴⁴ Finally, and again indicative

⁴³MGH, Conc., II.2, p. 533: "Idcirco ammonendo praecipimus sollertiae vestrae, ut, priusquam de his aliquid domno apostolico indicetis, diligenti cura eadem vos recensere curetis et ea, quae melius et aptius praesenti negotio convenire inveneritis, excerpere atque describere illique ad legendum offerre studeatis."

⁴⁴Ibid.: "Illud tamen summopere praevidete, ut ea illi de his ostendatis, quae rationi de imaginibus habendae per omnia conveniunt et quod ipse vel sui minime reicere

of the trouble which Louis expected, the emperor wrote "but if Roman obstinacy should bring this to no good end" then Jeremias and Jonas should request that Franklin legates also be sent to Constantinople.⁴⁵

Louis' personal letter to Eugenius, which was to be delivered by Jeremias and Jonas, demonstrates the same sentiments.⁴⁶ A large portion of Louis' letter was devoted to reminding Eugenius that the Franks had undertaken to study the matter only because he, Eugenius, had given them permission to do so. Likewise, Louis laid enormous emphasis on the idea that he and the Frankish bishops only wanted to help the pope to reach a decision and that they were in no way arrogating to themselves the rights of the Holy See.⁴⁷

valeant. Sed et vos ipsi tam patienter ac modeste cum eo de hac causa disputationem habeatis, ut summopere caveatis, de nimis ei resistendo eum in aliquam inrevocabilem pertinaciam incidere compellatis, sed paulatim verbis eius quasi obsequendo magis quam aperte resistendo ad mensuram, quae in habendis imaginibus retinenda est, eum deducere valeatis."

⁴⁵Ibid.: "Si tamen hoc ad nihilum Romana pertinacia permiserit."

⁴⁶Ibid., pp. 534-35.

⁴⁷These points could be established by citation of nearly any portion of the letter. Cf. ibid.: "Summa cura ac sollicitudine tractaremus, quale vobis adiutorium in hoc negotio . . . potuissemus"; "Et ob hoc a vestra sanctitate petivimus, ut sacerdotibus nostris liceret . . . sentias quaerere atque colligere . . ."; "Sicut iam commemorati sumus nos debitores existere, ut huic sanctissimae sedi in quibuscumque negotiis auxilium ferre debeamus . . ."; "Non ideo tamen de nostris missis illuc dirigendis interrogamus, quasi necessarium nobis

The letter also contained a warning, to be sure a warning couched in very guarded language, concerning the legation that Eugenius was about to send to the East. Louis asked Eugenius to make sure that his envoys to Constantinople were men of wisdom and absolutely beyond reproach.⁴⁸

The contents and implications of these letters may be summed up briefly. The Franks expected the pope to hold a somewhat different view of the iconoclastic problem from their view. The possibility was considered that the pope could be brought around to the Frankish opinion but it was thought to be equally possible that the pope would be hopelessly recalcitrant. Finally, Louis' intentions are quite clear--he wanted the pope convinced of the soundness of the Frankish theology on images--but his actual role appears to have been a rather passive one. This last point must be pursued because one of the objectives of this chapter is to understand and to interpret Louis' role.

It has been customary to regard Louis' conduct in 824 and 825 as decidedly different from that of his

videatur aut nos vestros missos hanc legationem per se perficere dubitemus, sed potius propter hoc eos vobis offerimus, ut sciatis nos in omnibus esse paratos, quae huius sacratissimae sedis necessitas aut voluntas postulaverit."

⁴⁸ Ibid., p. 534: "Et ideo cautissime considerare debetis, ut legatio vestra, quam illuc dirigere disponitis, tanta prudentia tantoque moderamine suffulta sit, sed talis sit, neque a Graeco neque Romano, iuste valeat reprehendi, sed talis sit, qualem semper decet in omnibus causis ab ista sacratissima sede proficisci."

father in 794. Hauck went so far as to call Louis cowardly and to say that he trembled before the pope.⁴⁹ Some scholars, while holding in the main to the prevailing opinion, have interpreted Louis' reserve in terms of a Frankish desire to maintain peaceful relations with Byzantium. The problem in 824 was raised by the Greeks, and in theological terms the Frankish position was, it should be noted, closer to the Byzantine than to the papal position.⁵⁰ Still, regardless of the perspective from which the problems of 824 have been viewed, scholars generally conclude that Louis' reserve stands in marked contrast to the energetic action of his father. Therefore, in order properly to interpret Louis' role, it is necessary to show, first, that conditions in 824/25 were not similar to those of 794 and, second, that in the purely dogmatic dimensions of the second iconoclastic dispute Louis acted exactly as his father had acted in dogmatic quarrels.

We have already seen that during the years between 785 and 794 Hadrian was as much motivated by political

⁴⁹ Kirchengeschichte, II, pp. 499, 502. Cf. von Schubert, Kirche im Frühmittelalter, p. 400; Voigt, Staat und Kirche, pp. 415-16. Interestingly, the Catholic scholar F. X. Seppelt, Geschichte der Päpste, (Munich, 1955), II, p. 212, agrees that Louis acted differently from his father but praises Louis' non-intervention.

⁵⁰ A. Gasquet, L'empire byzantine et la monarchie franque, (Paris, 1888), p. 325; Ullmann, Papal Government, p. 127.

concerns as by theological ones. We have also seen that his condemnation of II Nicaea was conditioned by the failure of the Greeks to give in to his political requests and to admit explicitly his spiritual primacy. Finally, we noted that there is no evidence that Hadrian and the Franks ever reached a common interpretation of the iconoclastic problem. The crucial point is that there were political considerations which allowed for a Franco-papal *détente* in 794.

No such political problems or possibilities existed in 824. The papacy had long since been forced to renounce its claims to lands earlier appropriated by Constantinople. Long and hard negotiations between the Franks and the Greeks had finally brought about peaceful relations between the two empires, and the papacy was no longer in a position to meddle or mediate between them. In the time of Hadrian the political position of the papacy in Rome and Italy was still very much an unsettled matter but, owing to the great settlements of 816 and 824, this was no longer the case when the second quarrel over images broke out. By the time of Eugenius the papacy could assert only its spiritual supremacy. It should not surprise us that Eugenius proved absolutely uncompromising in 824/25. In other words, Charles faced a pope who was in a position to compromise but Louis did not have the same luxury.

Let us remember that the Franks had stipulated the dogmatic supremacy of the papacy in the Libri Carolini

and that Leo and Paschal had, quite unexpectedly, been flattered by some very eminent Greeks. This certainly must have contributed to Eugenius' decision to hold the line on the papal interpretation of icons in 824, but there were other factors which were undoubtedly of some significance. These must be sought among the Franks.

It was noted earlier that, in the early ninth century, the Franks were engaged in a minor iconoclastic controversy of their own. One of the chief participants in this dispute, Claudius of Turin, had some interesting things to say about the pope. He said "certainly he is not to be called apostolic who sits in the chair of the apostle, but rather he who fills the apostolic office."⁵¹ Claudius' opinion is representative of a fairly widespread conciliarism which was then emerging in the Frankish episcopate. This view held that in ecclesiastical matters Christ's commission had been handed equally to all bishops and that the bishops, in their totality, were the conservators of the tradition of the Church. The pope was more highly esteemed than any other single bishop but not an independent authority, according to the conciliarist ecclesiology.⁵² It is interesting to note that the statement attributed by

⁵¹Ep. no. 12, MGH, Epp., IV, p. 613: "Certe ille non dicendus est apostolicus qui in cathedra apostoli, sed qui apostolicum implet officium."

⁵²This is one of the theses ably argued by Morrison, Two Kingdoms, passim; cf. Congar, Ecclésiologie, pp. 158ff.

Rufinus to Constantine at the time of the first Nicaean council appears repeatedly in the early ninth century. Presumably, Constantine said to the assembled bishops, "You are gods constituted by the true God; go, discuss your issues among yourselves for it is not fitting that we judge gods."⁵³ Needless to say, this passage is important in understanding the relation of secular to ecclesiastical authorities but it is no less significant as an indicator of the Frankish idea that ecclesiastical disputes were the common stock of all bishops and particularly of bishops canonically convened in council. Eugenius probably knew that these ideas were abroad and he can hardly have been happy with this direct attack on the Petrine theory of papal supremacy. Again, it is easy to see why Eugenius refused to budge in 824.

The currency of these conciliarist ideas, and Eugenius' obstinacy in 824, can be related to one another rather closely by the Paris documents of 825. I have several times called attention to the extraordinary gentility with which the Franks treated Hadrian in 794. The Paris fathers, in a Libellus destined for Eugenius' eyes, took Hadrian severely to task. They stated that Hadrian

⁵³Historia Ecclesiastica, X.2, PL, XXI, 468: "Vos dii estis, a vero Deo constituti; ite, et inter vos causas discutite, quia dignum non est ut nos judicemus deos." This appears in a Paris synod of 829 and in an Aachen synod of 836 as well as in the Episcoporum Relatio and the treatises of Jonas of Orléans. For proof see Anton, Fürstenspiegel und Herrscherethos, pp. 437-46.

properly condemned those who destroyed sacred images but that he foolishly overreacted and ordered that images be adored.⁵⁴ They attacked the letter which Hadrian had sent to the Greeks by claiming that his citations from the fathers were irrelevant.⁵⁵ They said almost the same thing about the letter that Hadrian sent to Charles. In this letter Hadrian was accused of having acted in an unfitting manner.⁵⁶ Finally, Hadrian was accused of deviating from the path of rectitude, though it is said that he, perhaps, did this unwittingly.⁵⁷ Since the papacy still held to the views which were being attacked in 825, Eugenius' displeasure at these attacks on his predecessor can well be imagined.

⁵⁴MGH, *Conc.*, II.2, p. 481: "Sicut iuste reprehendit illos, qui imagines sanctorum temerario ausu in illis partibus confringere et penitus obolere praesumpserunt, sic indiscrete noscitur fecisse in eo, quod superstitiose eas adorare iussit."

⁵⁵*Ibid.*: "Inseruit etiam in eadem epistola quaedam testimonia sanctorum patrum, quantum nobis datur intellegi, valde absona et ad rem, de qua agebatur, minime pertinentia."

⁵⁶*Ibid.*: ". . . tam superstitiosa tamque incongrua testimonia memorato operi inseruerant, per singula capitula in illorum excusationem respondere quae voluit, non tamen quae decuit conatus est . . . talia quippe quaedam sunt quae in illorum obiectionem opposuit, quae remota pontificali auctoritate et veritate et auctoritati refragantur." The document to which Hadrian's responses are being considered is the now lost letter of Charles to Hadrian carried to Rome by Angilbert.

⁵⁷*Ibid.*, p. 482: "Quibus verbis liquido colligitur, quod non tantum scienter quantum ignoranter in eodem facto a recto tramite deviaverit."

In addition to these attacks on Hadrian and his theology, the Paris Libellus contained some other words which would have struck a dissonant chord with Eugenius. The Frankish bishops observed that Eugenius was defending an erroneous position and that he did not seem to be willing to cede to the truth.⁵⁸ Then the bishops asserted that they had constructed their arguments in such a way that Eugenius could hardly fail to see their correctness and that, having seen it, he would certainly yield to it.⁵⁹ Again this emphasizes the fact that the Franks considered the papacy to be in the wrong. Later in the synodal books the bishops offered an interesting bit of praise on behalf of the Roman See. They noted the special responsibilities of the papacy and the special name--universalis--which it bore. At the same time, however, they stated that the pope did not merit the title universal when he did not struggle for the strength, and according to the traditions of, the Universal Church.⁶⁰

So, the evidence goes full circle. Ideas found in Claudius of Turin, in various synods, and in treatises are also found in a Libellus which bore Louis' stamp of

⁵⁸Ibid.: "Volens nolensque veritati cederet atque succumberet."

⁵⁹Ibid., pp. 482-83.

⁶⁰Ibid., p. 522.

approval.⁶¹ These ideas were inimical to the papacy and another powerful inducement to obstinacy on the part of Eugenius. It suffices to say that he succumbed to these inducements, as well as to the others which have been described here and, as a result, he refused to submit to the Franks in 825.

The foregoing arguments should be enough to demonstrate that conditions in 824/25 were so different from those in 794 that any comparison is dangerous. It is safe to conclude that on both occasions it was considered necessary to win papal approval. This is implicit in the attempts made both times to convince the papacy of the rectitude of the Frankish view. It is also important to note that both times genuine papal approval failed to materialize. Also, it would probably be a mistake to attribute too much significance to the nascent conciliarism among the Frankish clergy. This tendency certainly would have alarmed Eugenius, but it would have been only one factor in the formation of his ideas and only a partial motivating force among the Franks themselves. The Frankish sources, with a few exceptions, are respectful of Rome, and although the bishops considered Eugenius and Hadrian to be representatives of an erroneous position they did not feel themselves capable of declaring them heretics. The crux of

⁶¹Ibid., p. 533: "Et quia placuerunt et ad id, propter quod collectae sunt, necessariae atque utiles a nobis iudicantur . . ."

the problem lies in the fact that the Church had not yet decided where sovereignty lay in dogma. Generally speaking, the papacy claimed and was conceded a certain pre-eminence.⁶² But, as Hinschius wisely pointed out years ago, it was not until the doctrine of papal infallibility was proclaimed in 1870 that the matter reached any definitive resolution.⁶³

There are still a few loose ends to be tied up if Louis' role in the second iconoclastic struggle is to be properly understood and interpreted. Louis' critics, that is, those who argue that he acted so differently from his father, would probably not be silenced by an argument that reached only the two conclusions that Charles did not, in fact, impose his will upon Hadrian--making Louis no different for not imposing his will on Eugenius--and that conditions in 825 and 794 were so different that comparisons are dangerous. These critics would certainly argue that Charles generally took a more energetic part in dogmatic disputes than his son. This view is demonstrably false, for the two rulers acted in exactly identical fashion.

In the first place, it should be observed that the Frankish clergy rather consistently argued that the king was responsible for defending the faith. Paulinus of Aquileia, on several occasions, claimed that it was the

⁶²Cf. MacDonald, Reason and Authority, pp. 68-71; Morrison, Tradition and Authority, pp. 157ff; Ullmann, Papal Government, pp. 109-11.

⁶³Kirchenrecht, IV, pp. 432-36.

special preserve of churchmen to struggle against enemies of the faith with the weapons of churchmen. He further stated that it was the responsibility of kings to fight against "visible enemies" while clerics had it as their duty to fight against "invisible enemies" with spiritual weapons.⁶⁴ This same thesis is met in Alcuin,⁶⁵ and it would not be difficult to cite other examples of its appearance. The important point here is that the clergy did not assign to the king any role in the definition of dogma, only in the protection of it.

The same view was adopted by the Paris fathers of 825. With reference to Charles' conduct, they said simply that he had acted properly in calling to Hadrian's attention the errors of the Greeks so that Hadrian, by his

⁶⁴MGH, Conc., II.1, p. 132: "necessarium tamen existimo omnibus christianis cunctisque fidelibus, maxime apostolicis viris, contra hostes eius fidei armis dimicare"; p. 142: "Unde supplicandus est tranquilissimus princeps noster, ut ille pro nobis contra visibiles hostes pro Christi amore Domino opitulante dimicet, et nos pro illo contra invisibiles hostes, Domini inprecantes potentiam, spiritualibus armis pugnemus." Cf. MGH, Epp., IV, no. 18, p. 525.

⁶⁵Epistolae, MGH, Epp., IV, p. 282: "Hoc mirabile et speciale in te pietatis Dei donum praedicamus: quod tanta devotione ecclesias Christi a perfidorum doctrinis intrinsecus purgare tuerique niteris, quanta forinsecus a vastatione paganorum defendere vel propagare conaris." H. Lilienfein, Die Anschauung von Staat und Kirche in Reich der Karolinger, (Heidelberger Abhandlungen, I, 1902), pp. 33-35, and others, take this passage to be indicative of Charles' preponderant role in dogmatic issues. I ask, simply, where does this passage say that Charles defined the faith which he undertook to defend? Cf. infra, nn. 67, 68.

apostolic authority, could call for the necessary changes.⁶⁶ Let us recall that Charles' letter to Hadrian and the Libri Carolini had royal approval, but were not of royal authorship. Referring specifically to Louis, the bishops praised his zeal in seeking to bring the affair to a proper conclusion⁶⁷ and they went on to make a crucial statement about Louis' proper role. They stated that Louis, as was fitting, had the desire to take the affair under consideration but that he lacked the authority to investigate the matter himself.⁶⁸

The analysis of dogmatic issues was, therefore, reserved to clerics. Pious monarchs had a duty to protect and propagate the faith, but its content was not properly their affair. These conclusions are certainly justified by what might be called the general or theoretical pronouncements in the sources which have survived. Unfortunately, the reasoning of Paulinus, Alcuin and the Paris fathers is not juristic, and no one in the Carolingian age

⁶⁶MGH, Conc., II.2, p. 481: "Et multis in locis (scil. in capitulis Graecorum), ut dignum erat, reprehendisset et quaedam capitula, quae reprehensione patebat, praenotasset eaque per Angilbertum abbatum eidem Hadriano papae direxisset, ut illius iudicie et auctoritate corrigerentur." (*Italics mine.*)

⁶⁷Ibid., p. 482: "Quo zelo ad haec considerata vestra sancta devotio excitata fuerit. Non enim ignoramus animum vestrum magno taedio posse affici . . . "

⁶⁸Ibid.: "Quoniam inerat vobis voluntas consulendi et deerat auctoritas quaerendi."

produced a genuinely legalistic treatise on the subject. If we were left in the realm of theories, we would be on very dangerous ground because it is seldom possible to say how widely a given theory is, or was, accepted. Likewise, there are abundant examples from the Carolingian age of clerics articulating one view and of kings, seemingly, adhering to a precisely opposite one. Happily, however, we are not banished to the world of ideas. Charles played a role in several theological disputes, and when his role in them is studied, it will be seen that it conforms perfectly to the prevailing theories. It will also be clear that Louis played essentially the same role as his father had before him.

The council at Frankfurt in 794 has already been discussed several times so let us begin with it. Deliberations there ranged widely over a number of issues that were of grave concern to the Franks. Among these were the canons of II Nicaea and the adoptionist heresy of Felix of Urgel and Elipandus of Toledo. It is only with these that we are concerned. First, it should be noted that the synod was called by Charles, but that it also had papal approval, that is, it met with papal authority.⁶⁹ In the ninth century the Franks considered Frankfurt to have been

⁶⁹Ann. Reg. Franc., SSrG, s.a. 794, p. 94; Capitulare Franconofurtense, MGH, Conc., II.1, p. 165: "Apostolica auctoritate atque piissimi domini nostri Karoli iussione."

a papal assembly⁷⁰ and so, however great Charles' role in calling it may have been, the significance of the papal sanction should be be underestimated.

Even if it is conceded that papal approval was necessary to enter into any serious discussion of dogma, it does not follow that Charles played no role in the discussions or in the final decisions. The final judgments reached at Frankfurt were published in a capitulary and this caused them to enter into the public law of the Franks. The obligatory force of any capitulary derived solely from the power of the king who issued it, and it can hardly be imagined that a king would have issued a capitulary whose contents were not to his liking. It is known, in fact, that most capitularies were direct expressions of royal will.⁷¹ This might seem to suggest that the role of the clergy at Frankfurt was negligible, but a careful study of the text of the capitulary shows that this was not the case.

It is fortunate that we can turn to the sources for a firm answer because there exists for Charles' role at Frankfurt the same divisions of scholarly opinion that have

⁷⁰ Jonas of Orléans, De Cultu Imaginum, I, PL, CVI, 309; cf. Hincmar's opinion: "Iussione apostolicae sedis . . . convocante imperatoris" cited by Congar, Ecclésiologie, pp. 170-71.

⁷¹ Ganshof, "Récherches sur les capitulaires," part 1, pp. 58-62.

been found in the other issues raised in this chapter. Some argue that Charles dictated to his clergy⁷² while others claim that he left the bishops pretty much to themselves.⁷³

The correct interpretation of the Capitulary of Frankfurt was advanced some years ago by Hans Barion on the basis of a precise study of its text.⁷⁴ Only the first two Frankfurt canons dealt with dogmatic issues; the first with adoptionism, the second with iconoclasm. The dispositive language of these canons is distinctive. Canon 1 reads "sanctissimi patres . . . statuerunt" and canon 2 says "sanctissimi patres . . . condemnaverunt."⁷⁵ In almost every case, dispositions in the capitularies were made in the third person singular or in the first person plural. It is enormously important to note that these are precisely the forms used in the remainder of the Capitulary of Frankfurt. Consider just a few examples:

⁷²E.g., von Schubert, Kirche im Frühmittelalter, p. 367; Voigt, Staat und Kirche, pp. 343-44.

⁷³Hinschius, Kirchenrecht, III, p. 701; Brunner, Deutsche Rechtsgeschichte, II, p. 418; Morrison, Two Kingdoms, pp. 33-34.

⁷⁴Das fränkisch-deutsche Synodalrecht des Frühmittelalters, (Kanonistische Studien und Texte, V, VI, Bonn-Cologne, 1931), pp. 252-53, 265-66. His conclusion is "that dogmatic issues were independently decided legally by the bishops."

⁷⁵MGH, Conc., II.1, p. 165.

- c. 3: indulisit, concessit
- c. 4: Statuit piissimus domnus noster rex
- c. 6: Statutum est a domno rege et sancta synodo
- c. 9: Definitum est etiam eodem domno rege sive a
sancta synodo
- c. 55: Dixit etiam domnus rex⁷⁶

In canons after the first two, the king, or the king and the synod spoke. In the first two, those dealing with dogma, only the synod spoke. The conclusion is clear: Charles had no authority to pronounce when purely theological points were at issue. He gave legal force to a truth proclaimed by his clergy. If he had dictated to his clergy or if he had possessed the legal right to do so, he would surely have spoken in his own name, as he did without exception in all other cases.

Charles can be observed playing the same role in the adoptionist dispute. The adoptionists were a group of Spanish heretics centering particularly on Bishops Felix of Urgel and Elipandus of Toledo. They maintained that Christ was the adoptive son of God and questioned the fullness of his divinity. As a broad generalization, it is fair to fit this heresy into the context of the Christological disputes which had rent the Christian world since the third century.⁷⁷ When the heresy began to flare

⁷⁶Ibid., pp. 166-71. Note particularly cc. 6 and 9 where both king and synod disposed of the matter at hand.

⁷⁷A brief but adequate description of adoptionism may be found in Hefele-Leclercq, Histoire des conciles, III.2, pp. 1001-1019.

up in the years around 785, Hadrian got wind of it and directed several letters to the Spanish episcopate,⁷⁸ including a very substantial one.⁷⁹ At some point, Hadrian called the problem to Charles' attention. Probably this occurred in 788 or 789 though opportunities would have been so numerous that it is difficult to fix the date securely.⁸⁰

Charles decided to take the matter under consideration at a synod at Regensburg in 792. Felix of Urgel was summoned there and convinced of his error. He recanted and was sent to Hadrian.⁸¹ It may well be that Hadrian had sought Charles' assistance because the Frankish king was in a much better position than the pope to lay his hands on Felix. Very little can be inferred from this, however. The meetings at Regensburg were concerned with far more than just Felix, Elipandus and the adoptionists. There was the already present iconoclastic problem, the recent Avar campaign which had been something less than a success, and the revolt of Pepin the Hunchback to be considered.

⁷⁸Codex Carolinus, nos. 95, 96, 97, MGH, Epp., III, pp. 637-47.

⁷⁹Epistola Hadriani ad Episcopos Hispaniae, MGH, Conc., II.1, pp. 122-30.

⁸⁰Jaffe, no. 2468; Hefele-Leclercq, Histoire des conciles, III.2, pp. 1024-25.

⁸¹Ann. q. d. Einhardi, SSrG, s.a. 792, p. 91; Ann. Fuld., SSrG, s.a. 792, p. 12.



That Charles decided to deal with the heretics at all may have been dictated by a desire to put the troubled Frankish house in order. Moreover, Charles, Hadrian and the Frankish clergy were all of one mind on the adoptionist problem, so there was neither reason nor occasion for Charles to intervene alone in the matter. Then, too, Hadrian had initiated the condemnation of the errant Spaniards, so it would be wrong to see Charles' role as more than an associate or corroborative one.

The matter was not allowed to drop at Regensburg, however. In 793 a number of Spanish clerics wrote to Charles and to the Frankish clergy.⁸² In essence these letters asked Charles and the Franks to arbitrate the dispute and they made it clear that a decision in favor of Felix was expected.⁸³ These letters are much less instructive about Charles' role than the Frankish responses to them.

In the letter prepared by the Frankish bishops Charles was praised highly for his solicitude in dealing with the heresy. Then the clergy went on to a lengthy and detailed refutation of the errors of Felix. There is only a vague hint that Charles had had anything to do with the

⁸²793 seems reasonable since the letters arrived after Regensburg but before Frankfurt. Jaffe, no. 2482; Hefele-Leclercq, Histoire des conciles, III.2, p. 1043.

⁸³MGH, Conc., II.1, pp. 120ff.

treatise--the response of the Frankish bishops was indeed a treatise--sent to Spain. The bishops praised the wise and pious prince who had sat with them and helped them. However, they continued and said that Charles had instructed them to prepare a Libellus against the Spanish clergy.⁸⁴

Charles' own letter to the Spanish is enormously important. It contains the only words which have survived from Charles himself treating of his role in dogmatic disputes.⁸⁵ He began by saying that his sole desire was that all be united according to the teachings of the Church. To serve that end, he wrote, the bishops of his whole empire had been called together so that they could determine "what ought to be believed" ("quid credendum sit"). Likewise, he told the Spanish, he had several times sent missi to Rome to find out the position of the papacy on this matter. Charles even said that he had called in certain men from England, among whom Alcuin must certainly be numbered. Then Charles said that he was sending individual books prepared by each body of clerics who had studied the matter. These books, according to Charles, had been prepared "by ecclesiastical authority" and came, one each, from the papacy, the bishops of Italy and the bishops of Gaul, Germany, Aquitaine and England.

⁸⁴Ibid., pp. 143-57.

⁸⁵Ibid., pp. 158-64.

Near the end of the letter, Charles said that he had attended the discussions, which discussions it is not clear, because the Spanish had asked him to do so,⁸⁶ but from several other statements in the letter it is clear that Charles had played, at best, a passive role in the deliberations. On several occasions he stated that he wished to associate himself fully with the statements contained in the Libelli and that he joined himself perfectly to the opinions of the Holy See.⁸⁷ He also said that he agreed completely with whatever might be found in the books and that it was not his duty to explain their contents to the Spanish.⁸⁸

Charles' letter indicates that he defended and called his own the theology prescribed by his clergy. Nowhere did he say that he had defined the doctrines which he espoused, and nowhere did he claim the right to do so. Throughout his letter, Charles asserted that because his

⁸⁶Ibid., p. 161: "Ecce ego vestris petitionibus satisfaciens congregationi sacerdotum adiutor et arbiter adsedi."

⁸⁷Ibid., p. 160: "Meae propriae unanimitas cum his sanctissimis . . . decretis et catholicis statutis." "Me sanctissimae multitudini et probatissimae auctoritate . . . associans." "Sed apostolicae sedi . . . coniungo."

⁸⁸Ibid.: "Quidquid in illorum legitur libris . . . indubitanter teneo"; p. 161: "Quid vero de hoc libella praesules ecclesiarum Christi fidaei catholicae doctores intellexissent, non opus mihi in hac mea iterare epistola, dum eorum libellus proprius hoc vobis evidenter ostendit."

clergy adhered to the universal traditions of the Catholic faith he could do nothing else but subscribe to their interpretations. In fact, the conclusion of the letter is an exhortation to the Spanish to return to the fold; indeed, to return to the theology which they would find in the books written by Charles' clergy.

Charles was involved in one final doctrinal dispute. This was the "filioque" controversy which emerged in 808 and 809. This controversy centered on the fact that the Eastern and Western Churches made their professions of faith in slightly, but significantly, different ways. In the East, the Holy Spirit was held to proceed from the Father through the Son. This was stated by Cyril of Alexandria in the fifth century: "ἐκ τοῦ πατρὸς δι' υἱοῦ." The Western view was that the Holy spirit proceeded from the Father and from the Son. In Greek this was expressed "ἐκ τοῦ πατρὸς καὶ ἐκ τοῦ υἱοῦ." In Latin it was written "ex patre et ex filio" or, more familiarly, "ex patre filioque."⁸⁹

The problem was not unknown to the Franks. They had first dealt with it at a synod at Gentilly in 767 or, at least, it is likely that it arose at that time.⁹⁰ The

⁸⁹ Lot, Pfister and Ganshof, L'empire en occident, p. 605.

⁹⁰ Ann. Reg. Franc., SSrG, s.a. 767, p. 24: "Tunc habuit domnus Pippinus rex in supradicta villa (scil. Gentiliaco) synodum magnum inter Romanos et Graecos de sancta Trinitate vel de sanctorum imaginibus."

problem was discussed in the Libri Carolini as an example of one of the perversions of the Greeks.⁹¹ In addition, it appears that Paulinus of Aquileia defended the reception of "filioque" in a synod at Friuli in 796.⁹² Not until 808, however, did the problem become a serious one.

Frankish monks on the Mount of Olives near Jerusalem were accustomed to chanting "filioque" in the profession of faith. This brought upon them a charge of heresy from the Greek monks of St. Sebas. In order to remove this charge the Frankish monks appealed to Leo III. They professed that they believed exactly as the Roman Church and in their obsequies to Leo they emphasized that if they were called heretics it would be tantamount to calling Leo himself a heretic. They then went on to say that they had heard "filioque" chanted in Charles' chapel and they invited Leo to seek corroboration of this fact.⁹³ It was in this way that the Franks became involved in the affair.

Leo forwarded the letter of the Palestinian monks to Charles along with a letter of his own and a copy of the symbol of faith that he had sent to the East.⁹⁴ This

⁹¹III.1,3,4, pp. 106, 110ff, 113.

⁹²MGH, Conc., II.1, pp. 181ff; Epistolae Variorum, no. 15, MGH, Epp., IV, pp. 517-20.

⁹³Epp. Sel. Pont. Rom., no. 7, MGH, Epp., V, pp. 64-66; Jaffe, no. 2519.

⁹⁴Ibid., no. 8, pp. 66-67; Jaffe, no. 2520.

symbol is of some concern to us. Its key passage read "Credimus Spiritum sanctum a Patre et a Filio aequaliter procedentem . . ." ⁹⁵ Two important points must be made in connection with this exchange of correspondence. First, the theology of the papacy, the Franks and the Frankish monks on the Mount of Olives was the same on the issue of the procession of the Holy Spirit. Second, the monks and the Franks, but not the papacy, had, at some point, inserted the word "filioque" into their profession of faith. It may be noted in passing that all parties to this dispute were of the same mind on the theology of the issue, and all stood in marked distinction to the theology of the Greeks. Earlier, and in a more pronounced fashion later, this caused a substantial rift between the Eastern and Western Churches. In 808, however, the dispute was solely Western and concerned language, not theology.

Charles decided to call a synod at Aachen in 809 and, among other things, it took up the question of the procession of the Holy Spirit. ⁹⁶ The synod affirmed the orthodox position on the procession and, apparently,

⁹⁵ Mansi, Concilia, XIII, 978.

⁹⁶ Ann. Reg. Franc., SSrG, s.a. 809, p. 129; Ann. Fuld., SSrG, s.a. 809, p. 17; Ann. Xant., SSrG, p. 4; Ann. Iuv. Max., MGH, SS, XXX.2, s.a. 808 (sic), p. 738; From the synodal documents, MGH, Conc., II.1, pp. 236ff, it is clear that a variety of matters were discussed, yet the annalistic sources say only that the synod was held "de processione Spiritus sancti."

affirmed the use of the word filioque. The synodal documents, along with a small treatise on the subject written by Smaragdus,⁹⁷ were sent to Rome by Charles through Bishop Bernhar of Worms and Adalhard.⁹⁸ These men were assigned the task of holding a disputation with Leo on the introduction of filioque into the symbols. We are imperfectly informed about these discussions, which did take place in early 810,⁹⁹ but it is known that Leo forbade the addition of filioque.¹⁰⁰ It is also known that the Franks continued to use it and that the papacy did not receive it until 1014.¹⁰¹

It is not at all difficult to extract the proper conclusions from this series of events. Whatever the role Charles played in all of this may have been, it was secondary to the roles played by the pope and the Frankish

⁹⁷Libellus Smaragdus de Processione Sancti Spiritus, MGH, Conc., II.1, pp. 236-39.

⁹⁸Ann. Reg. Franc., SSrG, s.a. 809, p. 129. The conciliar documents, MGH, Conc., II.1, p. 240, add Jesse of Amiens but his presence is doubted by Hefele-Leclercq, Histoire des conciles, III.2, p. 1131 and n. 2. Cf. Jaffe, no. 2520 who accepts the presence of Jesse.

⁹⁹Colloquium Romanum, MGH, Conc., II.1, pp. 235-44.

¹⁰⁰Jaffe, no. 2521: "Vetat, ne symbolo fidei verba 'filioque' addantur."

¹⁰¹Lot, Pfister and Ganshof, L'empire en occident, p. 605; von Schubert, Kirche im Frühmittelalter, p. 390.

clergy. On the basic theological point, all parties were in agreement and in this area there was really no role for Charles to play. On the contested point, which was among the Westerners an essentially technical one, Charles and Leo were not of one mind, but the emperor did not impose his will on Leo; nor, in any sense, did he threaten to do so.

Let us now, for purposes of comparison, recall the essential facts of the case which arose in 824. Louis was informed of a theological dispute. He requested permission from the pope to investigate the matter. Permission was granted, an inquest held by the Frankish bishops and documents that met with Louis' approval were produced. Louis saw that the papacy and the Franks were at odds and he urged his envoys to Rome to use tact and guile to bring the pope around to the Frankish view. The attempt failed. Throughout the affair, the theological side of the problem was left to the clergy.

Now it is possible to place Louis' conduct in the second iconoclastic controversy into its proper perspective. If Louis' role was vigilant in so far as he urged his clergy to take a stand on the issue, then it was passive in that he did not dictate to them what that position was to be. For his passivity Louis has suffered at the hands of modern scholars. He has been called cowardly, weak and not a worthy son to the great Charles. But, this criticism is entirely unwarranted, for it is based on false

assumptions. Basically, it is grounded in the belief that Charles regularly determined what the true faith was and then, having reached a determination, imposed his will on the pope. In 809 the pope did not come around to the Frankish view and in 794 politics allowed for a measure of détente but the pope and the Franks remained at odds on icons. In the adoptionist controversy Charles and the pope were of one mind so there is no reason to speak of one party imposing its will on the other. Throughout this quarrel, however, Charles left the theological debates to the clergy and then associated himself with their decisions.

Perhaps it is wrong to attempt to understand this problem in terms of impositions of the royal will as scholars have done in the past. It seems that there was a certain "Frankish tradition" in dogmatic disputes and that the first two Frankish emperors adhered to it consistently. In every single case the technical theological issue was left to experts, that is, to clerics, and after the clergy had reached a decision the emperor embraced it. When the problem is viewed from this perspective, it is clear that Charles and Louis acted in essentially the same way and it becomes absurd either to praise or to blame them for their actions. In fact, it is important only to observe the role which they played and to understand thereby a significant aspect of Carolingian ecclesiastical policy. We should not lose sight of the fact that

throughout these controversies the spiritual supremacy of the papacy was affirmed by the popes themselves, by Frankish rulers and, at least most of the time, by the Frankish clergy. This fact alone ought to make us suspicious of any argument that the Frankish kings possessed some kind of dogmatic authority. At the same time, the full ramifications of Franco-papal dogmatic disagreements will not be understood until the ecclesiological problem of papal versus episcopal dogmatic primacy is resolved. Given the state of the sources and the general lack of attention in the sources to this ecclesiological problem, it is likely that it cannot be resolved. But, it is important to realize that kings and popes were not the only ones who were vitally concerned with this issue.

A few final conclusions may be drawn concerning Eugenius. His determination to hold to the iconodule position in 825 probably should not be viewed as sheer obstinacy. He had behind him a powerful and living tradition which made him, in his capacity as Peter's successor, the very repository of orthodoxy. If he failed to show the same flexibility that Hadrian had exhibited, then there were very good reasons for it. He was confronted with a very real opportunity to expand the damaged influence and prestige of the papacy in the Byzantine world. This was a matter of no little significance to a man who styled himself, as his predecessors had done,

"universalis papa." The papacy had long since lost any real political or legal influence in secular affairs in New Rome, and the great constitutions of 816 and 824 had quite effectively put an end to such influences in Old Rome. However, the papacy was, above all, a spiritual office, and in a world that regularly conceived itself in spiritual terms there were still broad and fertile fields open to papal cultivation. Whether the papacy would eventually expand or eventually lose its political influence was very much an open question in the time of Hadrian. By the time of Eugenius spiritual influence was all that was left and it is easy to see why he defended it so vigilantly.

There is a certain irony in all of this. Secular rulers excluded the papacy from secular affairs while praising highly the spiritual concerns that were the proper business of the papacy. Then the papacy exploited its spiritual leadership of the populus Christianus, the inhabitants of a world described as the Imperium Christianum, to rise to the very summit of that world. It was, of course, extremely difficult to delineate between secular and ecclesiastical concerns in a world whose guiding principles were essentially and fundamentally Christian. Consequently, the years after 824 provide the first examples of the ways in which the ever resourceful papacy exploited its spiritual supremacy in its rise to the position of leadership in the Christian world, or, at least,

the Western half of it. Stated in another way it can be said that in the ninth century the problem turned on the fact that all men agreed that the world was, and ought to have been, organized according to spiritual principles but that there was no fundamental and commonly shared understanding of what "spiritual" meant.

CHAPTER VI

THE ROMAN SYNOD OF 826

The essential subject matter of the present chapter is formed by the synod held at Rome by Eugenius II in 826.¹ However, before turning to an analysis of the importance and implications of this synod, there are several relatively minor events which may be studied by way of placing the Roman gathering into its proper context. In each of these events the papacy can be seen affirming its spiritual primacy. Very importantly, though, the diverse nature of these events provides some insight into the enormous number of areas in which the spiritual authority of the Bishop of Rome could be put into operation. An attempt has already been made to show that Eugenius' conduct in 825 in the iconoclastic controversy was a powerful assertion of papal spiritual primacy. In this chapter it will be argued that the Roman Synod was a similar, but even more important, assertion of that primacy. But the synod is a major event, indeed a major episode, in papal-imperial

¹The synod commenced November 15: Jaffe, no. 2561.

relations, and because major episodes were rather few and far between during Louis' reign, it is useful to sketch in the background supplied by a few minor events.

There is another kind of background to the synod and to the minor events mentioned above which, if it could be described adequately, would give us additional insights into papal aspirations in the third decade of the ninth century. This is the personality and character of Paschal I and Eugenius II. Unfortunately, the sources say rather little about them. The Carolingian age saw several popes, Hadrian I, Nicholas I and John VIII, to name but a few, who emerge from the documents as recognizable and distinctive personalities. A great deal has been written about each of these popes, and this literature is all the richer for its appreciation of the complexities and subtleties of the personalities of these great men. In dealing with the pontificates of Paschal and Eugenius, however, it is on the whole necessary to judge the great affairs in which they played a part largely on their own merits. The extent to which these affairs derived from the personalities of Paschal and Eugenius can hardly be grasped.

The problem is a lack of source material of the kind which allows judgments about character and personality to be made. The vitae of Paschal and Eugenius in the Liber Pontificalis are each only slightly longer than one quarto page, less space for notes. These vitae contain

remarkably few facts and focus on the traditional, and rather formulaic, listing of ancestry, virtues and building projects in Rome. Letters are always a valuable source but, again, these are lacking in any substantial quantity. The few which do survive have been studied in previous chapters, or will be studied in the present one, but they do not help much in forming a full and nuanced picture of either pope. Annalistic and other narrative sources note papal activities, to be sure, but usually only in connection with various causes célèbres. Seldom if ever do these sources pause to reflect on papal activities and, almost without exception, they say nothing about the character of Paschal and Eugenius.

Still, a few observations on these two popes can be made. It was observed above that Paschal demonstrated a certain insolence in his dealings with Louis at the time of the murders of Theodore and Leo in Rome. He also raised, as we saw, an egregiously false claim against Farfa which caused him to lose a case which was argued before Lothar. In addition, Paschal ventured a couple of other bold strokes which will be analyzed presently. All of this suggests that he was a rather headstrong man, possessed of a rather lofty conception of the power and importance of both himself and his office. He seems to have lacked an understanding of the process of compromise which is always and everywhere so much a part of political interaction.

The sources do not justify any observations beyond these but one can feel confident in suggesting that if there were more material touching on Paschal's pontificate, he would certainly emerge as one of the more interesting popes of the whole Carolingian age.

Of Eugenius even less can be said. We saw that the Franks, Wala apparently, expended some effort to get him elected. Perhaps they regarded him as a man through whom they could work and his agreement to the Constitutio Romana certainly makes him appear in this light. But he was most assuredly not a tool in the hands of his Frankish masters. This conclusion is already justified on the grounds of his conduct in the iconoclastic dispute, and it is strengthened by the offensive which he launched in 826. Perhaps he had a greater appreciation of the art of compromise than his predecessor. Or, maybe, he willingly sacrificed the political aspirations of the papacy in order to concentrate on religious issues which he judged to be more properly incident to his office. It is hard to say, and Eugenius remains, at best, a shadowy figure. After all, he sat less than three years on the throne of Peter.

If little or nothing can be learned from the personalities of these popes then, at least, their actions speak an unmistakable language. The first two such actions concern Paschal. In neither case can the chronology be set down precisely so attention will be directed first to

the one for which there exists the least source material and about which the least is known.

Sometime between 822 and 824² Hrabanus Maurus, Abbot of Fulda, wrote a letter to Paschal concerning the privilege conferred upon his monastery by Pope Zachary in 751. This privilege had exempted Fulda from the authority of any and all ecclesiastical powers save the Roman Church.³ Lamentably, Hrabanus' letter does not survive and there is no full description of its contents preserved anywhere else in the sources. We know only that it concerned Fulda's privilege.

Paschal's response to this letter is what makes it so regrettable that it has been lost. Paschal incarcerated the monks who had brought Hrabanus' letter to Rome and then, under circumstances about which we are uninformed, he scolded the Frankish clergy and stated that he almost had it in mind to excommunicate Hrabanus. In a fragment from the Fulda epistolary collection, which contains the clearest statement of the little that is known about this case. We are told that Hrabanus described the whole affair in

²Jaffe, no. 2557. The basic facts, so far as they are known, are presented by Simson, JB Ludwig, I, p. 213.

³For the privilege: Urkundenbuch des Klosters Fulda, ed. E. E. Stengel, (Marburg, 1958), I, no. 15, pp. 30-32. It is dated Nov. 4 and was granted to Boniface. For his request for the privilege see no. 13, pp. 22-24.

a letter to Bishop Hatto. Unhappily, this letter does not survive either.⁴

Long ago Hauck⁵ recognized the importance of this forthright action on the part of Paschal, but neither he nor any other scholar has ever been able to determine the cause of Paschal's wrath. Without Hrabanus' letter⁶ the puzzle will probably never be solved but a few inferences can be drawn from the affair. It was well within the prerogative of the pope to use the threat of excommunication to bring any errant Christian into line. What is important here is that, for virtually the first time, the pope employed the threat of such a sanction against a great and influential member of the Frankish clergy. For generations the papacy had left the Carolingians a very free hand in dealing with the clergy, so it is important to grasp the significance of this personal intervention by the pope.⁷

⁴Epp. Fuld. Frag., 26, MGH, Epp. V, p. 528:
 "Paschalis pontifex eius epistolam de privilegio coenobii
 Fuldensis molestissime tulit et monachos eam offerentes
 incarceravit ipsumque coram episcopis Franciae vituperavit
 et parum absit, quin Hrabanum excommunicasset, ut ipse
 testatur in epistola ad Hattonem."

⁵Kirchengeschichte, II, p. 495.

⁶Whatever the case may be, it is interesting to note that in 828 Gregory IV confirmed Fulda's privilege on Hrabanus' request. Jaffe, no. 2568. For the document, PL, CXXIX, 991D-993B.

⁷One will search the sources in vain for a similarly threatening gesture directed against a Frankish cleric. It may well be that the whole problem of papal authority over the Carolingian clergy needs to be studied.

Moreover it is difficult to imagine that Hrabanus' offense was worse than those of which other Frankish bishops and abbots were or could have been accused. Some of these clerics, after all, were appreciably less than pure and holy and had committed acts which were deserving of censure of some kind. Yet never before had a pope launched such a threat. It is necessary, therefore, to see in this affair a very strong assertion by Paschal of the right of the papacy to oversee and to judge all other members of the clergy. This point was driven home particularly forcefully by the fact that Hrabanus was singled out. He was a friend and loyal supporter of Louis and abbot of one of the great houses of the empire; in short, no mean personage. It is perhaps indicative of Paschal's character, but certainly indicative of the importance he attached to his office, that he threatened so imposing a figure with anathema.

At about the same time that he was contending with Hrabanus, Paschal asserted his spiritual authority in another area: he seized control of the Frankish mission to the North. Here again Paschal employed a spiritual prerogative of the papacy; for his actions can be seen as a consequence of papal authority in missionary activity. It goes without saying that whenever any group of Rome's faithful set out to win new converts they were, in fact, creating new faithful for Rome and the pope. However, even if Paschal's tactic involved the use of a spiritual

prerogative, his motives may well have been rather political. By interfering in a decisive way in a Frankish project, which the Danish mission unquestionably was, Paschal explicitly renounced the missionary practices which had characterized Charles' reign. From the mid 760's the papal role in missionary activity had been a demonstrably subordinate one. Military, missionary and political endeavors had been inextricably tied together during Charles' reign, and the great king refused to tolerate any interference in his projects. At the same time, and with great docility, the papacy acceded to Charles' wishes. In turning now to an analysis of the activities of Louis and Paschal in the northern mission, it will be well to bear in mind Sullivan's observation that, "at least by implication Paschal was re-asserting the policy of Gregory II towards missions and he was again pressing the papacy into missionary affairs."⁸

Louis had been, almost since his accession, involved in a complicated diplomacy in the territory of the Danes. Familial squabbles had split the area into rival factions and Louis had sought to increase his own influence in the area by supporting one faction against the other. Then about 822 Louis hit upon a means of making his influence more permanent in the North. He decided to establish a

⁸Richard E. Sullivan, "The Papacy and Missionary Activity in the Early Middle Ages," Mediaeval Studies, XVII, (1955), p. 85.

mission in what is now Denmark.⁹ Scholars have long recognized that Louis hoped to facilitate the expansion of his political influence through the conversion of the Danes. But Hauck noted that Charles had conquered and then evangelized, whereas Louis sought to do just the opposite.¹⁰ That this view is correct emerges quite clearly from one of the key sources for the northern mission, Rimbert's life of the famous missionary Anskar. Rimbert indicates Louis' feeling that friendlier relations between the two peoples and a more willing acceptance of his rule would be a consequence of their, that is, Franks and Danes, sharing a common religion.¹¹ In addition, when the mission really

⁹Simson, JB Ludwig, I, p. 210, believes that this decision was made at Attigny in August of 822. It is more likely that it was taken at Frankfurt in November. The assembly at Attigny dealt with Louis' reconciliation with those implicated in Bernard of Italy's revolt, Louis' public penance and things which he or his father had done which required emendation: so, Ann. Reg. Franc., SSrG, s.a. 822, p. 158. A capitulary was issued at that time, MGH, Cap., I, no. 174, pp. 357-58, and judging from it and from what the Annales say, it does not seem likely that a mission was seriously mooted. In Frankfurt, we are told, first, that Louis handled "necessaria quaeque ad utilitatem orientalium partium regni sui pertinentia" (which could include the north-east) and, second, that legates from the Danes appeared: Annales, p. 159. It is known that Ebbo spent the summer of the following year in the north with missi sent there by Louis, Annales, p. 163, and all of this makes it likely that the mission received its commission in November.

¹⁰Kirchengeschichte, II, p. 692. Cf. Simson, JB Ludwig, I, p. 210.

¹¹Rimbertus, Vita Anskarii, 7, ed. Waitz, MGH, SSrG, p. 25: "quo scilicet inter eos ita maior familiaritas esse posset populusque Christianus ipsi ac sui promptiori voluntati in adiutorium sic veniret, si uterque unum coleret Deum."

got underway in 823 Ebbo, the founder of the mission, was sent north with two counts who had been entrusted by Louis with the responsibility of surveying the situation in Denmark and of reporting back fully to Louis.¹² Finally, and for what it is worth, in 819 Louis had repatriated to the Wigmodigau a number of Saxons whom his father had transplanted during his bloody Saxon campaigns. This won for Louis some firm and lasting friends among the Saxons but, more importantly, it also safely opened, for the first time, the land route to the north.¹³ This suggests that Louis had the mission in mind at least as early as 819.

The central point in all of this is that Louis was the driving force behind the mission. This is even apparent in his choice of Ebbo to head the mission. Louis and Ebbo had been friends since youth¹⁴ and shortly after his accession Louis entrusted Ebbo with the great see of Reims. Moreover, Ebbo was a Saxon and thus more closely related to the Danes than any Frank.¹⁵ Finally, Ebbo was

¹²Ann. Reg. Franc., SSrG, s.a. 823, pp. 162-63.

¹³BM, no. 696; Simson, JB Ludwig, I, pp. 55-56. This point is particularly emphasized by C. Reuter, "Ebbo und Ansgar," HZ, CV, (1910), p. 256.

¹⁴Ermoldus Nigellus, vs. 1908ff.

¹⁵Flodoard, Hist. Rem. Ecc., II.19, MGH, SS, XIII, p. 467.

well acquainted with Danes and other Northmen.¹⁶ These people frequently navigated the Schelde and the Meuse for mercantile purposes. Both of these rivers penetrated the church province of Reims and, as a further recommendation for Ebbo, it would have been from clerics of the province of Reims that the Northmen had obtained their first introduction to Christianity, however superficial it may have been.¹⁷

As a prelude to the commencement of the actual mission Louis sent Ebbo to Rome to get papal approval for it. This must have been in early 823.¹⁸ Ebbo then went

¹⁶Simson, JB Ludwig, I, p. 209; Werner Trillmich, "Missionsbewegung im Nordseeraum," Geschichtliche Landeskunde und Universalgeschichte, Festschrift für Hermann Aubin, (Hamburg, 1950), pp. 230-31.

¹⁷Reuter, "Ebbo und Ansgar," pp. 251-54. In view of the fact that Trillmich, "Missionsbewegung," pp. 231ff, also notes that missionary routes did not deviate too much from the trade routes, it appears that the whole problem of the role played by politico-economic factors in missions, particularly the economic ones, ought to be studied in detail.

¹⁸Jaffe, no. 2553, and many others following him, hold for 822. If I am correct that the decision to send Ebbo was made in November of 822 (supra, n. 9), then early 823 seems more likely. Ann. Reg. Franc., SSrG, s.a. 823, p. 162, in narrating the events of November 823, says that Ebbo had spent the past summer, that is, the summer of 823, in the North and that he was already equipped with papal authority at that time. Again, only early 823 may be suggested. Reuter, "Ebbo und Ansgar," p. 255, raises some doubt that Ebbo went to Rome at all. This is contrary to the language of the papal bull: "ante corpus et confessionem ipsius apostolorum principis." The authenticity of this document is not to be questioned: Jaffe, no. 2553.

north "on the plan of the emperor and by the authority of the Roman Bishop," in the clear and simple language of the Royal Annals.¹⁹ If the whole affair were judged solely on the basis of these facts, one would not be inclined to attach much significance to the role played by the papacy. If, however, the affair is viewed from the perspective of Paschal's bull, then a very different interpretation arises. At very least, it becomes clear that Paschal viewed his role in rather grand terms.

The bull never mentions Louis. It is as though the whole idea were Paschal's in the first place. The bull says that by the authority of Peter and Paul Paschal conceded permission to spread the Gospel in the North.²⁰ Then, Paschal made Ebbo papal legate for the North.²¹ There is not a scrap of evidence which suggests that Louis had had this in mind. Finally, Paschal provided Ebbo with a colleague, Bishop Halitgar of Cambrai,²² whose duty it was

¹⁹SSrG, s.a. 823, p. 163: "consilio imperatoris et auctoritate Romani pontificis." Sullivan, "Papacy and Missionary Activity," p. 85, says, "Christian society must have placed some value on this aspect of papal authority; otherwise Louis would not have taken the trouble to send Ebo on a special journey to Rome."

²⁰Paschal I, ep. no. 4, PL, CXXIX, 938A: "Auctoritate beatorum principium apostolorum Petri ac Pauli . . . evangelizandi publica auctoritate liberam tradidimus. . ."

²¹Ibid.: "Nostra fraterna vice."

²²Simson, JB Ludwig, I, p. 210 n. 4, argues that the Halitgar in question must have been a cleric of the

to see that the interests of the Holy See were preserved in the northern mission.²³ This was certainly a papal stroke, in fact, the crowning blow in the papal co-optation of Louis' mission. Modern authorities such as Hauck²⁴ and von Schubert²⁵ have interpreted Paschal's action in this way, and I agree fully with them. Perhaps the mildest conclusion that can be drawn is that Paschal put a decidedly Roman stamp on an essentially Frankish endeavor.²⁶

Roman Church. Jaffe, no. 2553, Hauck, *Kirchengeschichte*, II, p. 668 and Reuter, "Ebbo und Ansgar," p. 255, rightly consider him to have been the Bishop of Cambrai. Simson, like the other scholars just mentioned, noticed the close and friendly relations between Ebbo and Halitgar and decided that Paschal would not have chosen as his "eyes and ears" a good friend of Ebbo's. This is ingenious but not convincing. Halitgar was, for many of the same reasons as Ebbo, a good candidate for the northern mission. Therefore, one needs to focus on what Paschal expected of him, not upon who he was. That Halitgar soon became involved in the Paris synod of 825 and a legation to Constantinople does not disqualify him either, for at just about this time Ebbo requested and obtained the services of another man who was closely tied to him, Gauzbert: Rimbart, *Vita Anskarii*, 14, MGH, *SSrG*, p. 36. This suggests to me that Ebbo and Halitgar may have been envisioned as dual missionaries in the first place and that our sources have lost sight of this fact. There is simply no reason, however, to invent an otherwise unattested Halitgar.

²³Paschal I, ep. no. 4, *PL*, CXXIX, 983B-C: "Collegam denique huic divinae administrationis legationi ei providentes, Halitgarium . . . constituimus, quatenus ad sedem apostolicam opportuno valeat tempore de credito negotio facilius, praestante Domino, intimare, et nunquam se in qualibet parte huius nostrae auctoritas ministerio commisso negligere."

²⁴*Kirchengeschichte*, II, pp. 691-92.

²⁵*Kirche im Frühmittelalter*, pp. 398, 504.

²⁶Reuter, "Ebbo und Ansgar," p. 255.

It may also be noted that Eugenius II and Gregory IV each renewed papal authority for the mission.²⁷ Gregory IV, in particular, whose confirmation came in 834, followed fully in Paschal's footsteps. Some years before Louis had decided to send Anskar to the North²⁸ and then, after Ebbo was discredited in 833, Gregory named Anskar papal legate for the northern mission.²⁹ It also appears that Louis desired the swift erection of an archbishopric in the North at Hamburg and that Gregory temporarily thwarted him in his plans.³⁰

As in the case of its attack on Hrabanus, the papacy had employed its spiritual authority, only this time it had the result of interfering in a Frankish project. Papal authority in missionary ventures had never really been questioned but in past times the popes and the Carolingians had worked hand in hand while, of course, initiative had been solely in the hands of Charles. Missionary endeavors had long served the interests of the Frankish kings but now Paschal was making it clear that his interests were to be

²⁷Jaffe, nos. 2564 and 2574 respectively.

²⁸Rimbert, Vita Anskarii, 7, MGH, SSrG, pp. 26-27.

²⁹I did not have access to Lappenberg's edition of Gregory's bull. However, Reuter, "Ebbo und Ansgar," pp. 260-61 reproduces the key portions of three recensions of it. The pertinent words from the genuine recension read "Ansgarium legatum . . . delegamus."

³⁰Ibid., pp. 267-68, again from the bull.

served first. This is certainly the thrust of Paschal's bull and if one compares that bull to Hadrian's rather docile missives to Charles concerning, for example, the Saxon or Slavic missions, then it will be seen that a new, or, at least renascent, papal attitude had emerged.³¹

There is one additional isolated incident which may be studied along with the preceding ones. It actually occurred several years after the Roman synod but it is enough like the events just described to warrant discussion with them.

During the revolt of 830 the rebels against Louis seized his wife Judith and forced her to enter a monastery. Among other things, the rebels had complained that she was exerting an evil influence on Louis.³² When the rebellion had run its course, and Louis had regained power, his wife was restored to him at Aachen. What is interesting is that Thegan tells us that Louis received his wife honorably "on the order of the Roman Bishop, Gregory."³³ Ullmann lays considerable emphasis on this event,³⁴ as does Hauck, who

³¹Hadrian's letters to Charles are cited and discussed by Sullivan, "Papacy and Missionary Activity," pp. 82-84.

³²Thegan, Vita Hlud., 37, MGH, SS, II, p. 597.

³³Ibid., p. 598: "Iubente Gregorio Romano pontifice."

³⁴Papal Government, p. 167 n. 2.

notes that it marked the first time that a pope had ordered an emperor to do something.³⁵

These scholars assign too much practical significance to Gregory's order. In the first place, Gregory seems to have made a virtue of necessity. It is senseless to assume that without a papal order Louis would not have taken his wife back. Moreover, there are no grounds for arguing that Louis needed a papal order to retrieve his wife from a monastery. In Frankish law it was illegal for anyone to force another to enter the religious life³⁶ and in the Roman synod of 826 itself this same prohibition had been taken over.³⁷ Quite simply, Judith had to be restored to Louis, papal order or no.

The real importance of Gregory's order is that it is yet another example of the increasing willingness on the part of the papacy to expand and to exercise its spiritual authority in all sorts of cases. Taken by themselves, these relatively minor cases are suggestive of this new attitude on the part of the papacy, but they are not really conclusive. When, however, they are viewed as events peripheral to the great synod which met in Rome in 826, and when that synod itself is properly interpreted,

³⁵Kirchengeschichte, II, p. 513.

³⁶MGH, Cap., I, no. 138, c. 20, p. 278.

³⁷Infra, Appendix E, c. 32.

then the whole thrust of papal policy from the pontificate of Paschal takes on an unmistakable clarity and coherence.

In November of 826 Eugenius convened at Rome a synod of sixty-two bishops drawn from the Roman church province and from parts of Lombard Italy.³⁸ For the first time since the Carolingians had become the major force in the West, a great synod met which they had not called and at which they were not represented. In addressing the opening session of the synod Eugenius consistently emphasized two themes. First, he noted that there were many problems in the Church which were in need of reform. Second, and this is crucial, he laid emphasis on the duty of the papacy to undertake this reform. Closely related to this is the fact that Eugenius repeatedly stressed that the reforms were to be accomplished in accordance with the precepts of his predecessors.³⁹ It had been a long time since a Roman synod undertook Church reform on a scale as massive as that undertaken by Eugenius in 826. The thirty-eight canons of this synod are all, in one way or another, reform canons and most of them dealt with abuses that had long existed and against which reform measures had already been directed.

The earlier reforms, whose provisions the Roman synod frequently adopted, had not, however, been

³⁸For a list of the participants see MGH, Conc., II.2, pp. 560-63.

³⁹Ibid., pp. 554-58.

accomplished by the papacy. Since at least the time of Carloman and Pepin, the Frankish monarchy had taken over leadership of a massive reform of the Western Church. Mention may be made of the great reform synods held in 742 and 743, of the numerous reform measures scattered throughout Charles' legislation and of the huge body of reforms undertaken by Charles and Louis from 813 to 819. In the vast majority of these cases, the Franks had worked with the papacy. For example, in liturgy and canon law Charles had made a genuine effort to bring the Frankish Church into line with Roman practice. In the rest of the reform program, which was so broad in scope that it cannot be characterized in a few words, the Franks professed themselves to be bringing their Church into harmony with the teachings of the Fathers, the dictates of Church law and the precepts of the papacy. There was, thus, little that was new or original in the individual measures adopted by the Franks. What was novel was that the reform was sustained over three generations and that kings were almost always its driving force.

So too there was little that was new or original in the canons of the Roman synod. What is striking about these canons is that thirty-three of them have direct models in earlier Frankish legislation. Even more interesting is the fact that about thirty of them have models in the legislation of Louis himself. When the Roman canons are viewed alongside their Frankish counterparts, there is only one

possible conclusion that can be drawn. The papacy, in the person of Eugenius, was attempting to take up the leadership of the Church reform so long before begun and so carefully nurtured by the Carolingians.⁴⁰ Eugenius' action in calling the synod may be seen in either or both of two ways. Perhaps he was implicitly commenting on the successes, or lack of them, of the Carolingian reform effort. Or, and this seems more likely, he may have been saying that it was more fitting and proper for the papacy to take the lead in Church reform.

Because the canons of the synod range so widely over various areas of reform, I have summarized them, along with the Frankish models in the thirty-three cases where they exist, in an appendix.⁴¹ It would be superfluous to repeat here the points which emerge so clearly from Appendix E, but it is worthwhile to reflect a little on the general character of the thirty-eight Roman canons and their Frankish models.

The most striking point about these canons is the wide range of topics covered by them: episcopal elections, clerical education, the daily life of cathedral clergy, secular activities of clerics, duties of priests, monastic

⁴⁰As far as I know only Seppelt, Geschichte der Päpste, II, p. 211, has interpreted the synod in this way.

⁴¹Appendix E: "An Analysis of the Roman Synod of 826 Compared with Earlier Frankish Legislation."

observances, prohibitions against servile work on Sundays and marriage regulations are only a few of the issues considered. This certainly indicates the comprehensive nature of the reform undertaken by Eugenius. Equally striking, however, is the fact that virtually every one of the topics enumerated above had been dealt with by a previous Frankish reform measure. This serves to demonstrate the comprehensive character of the long Carolingian effort at reform but, most importantly, the parallels between Eugenius' reform canons and the Frankish canons or capitula suggest that one reform was being superimposed on another. That is, what the Carolingians had long been doing in general and in particular, Eugenius was now going to do in general and particular. One need not conclude from the parallels that Eugenius had become exasperated with the failure of the Carolingian reform in just the thirty-three cases where he duplicated their measures. The Carolingian record was by no means one of total failure in these areas. Rather, one ought to focus on the fact that Eugenius launched a reform that was directed specifically to problems on which the Carolingians had long been applying themselves with some success. This points to Eugenius' desire to be not only the leader of the reform but also the definer of what matters stood in need of reform.

This is a very important point, for the definition of conditions in need of reform, as well as leadership of

the reform itself, conferred enormous influence in a world such as the Carolingian where Church and society were so inextricably bound up with one another. The Carolingians had long used the Church as an organizing and civilizing influence in their realm, and it boded ill for the future of the Carolingians that Eugenius decided to take over the vigorous leadership of the Church. This deprived, or threatened to deprive, the Carolingians of one of the key props in the system they had fashioned to govern the populus Christianus. However, as in the other cases studied in this chapter, it was perfectly and undeniably within Eugenius' prerogative to take over the reform of the Church. After all, he was its highest spiritual officer and Church reform, however construed, is essentially spiritual business. Since taking measures on behalf of the Church had long been so important in the social, political and even institutional life of the Carolingian world, it is easy to see how, by a rather simple but effective extension of his spiritual prerogative, Eugenius threatened to interpose himself between the Carolingian sovereigns and the world over which they ruled.

The case cannot be pushed too far, however. If the implications of Eugenius' actions are quite clear, then their legal consequences are less so. Certainly a Roman synod had more prestige than any other synod, but the

evidence seems to suggest that it did not possess any legal pre-eminence.⁴² In the Carolingian period, at least until the death of Louis in 840, the king or emperor still called the synods and royal or imperial acceptance of the canons was still necessary. There were several kinds of synods, of course, ranging from the ecumenical through national, provincial and diocesan. Each of these had a different legal significance. The ecumenical council was generally recognized as the greatest organ of Church government, but these met rather seldom. In fact, there were none in our period. Diocesan synods were usually called by a local bishop to deal with specific problems concerning his diocese. Provincial synods were, in the Carolingian period, frequently called by kings so that pressing problems could be dealt with efficiently within reasonably confined areas. The several synods of 813 and 829 are examples. Finally, there were the national synods such as those frequently held at Aachen. During the Carolingian era these were, as a matter of fact, the most important.⁴³

The Roman synod of 826 was, basically, a provincial synod. It is a little hard to characterize though because Italian bishops from outside the Roman church province

⁴²Ullmann, Papal Government, p. 138.

⁴³Barion, Synodalrecht, pp. 254ff and passim.

attended. In reality then, the Roman synod was less important legally than the great national synods, some of whose canons it adopted. Prestige it did possess, and this is important, as is the general tendency which the synod represents. But in interpreting the synod it is necessary to avoid a juristic line of reasoning and to be satisfied with an appreciation of the spiritual strivings of the papacy.

One juristic point may be made. Hinschius⁴⁴ has observed that Roman synods may be likened to patriarchal synods in the East but that, unlike their Eastern counterparts, they did not rise early to become a regular organ of Church government. Roman synods became more frequent in the ninth century, and John VIII used them to affirm papal leadership in all of Italy. It was not until the tenth century that Roman synods became regular organs of Church government in the West. In view of these facts it is necessary to emphasize again that Eugenius' synod had no legal pre-eminence. But, is it not, by the same token, reasonable to ask whether the synod of 826 set in motion the chain of events, that is, the rise in juristic significance of Roman synods, which Hinschius describes?

There is only one group of canons in the Roman synod which call for separate comment beyond the general

⁴⁴Kirchenrecht, III, pp. 508-10.

analysis provided already and also in Appendix E. These canons can be placed under the heading "proprietary church legislation." Several canons could be studied under this heading, but there are three particularly important ones. Canon 21 allowed laymen to institute priests in churches constructed on their lands but required such priests to be subject to their diocesan bishops. Canon 7 required that all baptismal churches be supplied with priests and, finally, canon 19 required all clergy to have advocates. It has long been recognized that these canons gave ecclesiastical sanction to the proprietary church system⁴⁵ for the first time at the papal level.⁴⁶ There are some very interesting and important implications to be drawn from this.

Von Schubert believed that the recognition of the proprietary church system in 826 marked the completion of the Constitutio Romana of 824. His idea was that the Franks had imposed their own idea of Church law on the papacy after having imposed Frankish law on the papacy in some other

⁴⁵The best general introduction to the proprietary church system remains Ulrich Stutz, "The Proprietary Church as an Element of Mediaeval Germanic Ecclesiastical Law," in Geoffrey Barraclough, ed. and trans., Mediaeval Germany, 2 vols., (Oxford, 1938), I, pp. 35-70.

⁴⁶Originally by Stutz, Geschichte des kirchliche Benefizialwesens, 3rd. ed. by H. E. Feine, (Aalen, 1972), pp. 258ff. In the tradition of Stutz see H. E. Feine, Kirchliche Rechtsgeschichte, (Weimar, 1950), p. 138 and "Ursprung, Wesen und Bedeutung des Eigenkirchentums," MIÖG, LVIII, (1950), pp. 195-208, esp. pp. 205-206. See also Brunner, Deutsche Rechtsgeschichte, II, p. 432.

important respects.⁴⁷ The problem is a bit more subtle than that. The Frankish rulers had long used the proprietary church system, in one form or another, as the basis of much of their dealings with the Church. Indeed, many of their paternalistic attitudes towards the Church derived from this system. Not until 813 and 819, however, had the Franks set down a clear set of laws on proprietary churches. This had the effect of giving to a system that had long been in an amorphous existence a clear and precise legal standing.⁴⁸ It is not surprising that, shortly after 819, the first major attacks on lay use of Church lands appeared.⁴⁹ It must, therefore, be argued that the papacy had resigned itself to a fait accompli in recognizing proprietary churches. The papacy recognized the enormous extent to which Germanic law had penetrated the law of the Church.⁵⁰ Ullmann notes, quite perceptively, that it must have been an act of considerable statesmanship on the part of Eugenius to recognize and approve explicitly a system

⁴⁷Kirche im Frühmittelalter, p. 399.

⁴⁸Stutz, Benefizialwesen, pp. 236-39, 248f.

⁴⁹The most vitriolic of all these writings is Agobard, Liber de Dispensatione Rerum Ecclesiasticarum, PL, CIV, 227ff.

⁵⁰Stutz, Benefizialwesen, pp. 260-61. Very interesting is the title of the section in Feine's Kirchliche Rechtsgeschichte dealing with the early Middle Ages: "Das germanisch geprägte Kirchenrecht."

which was so inherently inimical to the interests of the Church.⁵¹

Perhaps Eugenius' action should be seen as an attempt to hold the line. By sanctioning the proprietary church system he at least gave the Church the possibility of controlling it and, possibly, of checking its spread. Eugenius' decision must have been that it was better to admit legally to the existence of a system against which the papacy was fighting a losing battle. Proprietary churches could never be reconciled with a free and independent Church, however, and by the time of Nicholas I the papacy returned to its older position of unrelenting disapproval of the system.

If we ask why it was Eugenius who called the Roman synod or why he convened it when he did, we cannot obtain a fully persuasive answer. The synod fits well chronologically with the minor events described already in this chapter and this establishes possibility but little more. Louis' attitude towards Church reform and ecclesiastical legislation may have been a factor, but his clearest statement came in 819, seven years before the synod. He said:

If we should discover anything in ecclesiastical affairs or in the condition of the republic which

⁵¹Papal Government, p. 138.

merits emendation, we shall zealously make the necessary changes, in so far as the Lord shall give us the ability.⁵²

It has already been stated that the Roman synod was directed against just this sort of self-sufficient and self-righteous attitude on the part of the Franks. Still, Louis' remarks, and the attitudes which they represent, would have been no less alarming to the papacy in 819 than in 826.

In the previous chapter the nascent conciliarism of the Frankish clergy was mentioned. Agobard is one of the best representatives of this point of view. In one of his letters he wrote the following:

Indeed there are those who say that Gallican canons or others are not to be received because Roman or imperial legates were not involved in their constitution. This is like saying that the doctrines, teachings and diverse treatises of the sacred and distinguished fathers such as Cyprian, Athanasius, Hilary, Hieronymus and Augustine are not to be received because when they were contemplating and expounding there were no Roman or imperial legates present.

This makes Agobard's position on papal supervision quite clear. In another place in the same letter he detailed his belief that the position of the pope was no greater than that of any other "rector" of the Church:

It seems more fitting to me to speak with the words of the Lord: "Wherever two or three have come together in the name of the Lord, it is not to be doubted that the Lord is there present with them" . . . Wherever Catholic governors (rectores) of

⁵²MGH, Cap., I, no. 137, "Prooemium," p. 274.

churches convene with fear of the lord and in his name to handle ecclesiastical business, then whatever they establish that is in consonance with the scriptures is absolutely not to be despised, rather, deeply honored by all.⁵³

This line of reasoning might have impelled the papacy to affirm its leadership of the Church but, again, Agobard's letter was written in the early 820's so anytime after, say, 822, would have been possible for the calling of the Roman synod, if that act was a response to this set of ideas.

In the end there do not seem to be any compelling reasons why it was Eugenius who called the synod, or why it was called in 826. Its individual canons are easy enough to understand and the broader implications of the synod--a wide affirmation of papal leadership within the Church--are plainly to be seen. It is upon these implications, therefore, that it is necessary to focus. Recourse cannot be had to personal motivations or chronological considerations in interpreting this synod. It must be seen, simply, as the largest step yet taken along the road which led to papal spiritual primacy in the West.

The assertion of papal primacy in dogma, the co-optation of a Frankish mission, the assumption of leadership in Church reform, the disciplining of a great Frankish cleric, the issuance of an order to an emperor: all of

⁵³Agobard, ep. no. 5, c. 20, MGH, Epp., V, p. 174.

these were highly important acts. In each case, the pope acted on the basis of spiritual prerogatives which were undeniably his. At the same time, each of these cases, whether viewed symbolically or practically, carried with it the possibility of a diminution of the social and political power of the Carolingian Empire because Church and state were so deeply interwoven within it. Neither theory nor praxis had yet been put to the acid test by 826 but the interested parties did not have long to wait. Scarcely seven years after the Roman synodists had completed their work Gregory IV appeared in Francia. He met Louis, quite literally, on a battlefield whose fronts were both theoretical and practical.

CHAPTER VII

EMPIRE AND PAPACY ON THE 'FIELD OF LIES'

The last significant interaction between the emperor and the pope in the age of Louis occurred in the midst of the most troubled moment of Louis' reign. It involved a face to face encounter at a crucial moment during the great rebellion of 833-834. The tensions of that situation generated results that had broad-ranging implications for both emperor and pope.

It is not an easy task to describe the causes and consequences of the meeting of Louis and Gregory in 833. The sources are reasonably clear and this is not the problem. Difficulty arises because the meeting of pope and emperor took place amidst a great rebellion of Louis' sons. Much of the Frankish clergy also participated in this revolt, some as rebels, some as loyalists. Moreover, Louis, the pope, the rebels and the clergy all had very different objectives which they sought to serve in the events of 833, and this makes it somewhat difficult to gain a clear perspective on the papal-imperial problem itself in 833. The latter problem is, of course, the one on which

our attention must be focused, but it is impossible to describe it without some comment on the larger affair of which it formed only a part.

The questions posed by the meeting of pope and emperor in 833 are further compounded by the fact that the meeting gave rise to some significant theorizing about the nature of government in a Christian society. In large measure, the theories which emanated from the Franks, whether from Louis' friends or foes, were not very original. Themes which have already been met in this study, indeed some of the most familiar themes of Carolingian political thought, were expressed. From Gregory, however, there came some old as well as some new ideas. Basically, Gregory's theorizing provided the conceptual justification for the primacy of the papacy in a Western, Christian society. In this respect his ideas look very much like a programmatic statement of the "whys" and "wherefores" of the papal actions described in the two preceding chapters of this study.

There were also some very practical secular concerns that had to be addressed on the field at Colmar. This means that the meeting there provides a real opportunity to test the relationship between theory and praxis. The theories expressed in 833 seem to indicate clearly that the ecclesiastical order, and the papacy as its head, had risen to the premier position in Western society. The

political facts of the case, however, urge a very different interpretation. This disjunction affords an opportunity to comment on the dangers of assuming that political theories are truly reflective of political praxis in the Carolingian age.

In order to gain a full understanding of the events of 833 it is necessary to describe how the meeting of pope and emperor came about. In 830 Louis' sons and many other influential persons, both clerical and lay, had risen against Louis. The excesses of Louis' wife, Judith, and of his chief courtier, Bernard of Septimania, seem to have been the major causes for the revolt.¹ The rebellion itself was put down fairly quickly and Louis was fully restored to power. However, the embers of sedition were left smoldering throughout the empire. By early 833 Louis had learned that a massive revolt was imminent in which his sons, a portion of his clergy, and Pope Gregory were all playing a part.²

¹The basics are to be found in Simson, JB Ludwig, I, pp. 342ff, and Halphen, L'empire carolingien, pp. 235-37.

²Louis received this information between January 31 and February 26: BM, no. 919a. It is most unfortunate that the chronology of the next few months cannot be set down precisely. These months were filled with negotiations, rumors, charges and counter-charges but it is impossible to form an idea of how quickly one event followed upon another. For all that follows, the only chronological information that can be given is this: Louis, having learned of the imminent revolt, moved from Aachen to Worms, arriving there before February 26, BM, no. 919b; sometime after, probably very shortly after, June 10, Louis convened his army and clergy at Worms, BM, no. 925a; by June 24 Louis' army stood over against that of his sons at Colamr, BM, no. 925c; on June 30, his position having become untenable, Louis was taken prisoner, BM, no. 925d.

Some attempt must be made to sort out the roles played by the various participants in this revolt.

Let us turn first to Louis' sons. There have been two principal lines of interpretation for their actions. According to one,³ the sons were displeased with what had happened after the revolt of 830. They did not like the fact that Lothar had been packed off to Italy as a sub-king, nor did they like the new Divisio of 831 which gave to Louis' fourth son, Charles, a considerable portion of the empire. Pepin of Aquitaine, who remained in revolt throughout the years 830 to 833, had been declared deposed, and Louis the German felt that he had not been sufficiently rewarded for his help in restoring his father in 830.⁴ In sum, worldly grievances were their sole motivation to rebel in 833.

The other view⁵ holds that the sons were bonafide members of the imperial unity party and that their complaints arose from the destruction of the principles implicit in the Ordinatio Imperii of 817. For them, then, rebellion was genuinely a matter of principle. What God

³In general this view is represented by Hauck, Kirchengeschichte, II, pp. 513-14; Dumas, "serment de fidélité," p. 292; Weinrich, Wala, p. 79.

⁴On these points see Eiten, Unterkönigtum, pp. 85ff, 123ff.

⁵The leading proponent of this view is Mohr, Karol. Reichsidee, pp. 91ff and "Einheitspartei," pp. 30ff, 37.

had ordained in 817, Louis had destroyed through the new division in 831, and his sons saw it as their Christian duty to effect a correction.

The sources definitely support the former view. Even Agobard, who was himself the most radical member of the unity party, wrote a treatise in defense of Louis' sons. In other places Agobard stated the theoretical foundations for the revolt, namely, that the destruction of the unitary empire was the same thing as destroying the unity of the Church and to be avoided at all costs. In the treatise in question, however, he defended the conduct of Louis' sons on the grounds of injustices done to them. Agobard first described the grievances which had led to the revolt of 830. He alleged factions in the palace, crimes by Louis' entourage, defamation of Louis' sons by persons who hated them, lascivious conduct by Judith and tarnishing the good name of the Franks as reasons why that revolt had been just. He then continued by arguing that nearly all of those intolerable conditions still existed in 833 but, above all, he expressed his anger and hatred for Judith, whom he saw as responsible for the injustices done to Louis' sons. Principally those injustices stemmed from the preferments which Judith was continually seeking for her own son Charles. In this work there is scant hint of anything but very practical concerns, though it might be argued that Agobard's interpretations were a bit

exaggerated.⁶ A virtually identical position, it may be noted, is advanced by Paschasius Radbertus in his Life of Wala. Like Agobard, Radbertus hated Judith and felt that she was responsible for Lothar's demotion in power and influence. He also complained of the claims that Judith kept raising on behalf of Charles.⁷

Lothar himself was, no doubt, displeased at his treatment in 831 but he defended his conduct in 833 by saying that he was taking up the claims of his brothers who had been persecuted.⁸ Lothar also claimed that he was interceding for many persecuted exiles who had fled to him and to his brothers.⁹ This must be a reference to the magnates who had been involved in the disturbances in 830. Other sources lay some emphasis on their role as instigators of the uprising of 833, usually in connection with Lothar.¹⁰ As for Pepin, the sources suggest clearly that his displeasure stemmed, first, from his treatment in 831,¹¹ and,

⁶Libri Duo pro Filiis, MGH, SS, XV.1, pp. 274-79.

⁷II.16, PL, CXX, 1635B-C.

⁸Ibid., II.17, 1638A-B.

⁹Ibid., 1638B-C.

¹⁰Nithard, Hist., I.4, ed. Rau, p. 392: "Walanum [this is highly questionable], Elisichar, Matfridum ceterosque, qui in exilium retrusi fuerant, custodia emittunt; Lodharium, ut rem publicam invadat, compellunt." Cf. Ann. Xant., SSrG, s.a. 833, p. 8.

¹¹Thegan, Vita Hlud., 41, MGH, SS, II, p. 598.

second, from the concession of Aquitaine to Charles.¹² The sources which apply to Louis the German say only that his concerns were his vassals and their properties as well as his own possessions.¹³ It is, therefore, quite impossible to argue that Louis' sons and the magnates were out for anything but their own selfish ends. Indeed, one of the sources, which is partisan to the rebels, laments that everyone looked out only for himself.¹⁴

The clergy was divided into two more or less distinct groups. The smaller but more troublesome group consisted of the radicals of the unitary party. These men will be met again several times in the following pages so it is necessary to set the tone of their position. Agobard was their principal spokesman; in fact he was almost their only spokesman. At some point in early 833 he wrote to Louis about his treatment of Lothar. His letter began with an admonition to Louis to be mindful of his soul, whose loss Agobard considered to be imminent because of the overturning

¹²Nithard, Hist., I.4, ed. Rau, p. 392.

¹³BM, no. 919a citing evidence from a Richenau formulary. For the document: MGH, Formulae, no. 7, p. 367. Heinz Zatschek, "Die Reichsteilung unter Kaiser Ludwig dem Frommen," MIÖG, XLIX, (1935), pp. 185-224, has studied the conduct of Louis the German during the years 829 to 843 and concludes that his sole motivation was to improve the quality of his possessions.

¹⁴Pasc. Rad., Vita Walae, II.18, PL, CXX, 1640D: "Gaudent vero pro eis de honoribus avidius, et exsultant: quia sua omnes quaerent, pauci quae Dei sunt, et utilia."

of the Ordinatio. This document, which had been issued in 817, was the ultimate manifesto of the unitary imperial ideal. It provided that the empire would always--or so everyone had thought--remain a whole under one emperor. The unitarians believed that it was God's will that there be one empire and one ruler on earth which comprised the society of Christians. It was the thinking of the members of the unitary party that led to the increasing identification of empire and ecclesia in the 820's. The urgency of the issues as Agobard saw them is clear throughout his letter. Phrases such as "tanta mala, tanta scelera" are met over and over again.¹⁵

Certainly Agobard was in favor of a rebellion whose goal he perceived to be the restoration of imperial unity. At the same time, this made Agobard, and those like him, supporters of Lothar, whom they saw as the saviour of the Ordinatio. Now, Lothar was seeking to regain his coregency but his reasons were, as already noted, not at all

¹⁵Agobard, ep.no. 15, MGH, Epp., V, pp. 224ff. C. 2, p. 224, sets the tone of the letter: "Testor omnipotentem Deum, qui scrutator est cordium et verum, quia nulla alia extat causa, pro qua hec scribere praesumo, nisi quia doleo, quantum dicere non possum, de periculis, que vobis imminere videntur, et maxime anime." Cf. c. 4, p. 225: "postea . . . mutata voluntate . . . ecce sine ulla ratione et consilio quam cum Deo eligistis, sine Deo repudiatis."

the same as those of the radical clergy. Their alliance was a marriage of convenience if ever there was one.¹⁶

As we shall see, Gregory's greatest difficulty, and Louis' greatest support, came from the loyalist clergy.¹⁷ These men were no less convinced than Agobard of the sanctity of the imperial office, the holiness of the empire and the divine inspiration of worldly government, and they too frequently admonished Louis to hold to the path of salvation.¹⁸ For these men, however, kings were to be obeyed and not attacked. Particularly, they argued, sons should

¹⁶It is interesting to note that some of the radicals improved a bit on this relationship. Ebbo of Reims sold out Louis, it seems, for the Abbacy of St. Vaast. This does not mean that he did not agree with Agobard but it certainly suggests that virtue and rectitude were not sufficient wages for him. Flodoard, Hist. Rem. Ecc., II.20, MGH, SS, XIII, p. 471.

¹⁷It is important to note that there was a large number of very important clerics among the loyalists. MS 1 of the Ann. Bert. (Brussels, nos. 6439-51) notes Drogo of Metz, Modoin of Autun, Willerich of Bremen, Aldric of Le Mans "cum nonnullis episcopis aliis, abbatibus . . . cum illo remanserunt." Trans. S. Severini, 2, MGH, SS, XV.1, p. 292, adds Otgar of Mainz and Hilti of Verdun. Einhard is hard to place. In 830 he severely reproached Lothar for his rebellion, ep. no. 11, MGH, Epp., V, pp. 114-15, but by late 833 he appears to have reconciled himself to the new regime, epp. nos. 29, 30, MGH, Epp., V, p. 124. Simson, JB Ludwig, II, pp. 50-51, and Hauck, Kirchengeschichte, II, pp. 515-16, add Bernald of Strasbourg, Verendarius of Chur, Heriricus of St. Laumer de Blois and Christian of St. Germain d'Auxerre. Of course, Hrabanus remained loyal (infra), as did Jonas of Orléans (infra, n. 19).

¹⁸This is clearest in Jonas of Orléans, De Inst. Regia, 3d ed. Reviron, p. 138. Cf. Thegan, Vita Hlud., 44, MGH, SS, II, p. 599.

strive to show the proper respect to their fathers. In their view, God simply would not tolerate sons who rose against their fathers.¹⁹ Hrabanus noted that there can be evil kings but that even these kings are to be honored and obeyed by all. He observed that all power, even the power of an evil king, comes from God and, as such, is worthy of human respect.²⁰ For these thinkers, support for Louis was no less a matter of principle that attacking him was for Agobard and his kind. They were, it must be added, willing to sustain Louis' cause against all comers, including the pope.

Louis' position in 833 is easy to guess at but difficult to describe in detail. Naturally, his most pressing desire was to be done with a revolt which, by all indications, he had not intended to incite. Louis would

¹⁹Jonas of Orléans, Epistola ad Pippinem, Epistolae Variorum, no. 31, MGH, Epp., V, pp. 349-53; Hrabanus Maurus, ep. no. 15, MGH, Epp., V, pp. 403-15. Hrabanus' letter remains the classic statement of the position of the loyalists. Cf. Einhard, ep. no. 11, MGH, Epp., V, p. 115.

²⁰Ep. no. 16, MGH, Epp., V, pp. 416-20, esp. p. 417: "Similiter et alii prophetae atque sancti viri aliquoties leguntur non solum bonis, sed etiam impiis ac perfidis regibus exhibuisse honore, et non tantum verbo, immo etiam facto . . . quia sciebant potestatem non esse nisi a Deo." Jonas of Orléans was of the same opinion, De Inst. Regia, ed. Reviron, p. 156: "Multi namque munere divino, multi etiam Dei permissu regnent. Qui pie et iuste et misericorditer regnant, sine dubio per Deum regnant; qui vero secus, non eius munere, sed permissu tantum regnant." Cf. Thegan, Vita Hlud., 44, MGH, SS, II, p. 599: "Non est enim potestas nisi a Deo."

no doubt have desired a refutation, perhaps a silencing, of those who were complaining about his conduct in office. These are mere surmises, however. It is difficult to rise above the level of conjecture because no source records Louis' precise feelings or goals in 833. We know well enough what those who supported Louis thought, but it would be a mistake to assume that Louis thought all and only the same things. Indeed, the stake of the loyalist clergy was rather different from Louis' in 833.

The positions of each of the preceding persons and groups have been passed quickly under review because each of them played a role in the dealings between Louis and Gregory. Had Louis' sons not revolted, Gregory would never have appeared on the scene. Had the radical clergy not been suspicious of the reasons for Gregory's coming, his task would have been an easier one. Had the loyalists not taken the stand they did, his position would have been a good deal less precarious. Finally, Gregory's appearance itself is not very easy to understand because Louis' sons envisioned one role for him to play, while he himself seems to have had a different one in mind.

The sources make it very clear that Lothar and his brothers were responsible for bringing Gregory from Rome.²¹

²¹Ann. Bert., SSrG, s.a. 833, p. 6: "Hlotharius de Italia Gregorium apostolicum secum adducens"; Ann. Xant., SSrG, s.a. 833, p. 8: "adducentes secum Gregorium."

This is a key point, for it makes it impossible to argue that Gregory came on his own initiative. Two sources indicate that the journey was undertaken because Louis' sons convinced Gregory that only he could restore peace and order. However, both of these sources remark that this was only a pretext.²² It also appears that a rumor was rife that the sons had brought Gregory along only to excommunicate their father.²³ All of this suggests that the sons saw the pope only as a useful tool in the accomplishment of their own selfish ends.²⁴ Agobard and the radicals, who were allied to the brothers, assented to Gregory's participation only if he would agree unconditionally to the restoration of the Ordinatio. Otherwise, they were not at all pleased at the intervention of the pope.²⁵ This serves

²²Astron., Vita Hlud., 48, MGH, SS, II, p. 635: "sub ornatu quasi qui patri solus filios reconciliare deberet et posset"; Nithard, Hist., I.4, ed. Rau, p. 392: "insuper autem et Gregorium Romane summe sedis pontificem, ut sua auctoritate liberius quod cupiebent perficere possent, sub eadem specie magnis precibus in supplementum suae voluntatis assumunt."

²³Astron., Vita Hlud., 48, MGH, SS, II, p. 635; Gregory IV, epistola, MGH, Epp., V, p. 229.

²⁴Ullmann, Papal Government, p. 167, argues that there is no reason to see Gregory's role in this way. I agree that this is not what Gregory had in mind, but fail to see how it can be argued otherwise for Louis' sons.

²⁵Ep. no. 16, c. 4, MGH, Epp., V, p. 227: "Certe, clementissime domine (scil. Hludowice), si nunc Gregorius papa inrationabiliter et ad pugnandum venit, merito et pugnatus et repulsus recedet; si autem pro quietate

to show that even the clerical supporters of Louis' sons viewed the pope as a useful tool.

Gregory did provide an explanation for his intervention. His views were set forth in a letter to the loyalist bishops written after he had crossed the Alps. The occasion for this letter was the commencement of real negotiations between Louis and his men and Lothar, his brothers and Gregory. The letter was not a systematic treatise but an angry response to a highly provocative letter which the loyalists had sent to him. This letter contains several points which are of interest. Gregory stated that he had in mind, first, the restoration of peace in the Christian world.²⁶ He also desired the restitution of the Ordinatio,²⁷ but in setting down his

et pace populi et vestra laborare nititur bene et rationabiliter, obtemperandum est illi, non repugnandum; Si enim quod vestra voluntate et potestate cum consensu totius imperii vestri factum est et postea in apostolica sede roboratum, hoc vult in pristinum reducere statum, satis rationabilis et opportunus est eius adventus." It is interesting to note that in cc. 2 and 3, pp. 226-27, of this letter Agobard listed a number of arguments that the Petrine commission had been handed equally to all bishops. From this, too, it may be concluded that he regarded the pope's presence as auxiliary.

²⁶Even a hostile source admitted this: Pasc. Rad., Vita Walae, II.14, PL, CXX, 1630D-1631A. Cf. Hauck, Kirchengeschichte, II, p. 516; Ullmann, Papal Government, p. 168; Halphen, L'empire carolingien, p. 242.

²⁷Gregory IV, epistola, MGH, Epp., V, p. 230. Gregory said that he had come to tell Louis about "Omnia quae contra unitatem et pacem Ecclesiae et regni committit." Later he called the new Divisio of 831 "causa et origo conturbationis, commotionis et depraedationis et omnium malorum."

reasons for this he laid out the real objectives which he was seeking. In overturning the Ordinatio Louis had sinned. His sins were the cause of the disturbances which were then upsetting the peace of the empire. It is interesting to note that Gregory called Louis sinful in an indirect way. He spoke of the sinfulness of the new Divisio and then called the loyalist bishops sinners for defending both the Divisio and Louis for issuing it. He also told the loyalists that when they had sworn loyalty to Louis they had taken upon themselves the responsibility for caring for his soul. Then, after the loyalists had seen Louis destroy the peace and unity of the empire, Gregory said, the bishops saw him "tumble into mortal danger" and yet they did nothing. Thus Gregory, the highest priest, had the duty of intervening, ratione peccati, to restore peace and to recall Louis and his advocates from their sinful ways.²⁸

This is of enormous significance. The problems of 833 were essentially secular. To be sure neither Agobard and the radicals nor Gregory saw them that way, but this does not change the fact of the secular, political roots of the rebellion. Gregory, by placing the events of 833 into a religious context, and by using that context--determination and remission of sin--as a pretext for his

²⁸Ibid., pp. 230-31: "precipitari in perniciem." The passage is too long to merit quotation in full. It may be noted that Gregory also spoke of Louis' "malignancy."

own intervention, took a giant step towards papal political hegemony in the West. He followed in the footsteps of his predecessors and worked from a spiritual prerogative of the papacy, the right to judge sinners, but he surpassed them in his definition of what constituted a sin. Disturbance of the peace in the Christian world was defined as a sin and restoration of that peace was seen as sufficient grounds for intervention into whatever problems had contributed to the discord. On the basis of this pretext, a day would come when virtually anything a king did would be subjected to scrutiny by the papacy.

When the consequences of Gregory's step are understood it becomes easier to comprehend the high and mighty interventions, ratione peccati, of a pope like Innocent III. Usually, Innocent is seen as a product of the radical Gregorian papacy and of the jurisprudential activity of the twelfth century. Certainly, these forces exerted some influence on him, but he was equally the child of an oft-forgotten ninth century father.²⁹ In other words, while scholars have long recognized the contributions of Carolingian age popes such as Nicholas I and John VIII to the

²⁹As far as I know only H. X. Arquillière, "Sur la formation de la theocratie pontificale," Mélanges F. Lot, (Paris, 1925), pp. 1-24, has properly understood Gregory IV. By the time that he wrote his classic L'augustinisme politique in 1934, esp. pp. 184-89, he had come to believe that interventions ratione peccati were traditional. It seems that his earlier position was the sounder, for it is difficult to find examples before 833 upon which a tradition had been built.

on-going traditions of the papacy, the contributions of Gregory IV have been sadly neglected.

Gregory's letter contains the articulation of another important idea. Gregory chastised the loyalists for hoping that he would show himself obedient to Louis in all things. He went on to say that the imperial will was in no way superior to his own, for his was pontifical, that is, he held the charge of souls which was more important than the temporal authority of emperors.³⁰ In saying these things, Gregory was merely putting into slightly, but significantly, different terms the reasons he had already presented for his intervention. First, Gregory stressed his priestly power but now he was emphasizing his powers as chief priest and summus pontifex of the Christian world. This idea was not at all original, but it had not been expressed in several centuries with such clarity. Again, it is important to note that spiritual prerogatives were adduced. There is, perhaps, something tacitly political in Gregory's statements but they are not, in themselves, political. His reasoning was

³⁰Gregory IV, epistola, MGH, Epp., V, p. 228: "Adventu eius conperto, laetari vos dicitis, credentes omnibus principi scilicet subiectis profuturum, et optasse; occursum vestrum nobis non negandum, nisi sacra iussio imperialis preveniret. Que verbe reprehensibilia sunt: uno quidem modo, quia iussio apostolice sedis non minus vobis sacra videri debuerat, quam illa quam dicitis imperialem; deinde quia veritate caret, quod dicitis illam prevenisse; non enim illa prevenit, sed nostra, id est pontificalis. Neque ignorare debueratis maius esse regimen animarum, quod est pontificale, quam imperiale, quod est temporale."

grounded in Christian ethics. The soul is of greater importance than the body, hence the governance of souls is a weightier responsibility than rule over bodies.

These ideas are, seemingly, of great importance. The papacy had clearly posited its theoretical primacy in Western society. It may have done so in spiritual terms but the spectre of political domination was not far below the surface of the papacy's pronouncements. But theoretical is all that that primacy was in 833. This is the only possible interpretation of the actual events involved in the resolution of the revolt of 833.

On June 10, 833,³¹ Louis convened his army and clergy at Worms. He then sent Bishop Bernhard to the rebels.³² It seems that Bernhard carried on three sets of negotiations simultaneously. An analysis of these negotiations, and of their outcome, will show the true state of affairs in this crucial year in Carolingian history.

Bernhard relayed to Louis' sons a number of specific charges that Louis was raising against them. Paschasius Radbertus has preserved the only account of these charges and several scholars have passed varying

³¹Supra, n. 2.

³²Astron., Vita Hlud., 48, MGH, SS, II, p. 635. It seems impossible to identify Bernhard. Simson, JB Ludwig, II, p. 37 n. 5, notes that Bernhard of Vienne is unlikely since he was among the rebels and that an identification with Bernald of Strasbourg is difficult because the difference in names is too great.

judgments on the reliability of his statements.³³ It seems safest to say that Radbertus does preserve the gist of what was said, but that his account is not a literal re-statement of the actual negotiations. According to Radbertus, Louis charged that his sons were refusing to honor him as their father and that they were his vassals and betraying the oaths they had sworn to him. He then said that he was the defender of the Holy See and that they were using it against him and that, in addition, they were forbidding the pope to come to him. Then Louis reproached Lothar in particular for restraining and misleading his brothers. Louis concluded by saying that his sons had unlawfully been receiving his vassals. It should be noted that there is nothing theoretical or conceptual in Louis' charges.

The sons, of course, responded. Radbertus relates that they said they were proud to be Louis' sons but that they felt a duty to rise against those around their father who hated them and him. They claimed that they had never

³³Vita Walae, II.17, PL, CXX, 1636A-1638C. BM, no. 925a, believes the account to be substantially accurate, if overdrawn in some respects. Simson, JB Ludwig, II, p. 38, considers the account a fabrication. Halphen, L'empire carolingien, p. 242, considers it accurate, as does Faulhaber, Reichseinheitsgedanke, p. 69, who, however, sees Agobard behind the account as we have it. There is absolutely no proof for this idea. Weinrich, Wala, p. 81, feels that it is hard to say one way or the other because Radbertus was writing about Wala whose position in 833 was a rather ambivalent one.

betrayed their oaths to their father and that they were receiving only persecuted exiles, not imperial vassals.

These exculpations, however, are of only marginal significance to the subject of Louis' dealings with Gregory. More important in this connection are the responses the sons made to Louis' charges that they were misusing the papacy. Lothar claimed that he was equally the defender of the Roman See and that he was doing his duty in defending the pope from ambushes which had been laid for him. To the charge that they were forbidding the pope from coming to Louis, the sons responded that Louis himself was the problem since he had tried to block the Alps. They had brought the pope along only to intercede, they said.

It is clear from Radbertus' account that neither Louis nor his sons raised broad, conceptual charges. It is also evident that the sons did not quite respond candidly to Louis' charges concerning the pope. Louis had said that his sons were misusing the pope in bringing him from Rome and that they were preventing the pope from coming to him. Lothar and his brothers responded that Louis, who had tried to block the Alpine passes, was himself the restrainer and that they had brought the pope only to intercede. They also said that they had brought Gregory along to protect him from ambushes. This was absurd. Gregory

was perfectly safe in Rome but altogether likely to be ambushed, in one way or another, in Francia.

All of this apparent diplomatic double-talk does bear on the relations between Louis and Gregory, but to see how and why it is necessary to look at the second side of Bishop Bernhard's negotiations, namely, his message from Louis to Gregory. Bernhard asked Gregory why "if he had come after the fashion of his predecessors, he was contriving such great delays in appearing before the emperor?" He went on to say that a rumor was afoot on all sides that the pope had come only to excommunicate Louis and the loyalist bishops.³⁴

That Louis had this question asked of Gregory appears to contradict his earlier charge, recorded by Radbertus, that Lothar and his brothers were restraining Gregory. They may well have been restraining him, but if Louis knew this why did he ask Gregory the reasons for his reluctance to appear? That is, why did he accuse Gregory of contriving delays? It is certainly possible, perhaps probable, that Louis' sons did not want Gregory to meet with their father except on their own terms, whatever those terms may have been. But Louis' questions make it clear that he, and probably

³⁴Astron., Vita Hlud., 48, MGH, SS, II, p. 635. Bernhard's question is to be taken literally. At the same time that these negotiations were taking place Agobard also learned that Louis desired a meeting with Gregory: ep. no. 16, MGH, Epp., V, p. 226.

others, were aware of some reservations that were wholly Gregory's own. This is borne out by a source which says that the pope was "terrified by the emperor and by all the people, even by the bishops."³⁵

To discover the cause of Gregory's reluctance, it is necessary to look at the third aspect of Bernhard's negotiations. Bernhard apparently told Gregory that if it were true that he had come to excommunicate Louis and the loyalists, then he had better realize that he himself would return home excommunicated.³⁶ This helps to explain Gregory's apprehension, but more instructive in this regard is the fairly lengthy letter written by the loyalist bishops which Bernhard took to Gregory.

The Frankish letter no longer survives but its contents can easily be reconstructed from the response of the pope.³⁷ It was in this letter that Gregory set down the ideas on papal intervention and primacy which were described above. As mentioned already, Gregory's letter was not a systematic treatise. This is proved by the form of the letter. It contains several sections beginning "Deinde . . . dicitis." These range widely over a number of topics which were, presumably, the ones raised by the

³⁵Pasc. Rad., Vita Walae, II.16, PL, CXX, 1634D.

³⁶Astron., Vita Hlud., 48, MGH, SS, II, p. 635.

³⁷Epistola, MGH, Epp., V, pp. 228-32.

loyalist bishops. The letter is simply a response to a series of charges which were, in all probability, raised more by the bishops than by Louis.

The gravity of the charges and threats in the letter of the loyalists make Gregory's reluctance to appear before Louis quite understandable. It is clear from Gregory's letter that he had been charged with meddling in Frankish affairs and of dishonoring the emperor and himself. Moreover, the loyalists had indeed threatened Gregory with excommunication. Finally, and this particularly annoyed Gregory, the loyalists had addressed him as "brother." Among all these other serious charges, then, Gregory had also been brought face to face with the conciliarism in which so many of the Frankish bishops, loyalist and rebel alike, believed.

It may be useful to recapitulate the points which have been established. Louis and his clergy were extremely angry at Gregory for appearing in Francia in the camp of the rebels. Louis was certainly not pleased that the pope had entered into relations with his sons and he cannot have been happy at the challenges to his authority issued by Gregory. Louis' grievance with his sons is easy enough to explain. He wanted to be rid of the rebellion they were leading. The loyalist bishops, partly out of loyalty to Louis and partly because of the conciliarist ecclesiology they threw at Gregory, were displeased at the

appearance of the pope. The bishops were angry with Louis' sons partly, again, because of their loyalty to Louis and partly as a matter of principle. They thought it scandalous that people would rise against a divinely appointed king and reprehensible that sons would attack their father. The radical clergy, who were among the rebels, were the great theoreticians of the rebellion. They saw it as a defense of the principles established in 817 and destroyed in 831. They were willing to let Gregory participate in the revolt only in so far as he had come to seek the restoration of the Ordinatio Imperii. Otherwise, because they were infected by the same conciliarism as the loyalists, they did not relish the spectacle of Gregory becoming involved in their affairs. Louis' sons, quite simply, were seeking to redress what they judged to be legitimate grievances stemming out of Louis' conduct towards them in the years after 829. They totally ignored the fact that they themselves had been responsible for whatever grief they had met. They implicated the pope in their sedition in order, no doubt, to give it a greater prospect of success. Gregory saw the rebellion of 833 as an opportunity to express himself on worldly government and on the place of the pope in that government. Gregory met widespread disapproval among the loyalist clergy and, quite likely, from Louis himself. From the radical, rebellious clergy Gregory got only

condescending approbation. Lothar and his brothers regarded the pope as a useful tool more than an intercessor. Finally, the rebellion itself was a familial squabble among the Carolingians and not a great contest of concepts and world-views. That ideas, indeed rather grandiose ones, were articulated during the course of the rebellion was due more to the beliefs of some of the persons who got involved in it, than to the actual causes of the rebellion itself.

The period from 10 to 24 June was filled with the negotiations which provide the basis for the points which were just described and summarized. By June 24 two armies stood opposed to one another at Colmar. Negotiations had broken down completely and finally Louis learned of the approach of Gregory, who had been sent by the brothers, allegedly, to intercede.³⁸ Louis did not receive the pope with the honors customarily due to him³⁹ and no source relates the precise nature of the discussions which ensued. It has long been assumed that some sort of an

³⁸Pasc. Rad., Vita Walae, II.17, PL, CXX, 1638D: "Haec siquidem alt erna altercatio, haec querelae ad invicem: haec propositio paterna, et responsio filiorum. Cum nec sic ullum assensum obtinere quivissent veniae, mittitur sanctus at summus pontifex intercessor . . ." Cf. Astron., Vita Hlud., 48, MGH, SS, II, p. 636.

³⁹Ibid. Thegan's remark, Vita Hlud., 42, MGH, SS, II, p. 598, that Gregory was received honorably and that he and Louis exchanged gifts is an error.

understanding was reached between Louis and Gregory⁴⁰ and, after a few days, the pope was sent back to Louis' sons, probably to inform them of the agreement. It has never been determined what the precise nature of the agreement was.

There is another way of looking at this. What possible grounds for an understanding existed between Louis and Gregory? Gregory had come to proclaim his primacy in the Christian world and to pass judgment on Louis' sinfulness. Louis was certainly not about to admit papal primacy and it is doubtful that he considered himself a sinner. Presumably Gregory would have told Louis of his sin in overturning the Ordinatio. Louis would probably have responded to this in either or both of two ways. He might have said that he had not in fact set aside the Ordinatio, that is, he had never formally deprived Lothar of sole imperial succession. We should note that it is not at all clear that Louis did sack Lothar in 831. His name did disappear from imperial documents but, then, it had not been until several years after the issuance of the Ordinatio that Lothar's name appeared on diplomas in the first place. Beyond the disappearance of his name from documents we know only that Louis told Lothar to go to Italy in 831 and not to leave without permission. Thus, Louis might have argued that he had never sinned at all

⁴⁰BM, no. 925c; Simson, JB Ludwig, II, pp. 46-48.

because he had never violated the Ordinatio. Or, Louis might have told the pope much the same thing that his bishops had already told him, namely, to stay out of affairs that were none of his business. In this same vein Louis might have told the pope that he had absolutely no right to attempt to judge an emperor. The scholarly tradition holds for an agreement but an agreement suggests a compromise and it is difficult to see what grounds for compromise existed.

The brothers had sent Gregory, allegedly, to intercede. Again, on what basis was he to intercede? It is far more likely that they expected Gregory to get their father to capitulate fully and unconditionally to whatever demands they planned to make of him. In fact, it is not impossible that they wanted Gregory to get Louis to abdicate. After all, they had tried unsuccessfully to get their father to abdicate in the rebellion of 830.

Now, let us ask, can it be a mere coincidence that while Louis and Gregory were meeting the brothers, "by evil persuasions,"⁴¹ "by various enticements,"⁴² and "by plots,"⁴³ persuaded the greater part of Louis' army

⁴¹Ann. Bert., SSrG, s.a. 833, p. 6.

⁴²Nithard, Hist., I.4, ed. Rau, p. 392.

⁴³Ann. Xant., SSrG, s.a. 833, p. 8.

to desert him?⁴⁴ The scene of these events has been known ever since as the "field of Lies" because "those who had promised fidelity to the emperor lied."⁴⁵ Louis' position became so hopeless that by June 30 he was a prisoner of his son Lothar.

No, this wretched affair must have been a result of Lothar and his brothers learning that Louis and Gregory were not about to come to any sort of an understanding. Moreover, it is clear that Louis never backed down in the face of this adversity and that it was this which caused his sons to try to destroy him by other means than the good offices of the pope. Finally, Gregory must have come to the painful realization that he and Lothar had very different understandings of what it meant to intercede.

By his participation in this affair Gregory had ventured much but had gained nothing. He had been used and abused by Louis' sons and his right to judge Louis had been denied by the old emperor. Gregory was ignored in the resolution of the matter as well. At any rate, it is hard to believe that he had had anything to do with Louis' humiliating capture, except in so far as he had been an unwitting party to it. There are reports that

⁴⁴The report of Pasc. Rad., Vita Walae, II.18, PL, CXX, 1640A, that the switch of allegiance occurred "sine ullius, quantum rescire potui, persuasione aut exhortatione" is patently false.

⁴⁵Astron., Vita Hlud., 48, MGH, SS, II, p. 635, In Latin: "Campus-Mentitus."

Gregory was profoundly saddened by the whole affair⁴⁶ and the Liber Pontificalis passes over the whole trip to Francia in silence, doubtless out of awareness of the ignominy that it had brought upon the papacy.⁴⁷ Gregory had claimed papal superiority over temporal powers but he had been treated like a puppet by Louis' sons and like an adversary by Louis himself. Gregory claimed the right to go anywhere to judge Christians, ratione peccati, but his right to do this had been ignored by secular powers--Lothar and his brothers did not let Gregory pass final judgment on Louis--and rejected by a significant portion of the Frankish clergy. Finally, Gregory's presence had been suspected by the radical clergy and tolerated only when it became clear that he had come, at least in part, to restore the Ordinatio. But even here neither the radicals nor the pope gained a thing. Neither of them ever mooted Louis' deposition for this was assuredly no means to imperial unity.⁴⁸ Indeed, there is evidence that one of the elder statesmen of the age, and a member of the unitary party, Wala, was also saddened at the outcome of

⁴⁶Astron., Vita Hlud., 48, MGH, SS, II, p. 636: "Cum maximo moerore Romam regreditur"; Nithard, Hist., I.4, ed. Rau, p. 392: "Gregorius siquidem papa itineris penitudine correptus . . . Romam revertitur."

⁴⁷Vita Greg. IV, Lib. Pont., ed. Duchesne, II, p. 73.

⁴⁸Marcel Pacaut, La théocratie, (Paris, 1957), pp. 51-52; Congar, Ecclésiologie, pp. 302-303.

events. Wala believed that it had been wrong for Lothar to overthrow his father and that the future was likely to be full of turmoil and sadness.⁴⁹ It is good to have this piece of evidence because Agobard, who was the principal spokesman for the radicals before the revolt, has not left on record his thinking after the events of June 30.

The whole affair left a sorry legacy. Lothar quickly sent Gregory back to Rome,⁵⁰ and one can well imagine the abject feelings which Gregory must have carried with him. Louis' humiliation did not cease when he was taken prisoner. His men had renounced their loyalty to him and had sworn fidelity to Lothar.⁵¹ This had the result of causing Louis to fall from rule but it was not, in the strictest legal sense, a deposition of the emperor.⁵²

⁴⁹Pasc. Rad., Vita Walae, II.18, PL, CXX, 1640C-D.

⁵⁰Ann. Bert., SSrG, s.a. 833, p. 6. Simson, JB Ludwig, II, p. 61, argues that Gregory was sent home shortly after June 30. But, Gregory was still in Francia as late as June 8, at which time he took a loyalist bishop, Aldric of Le Mans, under his protection. This suggests his disillusionment with Lothar. It may be presumed that the pope was sent back to Rome soon after June 8. Cf. Walter Goffart, "Gregory IV for Aldric of Le Mans: A Genuine or Spurious Decretal?" Mediaeval Studies, XXVIII, (1966), pp. 22, 27 n. 24.

⁵¹Clearer in Ann. Xant., SSrG, s.a. 833, p. 8.

⁵²Kern, Gottesgnadentum und Widerstandsrecht im früheren Mittelalter, 2d ed. by R. Buchner, (Münster, 1954), Appendices, 24, 25.

So, because Lothar feared that there was still substantial support for his father, he forced him to undergo a public penance and humiliation at St. Médard at Soissons.⁵³

Halphen long ago proved that those proceedings were not only illegal but also outrageous.⁵⁴ It actually seems as though the humiliation Louis underwent won him a good deal of support. The Astronomer says that during the winter of 833-834 forces began to be raised in Francia, Burgundy, Germany and Aquitaine.⁵⁵ The rebels had succeeded only in humiliating the pope and the emperor and in making continued civil strife a certainty.

Meanwhile, Lothar made a mockery of the unitary imperial ideal on behalf of which such great paeans had emitted from those in his entourage. The sources say, rather simplistically, that Louis lost his rule and Lothar took it up.⁵⁶ This could have been accommodated to the unitary ideal despite the very questionable legality of Lothar's actions. He could have restored the act of 817,

⁵³ Astron., Vita Hlud., 49, MGH, SS, II, p. 637.

⁵⁴ "La pénitence de Louis le Pieux à Saint Médard de Soissons," in his A travers l'histoire du moyen age, (Paris, 1950), pp. 58-66.

⁵⁵ Vita Hlud., 49, MGH, SS, II, p. 637.

⁵⁶ Ann. Sanc. Columb. Senon., MGH, SS, I, p. 103: "Hludowicus regnum amisit, et Hlotharius illud suscepit"; Ann. Hildes., SSrG, s.a. 833, p. 16: "Regnum Francorum ad Lotharium imperatorem conversum est"; with almost identical language, Ann. Altahen. Maior, SSrG, s.a. 833, p. 5.

substituting himself for his father. But the young emperor proceeded to a division of the empire in three parts, very much like the division of 831 which had, in large part, precipitated the revolt. Naturally, Louis was excluded, as was Charles.⁵⁷ Moreover, Lothar collected a clique around himself which began struggling for favors, and to determine who was to become second to himself in the empire.⁵⁸ It had been, presumably, against just these kinds of things that Lothar and his brothers had taken the field, that Agobard had written so violently and so much, and that Gregory had crossed the Alps. It ought now to be perfectly clear that all parties to the events of 833 were forced to become mere tools in the hands of Louis' greedy and self-seeking progeny.

Gregory had been the most greatly abused, but this is not the aspect of his role in 833 which merits greatest attention. He had, in fact, raised lofty claims, but they had fallen on deaf ears. He stood in the tradition of his predecessors going back to Leo I, and very much more recently, to Paschal I. The import of that tradition is unmistakable but its real, practical effect was almost meaningless. The time had not yet come when the pope could be a genuine force in trans-Alpine politics. The

⁵⁷Astron., Vita Hlud., 48, MGH, SS, II, p. 636.

⁵⁸Pasc. Rad., Vita Walae, II.19, PL, CXX, 1641C; Nithard, Hist., I.4, ed. Rau, p. 392, mentioning particularly Hugo, Matfrid and Lambert.

real world was populated by hard headed men who paid little heed to theoretical claims and lofty idealism. Indeed, what a different picture we get of the year 833 when we view it from Gregory's polemical letter and the actual course of events.

This marks the end of the important dealings between Louis and the papacy.⁵⁹ It ought now to be clear that the papacy, which had been trying since at least 822 to assert its spiritual primacy, had not yet succeeded in translating that primacy into genuine and effective influence in the traditionally political and secular aspects of the life of the Imperium Christianum. In other words, there were still political and social problems of great importance and urgency into which the papacy could intrude only at its peril. A firm foundation, indeed precedents, for the interventions which would become so common three centuries later, had been set. Thus, if the short term legacy of the papal strivings in the early ninth century was a sorry one, the long term heritage was of world-historical significance.

⁵⁹Actually Louis and Gregory corresponded in 834 on some of the details of Anskar's mission. This was part of a series of events set in motion in 822 so it is, in a sense, true to say that the affair of 833 marked the last significant interaction of papacy and empire during Louis' life.

CHAPTER VIII

EPILEGOMENA

In order to explain more fully why Gregory went home sorry in 833 and to suggest some of the reasons why Henry IV would sorrily go to Canossa in 1077, it is necessary to turn, by way of conclusion, to a few problems which have not been sufficiently highlighted up to this point. An attempt will be made to summarize or to emphasize certain themes which have already been discussed in connection with specific problems. In addition, the broad conceptual framework within which papal-imperial relations operated during Louis' reign will be summarized. In particular, some attention will be directed towards the most important ecclesiologies of the early ninth century in order to show their strengths and weaknesses and the problems which they pose for the modern scholar. Finally, a few tentative observations will be offered on the reasons why the Franks' dealings with the papacy changed so drastically after 840.

As far as we know, Louis' meeting with Gregory in 833, and their correspondence in 834, were the last

interactions between the two men. In 837, however, Louis resolved to go to Rome to defend the Roman Church and to pray there.¹ Louis felt that the Roman Church was in need of protection from his son Lothar, who along with many of his followers who had also fled from Francia in 834, was then ravaging Italy. For several reasons, which are of no importance to this study, Louis was unable to undertake the journey. The fact that he desired to go to Rome, however, is of some importance.

It was suggested to me² that Louis' plan to go to Rome should be understood as a desire on the part of the old emperor to demonstrate that he was still master in his empire and, even more importantly, of Rome and its bishop. Louis had, between 816 and 824, worked long and hard to affirm his control of Rome and to define the position of the papacy in the Carolingian Empire. On several occasions after 825 Louis' authority had been challenged by the papacy and it is, therefore, significant to note that, when he was old and beset with more urgent problems, Louis still took thought for the pope. Equally significant is the fact that Louis seems to have been unwilling to back down from his firm stance of earlier years. Louis' papal policy was, during the entirety of his reign, consistent.

¹Ann. Bert., SSrG, s.a. 837, p. 13.

²By F. L. Ganshof in conversation, June, 1973.

Can anything about Louis' idea of empire be inferred from this? Probably not, for there is very little in the sources after about 817 which, at least in so far as the papacy is concerned, provides any insight into Louis' idea of empire. Louis' proposed action in 837, like his earlier actions, indicate something very practical, not theoretical. Louis considered the pope to be a man who ruled over an important portion of the empire, and it was principally with this man that Louis dealt. Louis never denied that the pope was the highest ecclesiastical official and he had, and often showed, the greatest respect for the papacy. Witness the fact that he associated the papacy in both his own and his son's coronations. But it had not been with the spiritual side of the papacy that Louis had worked while integrating the papacy into the empire. Consequently, Louis did not define his idea of empire, even though it was surely a deeply spiritual one, with particular reference to the papacy. Or, if he did, the sources do not say so.

This is a negative conclusion. Nevertheless, it is a meaningful one. It serves as a warning against the tendency to interpret the theoretical foundations of medieval imperial policy in connection with the emperors' most obvious adversary, the popes. There are times when the idea of empire must be studied as an element of papal-imperial relations. The second half of the

eleventh century is a splendid example of just such a time. But during Louis' reign it is necessary to look elsewhere for the principles upon which imperial policy was built. The Frankish clergy and Louis himself were far more important than the pope in setting forth the conceptual foundations of the empire.

It is not possible to say very much about the papacy's idea of empire in the early ninth century. The pope sanctioned the Ordinatio Imperii of 817 and, at least to some extent, fought for it in 833. Presumably, then, the papacy was a devotee of imperial unity and of the principles implicit in it. However, the unitary imperial ideal to which the papacy subscribed was a Frankish amalgam of biblical and patristic thought. Moreover, the fact that the papacy accepted this idea has nothing necessarily to do with its relations with Louis. No one has ever argued that the unitary ideal was papal and, whether or not it was Louis' idea, no one has ever argued that he forced it on the pope. So beyond the mere fact that the papacy was unitarian, little can be said.

To gain an understanding of the idea of empire in the early ninth century, and of the places of pope and emperor within the empire, it is necessary to turn first to the Frankish clergy. Throughout Louis' reign Frankish clerics consistently articulated a theory that held the world to be identical with the Church, inside of which

there existed two orders, one clerical, one lay. Many scholars have noted that this was a significant alteration of the old Gelasian notion that the world and the Church were distinct spheres, each having its own functions and competencies.³ The new ecclesia was considered to be the totality of all Christians. It was not a legal or national concept but, rather, an attempt to express the reality of the ninth century. All men were Christians, at least all men who counted. It was Christianity, more than anything else, which bound them together.⁴ Since the rise of the Carolingian Empire, however, men were no longer members only of the same ecclesia but also of the same imperium. Thus, thinkers decided that it would be a scandal to divide the empire because to have done so would have been the same thing as dividing the Church. This line of thinking culminated in the Ordinatio Imperii of 817 which required that the empire never again be split up on the decrease of the ruling emperor. So, despite the fact that both Louis and the papacy believed deeply in this set of

³Congar, Ecclésiologie, pp. 257ff (with sources); Mohr, Karol. Reichsidee, pp. 88ff; Faulhaber, Reichseinheitsgedanke, pp. 42ff; Knabe, Gelasianische Zweigewaltenlehre, pp. 53ff.

⁴Congar, Ecclésiologie, p. 64: "On n'emploie par 'ecclesia' pour désigner ce que nous appelons le hierarchie . . . jamais l'église n'est identifiée à une institution en soi; elle est toujours vue comme rassemblement ou union de personnes; elle est le 'nous' des chrétiens: de fait, ecclesia est souvent remplacé par Christiani, fideles, ou autres mots semblables."

ideas it must be said that these ideas were not a factor in papal-imperial relations.

It cannot be stressed overmuch that this empire was less a political and legal notion than a moral one. Within the imperium-ecclesia all Christians, and particularly their leaders, were to struggle to bring about the reign of Christian morality. This can be seen in the emphasis which the sources lay on such terms as pax, iustitia, aequitas, humilitas, and the like. In short, the early ninth century saw the elaboration of a fundamentally moral definition of society based on wholly Christian principles.⁵ As noted several times in this study, Louis' empire was considered to be exactly coterminous with the Church. It was the imperium Christianum inhabited by the populus Christianus. Louis, no less than his clergy, set down the moral principles which were at the roots of this society.

On all of these points, thinkers in the early ninth century would have been in broad agreement. But the increasing identification of the imperium with the ecclesia gave rise to some enormously difficult theoretical problems which had been avoided by traditional Gelasian doctrines. Chief among these problems was who was supreme

⁵Anton, Fürstenspiegel und Herrscherethos, pp. 208-210; Pacaut, La théocratie, p. 43; Arquillière, L'augustinisme politique, pp. 124ff, 130ff. On pax see R. Bonnaud-Delamare, L'idée de paix à l'époque carolingienne, (Paris, 1939), pp. 209ff, 218-27.

in the imperium-ecclesia? No one really doubted that it was Christ himself. The ecclesia itself was often compared to a body of which Christ was the head.⁶ But it was further argued that this body had two additional components, the lay and clerical orders. This distinction between orders appears over and over again in the sources after the middle of the third decade of the ninth century⁷ and it led to two sets of problems. One concerned the relationship between the lay and clerical orders. The other concerned the structure and ordering of the clerical order itself. Together these problems gave rise to the profound ecclesiological tensions of the ninth century.

Let us begin by looking at the way Carolingian thinkers described the relations between the lay and clerical orders. Jonas of Orléans was the first to provide a clear articulation of the idea that clerics were more important than laymen, and Agobard soon after him wrote in defense of the same thesis.⁸ A functional distinction came to be expressed. Clerics had the power of

⁶Agobard, Adv. Legem Gundobadi, MGH, Epp., V, pp. 158-59; Jonas of Orléans, De Inst. Regia, I, ed. Revirion, p. 134.

⁷Episcoporum Relatio, c. 3, MGH, Cap., II, p. 29; ibid., c. 2, p. 114; MGH, Conc., II.2, no. 66, c. 3, p. 723; Jonas of Orléans, De Inst. Regia, I, ed. Revirion, p. 134; Agobard, ep. no. 16, MGH, Epp., V, p. 226; Pasc. Rad., Vita Walae, II.2, PL, CXX, 1609B-1610A.

⁸De Inst. Regia, 2d ed. Revirion, p. 136. His term is "praestantior." Agobard, De Comp. Regimini, PL, CIV, pp. 291-98.

"binding and loosing"; the direct care for souls. Since the soul was judged to be of infinitely greater consequence than the body, it followed that clerics were more important than laymen, who could only rule bodies. Gregory IV was, of course, of exactly the same opinion.⁹ This suggests that within the ecclesia, that is, within the imperium, a subordinate position had fallen to the emperor.

In fact this was not the case for several reasons. First, and foremost, the clergy never succeeded in bringing the imperial office fully within the Church. That is, they were unable to effect a genuine identification of ecclesia and imperium. Therefore, they never really took control of the imperial office. Then, too, imperial responsibilities always, in fact, extended beyond the purely moral order, and the theories which made the imperial office subordinate were essentially moral in tone.

Thinkers in the age of Louis were not yet legalistic in their reasoning as, for example, Hincmar would be in the next generation. Their arguments were grounded in Christian morality, not in law.¹⁰ No attempt was made to

⁹Epistola, MGH, Epp., V, p. 228; cf., supra, p. 304.

¹⁰ Etienne Delaruelle, "Jonas d'Orléans et le moralisme carolingien," Bulletin de littérature ecclésiastique, III, (1954), p. 134: "On a donc affaire ici à toute une école, ou plutôt, à toute une époque, à toute une civilisation." Cf., idem., "En rélisant le 'De Inst. Regia' de Jonas d'Orléans," Mélanges Louis Halphen, (Paris, 1951), pp. 185-92.

argue that a bishop was in some way legally superior to a king, although ecclesiastical thought held bishops to be of far greater moral significance. This had, perhaps, the result of leaving a very unclear situation in the imperium-ecclesia, but it also meant that the actual power of kings was not called into question. In other words, kings were always superior in fact, even if, in theory, they were becoming increasingly inferior, at least in the moral order.¹¹

Finally, there were many voices raised in support of kings during Louis' reign.¹² Some of these, such as Hrabanus and Thegan, have already been discussed and need not detain us here. Jonas of Orléans has also been discussed in this connection but his case is interesting and merits a little reflection. He was both a vigorous supporter of Louis and of the sanctity of kingship and one of the earliest defenders of the thesis that clerics were functionally superior to kings. Wala may have experienced this same ambivalence and there were probably others torn by these conflicting loyalties who are hidden from us by a lack of source material.

¹¹Anton, Fürstenspiegel und Herrscherethos, pp. 217-18; Morrison, Two Kingdoms, p. 36; Halphen, "L'idée de l'état sous les carolingiens," A travers l'histoire du moyen âge, pp. 92-104; Schieffer, "Krise des karol. Imperiums," pp. 9-10.

¹²Thegan, Vita Hlud., 44, MGH, SS, II, p. 599; Hrabanus, ep. no. 16, MGH, Epp., V, pp. 416-20; Jonas of Orléans, De Inst. Regia, 3,8, ed. Reviron, pp. 138, 157.

What all of this means is that during Louis' reign no hard and fast, doctrinaire positions had been reached. Men were moving toward definition, but few conclusive ones had been obtained. Moreover, because these men thought and wrote as moralists, and not as lawyers, their extant writings often appear confusing and contradictory when an attempt is made to apply them to the real world of the ninth century. Later in the ninth century a more hierarchical type of thought emerged in Rome and among the Frankish clergy. When this happened, the theoretical position of kingship within the ecclesia-imperium began to deteriorate even further, for clerics began to reason and write with the attitudes and language of jurists. It must be remembered that the political, social and economic bases of kingship were also on the decline after mid-century. This made it much easier to posit a subordinate position for kings and it gave a certain air of reality to such a line of thought.

During Louis' reign the profoundest ecclesiological tensions were not between the lay and clerical poles of the ecclesia-imperium, but within the clerical order itself. The lively and well publicized conciliarist tendencies among the Frankish clergy initiated a real struggle for right order in the whole clergy. In an ironic way this proved to be the saving grace for the theoretical position of kingship. Truly hierarchical thought could not arise

in the clergy so long as the episcopate regarded the pope as primus inter pares. The whole clergy could agree that the world, or the empire, and the Church, were one and the same thing. Likewise, there was consensus among clerics that, owing to their functions, they were more significant than laymen, even including kings. If the clergy had been able to resolve its own theoretical problems, a pyramidal ordering of society would have been possible with the pope at the top, followed by the higher and then the lower clergy and then kings and, finally, the rest of the people. Instead, the picture was rather trapezoidal, with the whole higher clergy, including the pope, at the top. Consequently, during Louis' life and for some years after, ecclesiastical writers devoted the greatest portion of their attention to defining the relative positions of the various orders within the clergy. They really did not spend much time integrating kingship into their world-view. Of course, they proceeded from the assumption that they were in some way superior to kings but their greatest energies were not spent on developing this thesis. Rather, the clerical writers directed their colorful, and sometimes venomous, productions against one another.

In the end, the papacy was successful in gaining recognition of its pre-eminence. The several cases during Louis' reign in which the papacy affirmed its control over both the Frankish clergy and Louis were the beginning

of the process by which papal superiority was accomplished. By the time of Nicholas I (858-867) the papacy began to state the theoretical justifications for its supreme position in Western society in clear and cogent terms. Little by little, then, the hierarchical supremacy of the papacy was developed until it was given a virtually full theoretical expression in the eleventh century and incorporated into canon law in the twelfth and thirteenth.¹³

Scholars have long had difficulty with the reign of Louis because they have always noted that it was during his reign that the clerical order seemed to gain supremacy over the worldly. They argue that this was a bad thing and that Louis, due to his excessive piety and weakness before the Church, was responsible for it. This view is inaccurate in so far as it argues that the clerical order gained the upper hand and, in any case, it gets the problem out of perspective.

¹³The beginnings of the papacy's attack on the attitudes of the Frankish clergy is usually placed in the age of Nicholas. I would emphasize Paschal's censure of Hrabanus and the letter which Gregory IV sent to the loyalists as precursors to Nicholas' policy. There exists another letter which argued papal superiority over the episcopate so forcefully that it is very important. Gregory IV, ep. no. 14, MGH, Epp., V, pp. 73-81. It has almost always been regarded as a forgery. For some of the older opinions see Jaffe, no. 2579. Lot summarized the thinking of his own day in "La prétendue lettre de Gregoire IV aux évêques de Gaule et de Germanie en faveur d'Aldric," Récueil F. Lot, I, pp. 582-86. Recently Goffart has all but proved the authenticity of the letter, "Gregory IV for Aldric," p. 38 and passim.



Louis constricted the papacy as no earlier and few later Western emperors did. But this constriction, as it were, was applied to the secular person of the pope. The pope was in this sense very clearly made a subject, that is, a subordinate of the emperor. Later, to be sure, ecclesiastical manifestos placed the papacy at the head of Western society just as the whole clergy had been placed in that position during Louis' reign. Moreover, it was during Louis' reign that the papacy began to use the spiritual prerogatives which paved the way for its rise to the top. Louis helped this along, perhaps, by defining his empire, and his tasks, in essentially Christian and moralistic terms. Kings and popes and clergy all had essentially the same view of society and of its proper ends, but this does not mean that kings were truly subject to popes or to clerics, even if much of the ecclesiastical literature of the age suggests this. Society was, in reality, built upon more important things than complex ecclesiological principles. In other words, the Ludovicianum and the Constitutio Romana are of much greater importance in understanding papal relations during Louis' reign than, for example, Gregory's letter to the loyalist bishops. The former dealt with realities, the latter with ideas or, perhaps, possibilities and potentialities. Likewise, Louis used his coronation in 816 to give clear expression to his idea of empire and it is difficult, if

not impossible, to argue that the papacy was considered superior by Louis on that occasion. Where ideas are concerned, it is certainly fair to argue that Louis' were of greater immediate consequence than the papacy's. Similarly, although everyone defined society in Christian terms, and this tended to leave to the clergy a preponderant role, society was not a mass of moral principles but a mass of genuine secular responsibilities. Thus, if Louis is to be blamed for anything it is that he did not define the modern secular state. But it would be perverse to blame him for this since it was not until centuries after his death that anyone thought of what may seem like the obvious answer to us today.

Also Louis' papal system--if it may be called that--has not been sufficiently appreciated because it collapsed so soon after his death. Louis had tried to build a well ordered, well governed empire and he even tried to provide a conceptual foundation for that empire. For all of Louis' efforts, however, it was a frail political creation and its credo was not given adequate or, perhaps, relevant, precision. Two or three generations of rule like that of Louis' might have made things turn out very differently. But there was no continuity.

Civil war and petty squabbling tore the empire apart from within and nearly a century of invasions by Vikings, Magyars and Muslims destroyed it from without.

A new political order arose which thought little of loyalty to empires or to emperors. The empire broke down into smaller political and geographical collectivities which had legitimate interests of their own. In short, the world in the year 900 would have been barely recognizable to Louis.

The new order was not without influence on the papacy. The Roman bishop returned to the political life from which Louis had excluded him because the firm imperial presence which Louis had created in Rome disappeared as a result of more pressing northern concerns taking precedence over Roman ones. New political and factional strife arose in Rome--witness the brutal murder of John VIII four decades after Louis' death--and the papacy could not remain aloof. Also, someone had to organize the defense of Rome against the Muslims. Deprived of effective imperial protection by force of circumstances over which it had no control, the papacy undertook this role which was so fraught with political consequences.

By the year 900 the papacy was, in a sense, freer of royal and imperial control than it had ever been, whereas only two generations earlier the papacy had been made a subject of the Carolingian state. This turnabout was not due to any failing of Louis', but to the disappearance of the Carolingian state itself. Louis' papal

system failed, but not because the system was a bad one or because Louis did not administer it well. It failed, like the empire, because after three generations of genius the Carolingian world had to endure several generations of mediocrity, and because the infant Carolingian synthesis of Roman, German and ecclesiastical elements was ill equipped to grapple with the problems that faced it after Louis' death. Louis' presumably excessive piety had little or nothing to do with the failure of this state, and neither did some inexorable rise of the papacy to the summit of Western society.

In a larger sense, the failure of the Carolingians during their golden age to build a lasting state was the ultimate success of the papacy. From 768 until 840 there were two powers that could raise universalist claims in the West: the reigning Carolingian and the pope. Their universalist claims were rooted in the fact that each of them exerted some influence over the society of Western Christians. But, no matter what theories were expressed during these years, there can be no doubt as to the actual pre-eminence of Charles and Louis. Then, after 840, there was no secular ruler who could claim anything like universal rule. However, with the sword and the Gospel, Western Europe had been made Christian and, after 840, the pope remained as chief-priest of all those faithful who lacked a political hegemon. Much of the

history of the next five hundred years concerned a struggle over the universalist claims of the papacy. These struggles arose in part because there was no longer a Charles or a Louis to confront the papacy not only with a rival claim, but with a more substantial one.

APPENDICES

APPENDIX A

ERMOLDUS NIGELLUS vs. 942-1031

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ERMOLDUS NIGELLUS vs. 942-1031

Audite haec, procures, et tu, sanctissime praesul,
 Hoc commune bonum suscipite unanimes.
 Et mihi cunctipotens miseratus regna paterna
 Cessit habere Deus et decus omne simul: 945
 Non meritis, ut credo, meis, sed patris honorem
 Hunc miserans Christus cessit habere mihi.
 Ergo precor fidos et te, praeclare sacerdos,
 Ut mihi consilii rite feratis opem.
 Et ferte auxilium, qui mecum regimina nostra 950
 Servatis, famuli, tuque, beate sacer,
 Quo clerus populusque meus, pauperque potensque
 Jura paterna sequi me faciente queant.
 Regula sancta patrum constringat in ordine clerum,
 Et populum societ lex veneranda patrum; 955
 Et monachorum ordo Benedicti dogmate crescat,
 Moribus et vita pascua sancta petat;
 Dives agat legem, pauper teneat eadem,
 Nec personarum sit locus atque modus:
 Munera saeva locum nullis redimita metallis 960
 Haud teneant, cedant dona maligna procul.
 Si quoque jure gregem Domini nos pascimus alium,
 Quem mihi sive tibi, pastor amate, dedit,
 Corrigimus provos, donamus munere justos,
 Et facimus populum jura paterna sequi. 965
 Tum Deus excelsis nobis populoque sequaci
 Praestabit miserans regna beata poli
 Atque in praesenti nostrum servabit honorem:
 Infestos hostes hinc procul ire facit.
 Nos simus clero exemplum seu norma popelli, 970
 Justitiam doceat praesul uterque suos.
 Israel ille Dei populus dilectus amore,
 Qui pedibus siccis per maris ivit iter,
 Cui Deus in heremo tantis labentibus annis
 Manna cibum tribuit, rupe volucre dapes, 975
 Cui fuit arma Deus, gladius, scutumque viator,
 Ad repromissum vexit honore locum;
 Quo praecepta Dei servavit adusque docentis,
 Justitiam coluit iudiciumque dedit,

Dumque in amore pio Dominum dilexit eundem 980
 Non aliena sequens, sed pia dicta Dei,
 Adversas illi prostravit numine gentes,
 Prospera cuncta dedit, atque inimica tulit.
 O felix semper, Domini si jussa secutus
 Adofret! Aeterna regna teneret ovans. 985
 Divitiis incaute ut primo indulsit opimis,
 Justitiam liquit, et simul omne bonum,
 Deseruitque Deum, coluit mox idola vana,
 Idcirco passus tot mala rite fuit.
 Sed pater architenens plagis variisque flagellis 990
 Correxuit, docuit, pristina jura dedit;
 Ut miser afflictus Domini meminisse volebat,
 Mox pius altor enim suscipiebat eum.
 Haec gens sola Deum norat, partimque Tonantis
 Parebat dictis, atque colebat eum. 995
 Caetera turba quidem servabat jussa Celidri,
 Factorem ignorans, daemonis orsa sequens:
 Hic per triquadrum regnabat, pro dolor, orbem,
 Et genus humanum in sua regna dabat;
 Jamque sacerdotes, reges solymitica jura 1000
 Cessabant prorsus hostia sive sacra.
 Tum pius indoluit genitor verbumque salutis
 Transmisit mundo, ut nos pius erueret.
 Ille lavit proprio miserans de sanguine mundum,
 Dogmata clara dedit, justitiam docuit, 1005
 Infernique potens confregit numine valvas,
 Eruit electos, daemonis arma tulit;
 Inde superna petens conscendit in aethera victor
 Christicolum nobis nomen habere dedit:
 Quisque cupit Christi nunc nomen habere, necesse est, 1010
 Quo caput abcessit, prendere certet iter.
 Quamvis, dante Deo, totus nunc mundus habundet
 Christicolum turbis ecclesiaeque fide,
 Nec sit opus Domini famulos pro nomine caedi,
 Cum passim Christo nomen in orbe boet, 1015
 Et male fida cohors, Domini quae dogma refutat,
 Cuspide christicolo jam procul acta fugit,
 Quamvis Ecclesiae patres nostrosque priores
 Mors tulit atra quidem, nunc tenet aula Dei:
 Morte licet nequeamus, eos certemus ovantes 1020
 Corde sequi puro, justitiaque fide.
 Diligat omnis homo fratrem, monitante Johanne,
 Quem videt, ut Christum cernere mente queat.
 Hic ait ad Petrum: 'Simon, me diligis an non?'
 Ter cui Petrus ait: 'Scis quia temet amo.' 1025
 'Si me, Christus ait, hortor, tu diligis, agnos
 Pasce meos, Petre, cum pietatis ope.'
 Ergo sacer plebem nostri est curare subactam,
 Nobis quam Dominus pascere constituit;
 Tu sacer antestis; Ego rex sum christicolarum: 1030
 Servemus populum dogmate, lege, fide.

APPENDIX B

BENEDICTIO AD ORDINANDUM IMPERATOREM
SECUNDUM OCCIDENTALES

APPENDIX B

BENEDICTIO AD ORDINANDUM IMPERATOREM

SECUNDUM OCCIDENTALES

1) Exaudi, Domine, preces nostras, et famulum tuum N. ad regendum ill. imperium constitue, ut per te regere incipiat, et per te fideliter regnum custodiat. Per.

2) Consecratio:

Prospice, omnipotens Deus, serenis obtutibus hunc gloriosum famulum tuum N., et, sicut benedixisti Abraham Isaac et Iacob, sic illi largiaris benedictiones spiritalis gratiae, eumque omni plenitudine tuae potentiae irrigare atque perfundere digneris, ut tribuas ei de rore caeli et de pinguitudine terrae abundantiam frumenti et vim et olei, et omnium frugum opulentiam, ex largitate divini muneris longa per tempora, ut illo regnante sit sanitas corporis in patria, pax inviolata sit in regno, et dignitas gloriosa regalis palatii maximo coruscare atque splendescere qua splendidissimi fulguris maximo perfusa lumine videatur. Tribue ei, omnipotens Deus, ut sit fortissimus protector patriae et consolator ecclesiarum atque coenobiorum sanctorum, maxima pietate regalis munificentiae; atque ut sit fortissimus regum, triumphator hostium, ad opprimendas rebelles et paganas nationes. Sitque suis inimicis satis terribilis, proxima fortitudine regalis potentiae, optimatibus quoque atque praecelsis proceribus ac fidelibus sui regni sit munificus et amabilis et pius et ab omnibus timeatur atque diligatur. Reges quoque de lumbis eius per successiones temporum futurum egrediantur regnum regere ill., et post gloriosa tempora atque felicia praesentis ritae gaudia in perpetua beatitudine habitare mereatur. Per.

3) Et mittat pontifex coronam auream super caput eius his verbis:

Accipe coronam a Domino Deo tibi praedestinata; habeas, teneas, atque possideas, et filiis tuis post te in futurum ad honorem Deo auxiliante derelinquas.

4) Sequitur oratio:

Deus pater aeternae gloriae sit adiutor tuus, et omnipotens benedicat tibi; preces tuas in cunctis exaudiat, et vitam tuam longitudine dierum adimpleat; thronum regni tui iugiter firmet, et gentem populumque tuum in aeternum conservet; inimicos tuos confusione induat, et super te Christi sanctificatio floreat, ut qui tibi tribuit in terris imperium, ipse in caelis conferat praemium. Qui vivit.

5) Missa pro imperatore:

APPENDIX C

PACTUM LUDOVICIANUM

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PACTUM LUDOVICIANUM

This text is a reproduction of the MGH edition. The original pagination is retained and noted. I have kept the paragraph divisions of the text but numbered them to facilitate reference. p. 353:

1. In nomine Dei omnipotentis, patris et filii et spiritus sancti.

2. Ego Hludowicus, imperator augustus, statuo et concedo per hoc pactum confirmationis nostrae tibi beato Petro principi apostolorum, et per te vicario tuo domno Paschali summo pontifici et universali papae et successoribus eius in perpetuum, sicut a predecessoribus vestris usque nunc in vestra potestate et ditione tenuistis et disposuistis, civitatem Romanam cum ducatu suo et suburbanis atque viculis omnibus et territoriis eius montanis ac maritimis, littoribus ac portibus seu cunctis civitatibus, castellis, oppidis ac viculis in Tusciae partibus, id est Portum, Centumcellas, Chere, Bledam, Manturanum, Sutrium, Nepe, castellum Gallisem, Hortem, Polimartium, Ameriam, Todem, Perusium cum tribus insulis suis, id est maiorem et minorem, Pulvensim, Narniam, Utriculum, cum omnibus finibus ac territoriis ad suprascriptas civitates pertinentibus.

3. Simili modo in partibus Campaniae Segniam, Anagniam, Ferentinum, Alatrum, Patricum, Frisilunam, cum omnibus finibus Campaniae, necnon et Tiburim cum omnibus finibus ac territoriis ad easdem civitates pertinentibus.

4. Necnon et exarchatum Ravennatem sub integritate cum urbibus, civitatibus, oppidis et castellis quae pie recordationis domnus Pipinus rex ac bone memoriae genitor noster Karolus imperator beato Petro apostolo et predecessoribus vestris iamdudum dudum per donationis paginam restituerunt, hoc est civitatem Ravennam et Emiliam: Bobium, Cesenam, Forumpopuli, Forumlivii, Faventiam, Immolam, Bononiam, Ferrariam, Comiacum et Adrianis

quae et Gabelum, cum omnibus finibus, territoriis atque insulis terra marique ad suprascriptas civitates pertinentibus. Simul et Pentapolim, videlicet Ariminum, Pisaurum, Fanum, Senogalliam, Anconam, Ausimum, Humanam, Hesim, Forumsimpronii, Montemfetetri, Urbinum et territorium Valvense, Callem, Luceolis, Egubium cum omnibus finibus ac terris ad easdem civitates pertinentibus. Eodem modo territorium Sabinense, sicut a genitore nostro Karolo imperatore beato Petro apostolo per donationis scriptum concessum est sub integritate, quemadmodum ab Itherio et Maginario abbatibus, missis illius, inter idem territorium Sabinense atque Reatinum definitum est.

5. Item in partibus Tusciae Langobardorum castellum Felicitatis, Urbivetum, Balneum regis, Ferenti, castrum Viterbum, Orclas, Martam, Tuscanam, Suanam, Populonium, Rosellas et insulas Corsicam, Sardiniam, et Siciliam sub integritate cum omnibus adiacentibus ac territoriis maritimis, litoribus, portibus ad suprascriptas civitates et insulas pertinentibus.

6. Item in partibus Campaniae Soram, Arces, Aquinum, Arpinum, Theanum et Capuam et patrimonia ad potestatem et ditionem vestram pertinentia, sicut est patrimonium Beneventanum et Salernitanum et Patrimonium Calabriae inferioris et superioris et patrimonium Neopolitanum et ubicumque in partibus regni atque imperii a Deo nobis commissi patrimonia vestra esse noscuntur. p. 354:

7. Has omnes suprascriptas provincias, urbes et civitates, oppida atque castella, viculos ac territoria similique et patrimonia iamdictae ecclesiae tuae, beate Petre apostole, et per te vicario tuo spirituali patri nostro, domno Paschali summo pontifici et universali papae eiusque successoribus usque in finem seculi eo modo confirmamus, ut in suo detineant iure, principatu ac ditione.

8. Simili modo per hoc nostrae confirmationis decretum firmamus donationes, quas pie recordationis domnus Pipinus rex avus noster, et postea domnus et genitor noster Karolus imperator beato Petro apostolo spontanea voluntate contulerunt, necnon et censum et pensionem seu ceteras dationes, quae annuatim in palatium regis Longobardorum inferri solebant, sive de Tuscia Longobardorum, sive de ducatu Spoletino, sicut in suprascriptas donationibus continetur, et inter sanctae memoriae Adrianum papam et domnum ac genitorem nostrum Karolum imperatorem convenit, quando idem pontifex eidem de suprascriptas ducatibus, id est Tuscano et Spoletino, suae auctoritatis preceptum confirmavit, eo scilicet modo, ut annis singulis predictus census ecclesiae

beati Petri apostoli persolvatur, salva super eosdem ducatus nostra in omnibus dominatione et illorum ad nostram partem subiectione.

9. Ceterum, sicut diximus, omnia superius nominata ita ad vestram partem per hoc nostrae confirmationis decretum roboramus, ut in vestro vestrorumque successorum permaneant iure, principatu atque ditione, ut neque a nobis neque a filiis vel successoribus nostris per quodlibet argumentum sive machinationem in quacumque parte minuatur vestra potestas, aut vobis de superscriptis omnibus vel successoribus vestris inde aliquid subtrahatur, de superscriptis videlicet provinciis, urbibus, civitatibus, oppidis, castris, viculis, insulis, territoriis atque patrimoniis, necnon et pensionibus atque censibus, ita ut neque nos ea subtrahamus, neque quislibet subtrahere volentibus consentiamus, sed potius omnia que superius leguntur, id est provincias, civitates, urbes, oppida, castella, territoria et patrimonia atque insulas, censusque et pensiones ecclesiae beati Petri apostoli et pontificibus in sacratissima illius sede in perpetuum residentibus, in quantum possumus, nos defendere promittimus ad hoc, ut omnia ea in illius ditione ad utendum fruendum atque disponendum firmiter valeant optineri; nullamque in eis nobis partem aut potestatem disponendi vel iudicandi subtrahendive aut minorandi vendicamus, nisi quando ab illo qui eo tempore huius sanctae ecclesiae regimen tenuerit rogati fuerimus. Et si quilibet homo de supradictis civitatibus ad vestram ecclesiam pertinentibus ad nos venerit, subtrahere se volens de vestra ditione et potestate, vel aliam quamlibet iniquam machinationem metuens aut culpam commissam fugiens, nullo modo eum aliter recipiemus nisi ad iustam pro eo faciendam intercessionem, ita dumtaxat si culpa quam commisit venialis fuerit inventa; sin aliter, comprehensum vestre potestati eum remittamus: exceptis his qui violentiam vel oppressionem potentiorum passi ideo ad nos venerint, ut per nostram intercessionem iustitiam accipere mereantur; quorum altera conditio est et a superioribus est valde disiuncta.

10. Et quando divina vocatione huius sacratissimae sedis pontifex de hoc mundo migraverit, nullus ex regno nostro, aut Francus aut Longobardus aut de qualibet gente homo sub nostra potestate constitutus, licentiam habeat contra Romanos aut publice aut private veniendi vel electionem faciendi; nullusque in civitatibus vel territoriis ad ecclesiae beati Petri apostoli potestatem pertinentibus aliquod malum propter hoc facere presumat. Sed liceat Romanis cum omni veneratione et sine qualibet perturbatione honorificam suo pontifici exhibere sepulturam, et eum quem divine inspiratione et beati Petri

intercessione omnes Romani uno consilio atque concordia sine aliqua promissione ad pontificatus ordinem elegerint sine qualibet ambiguitate vel contradictione more canonico consecrari. Et dum consecratus fuerit, legati ad nos vel ad successores nostros /p.355/ reges Francorum dirigantur, qui inter nos et illos amicitiam et caritatem ac pacem sociant, sicut temporibus pie recordationis domni Karoli attavi nostri, seu domni Pippini avi nostri vel etiam domni Karoli imperatoris genitoris nostri consuetudo erat faciendi.

11. Hoc autem ut ab omnibus fidelibus sanctae Dei ecclesiae et nostris firmum esse credatur, firmiterque per futuras generationes ac secula ventura custodiatur, propriae manus signaculo, et venerabilium episcoporum atque abbatum vel etiam optimatum nostrorum sub iureiurando, promissionibus et subscriptionibus pactum istud nostrae confirmationis roboravimus et per legatum sanctae Romanae ecclesiae Theodorum nomenclatorem domno Paschali papae direximus.

12. Ego Hludowicus, misericordia Dei imperator, subscripsi.

13. Et subscripserunt tres filii eius, et episcopi X et abbates VIII, et comites XV, et bibliothecarius unus et mansionarius et hostiarius unus.

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APPENDIX D

THE CONSTITUTIO ROMANA

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THE CONSTITUTIO ROMANA

This text is a reproduction of the MGH edition.
The paragraph numeration is due to the editor.

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Constitutum habemus, ut omnes qui sub speciali defensione domni apostolici seu nostra fuerunt suscepti impetrata inviolabiliter iusta utantur defensione; quod si quis in quocumque hoc contemptive violare presumpserit, sciat se periculum vitae suae esse incursum. Nam et hoc decernimus, ut domno apostolico in omnibus ipsi iustam observent oboedientiam seu ducibus seu iudicibus suis ad iustitiam faciendam. In hoc capitulo fiat commemoratum de viduis et orfanis Theodori, Floronis et Sergii.

2. Ut depraedationes quae hactenus fieri solebantur prohibemus ne fiant, neque vivente pontifice neque defuncto; si quis vero ulterius hoc fecerit, sciat se legali sententia esse condemnandum. Quae autem retro actae sunt, placet nobis ut per dispositionem nostram fiant legaliter emendatae.

3. Volumus ut in electione pontificis nullus praesumat venire, neque liber neque servus, qui aliquod impedimentum faciat illis solummodo Romanis, quibus antiquitus fuit consuetudo concessa per constitutionem sanctorum patrum elegendi pontificem. Quod si quis contra hanc iussionem nostram facere praesumpserit, exilio tradatur.

4. Volumus ut missi constituentur de parte domni apostolici et nostra, qui annuatim nobis renunciare valent, qualiter singuli duces et iudices iustitiam faciant populo et quomodo nostram constitutionem observent. Qui missi, decernimus, ut primum cunctos clamores qui per neglegentiam ducum aut iudicum fuerint inventi ad notitiam domni apostolici deferant, et ipse unum e duobis eligat: aut statim per eosdem missos

fiant ipsae necessitates emendatae aut si non, per nostrum missum fiat nobis notum, ut per nostros missos a nobis directos iterum emendentur.

5. Volumus ut cunctus populus Romanus interrogetur, qua lege vult vivere, ut tali qua se professi fuerint vivere velle vivant; illisque denuntietur, quod hoc unusquisque sciat, tam duces quam et iudices vel reliquus populus, quod si in offensione sua contra eandem legem fecerint, eidem legi quam profitentur per dispositionem pontificis ac nostram subiacebunt.

6. De rebus ecclesiarum iniuste invasis sub occasione quasi licentia accepta a pontifice, et de his quae necdum redditae sunt et tamen fuerunt iniuste a potestate pontificum invasae, volumus ut per missos nostros fiat emendatum.

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7. Prohibemus ut depredationes inter confinia nostra ultra non fiant, secundem legem de utrisque partibus ordinemus ut emendatur. Similiter volumus, ut ceterae iniustitiae de utrisque partibus emendatae.

8. Placuit nobis, ut cuncti iudices sive hi qui cunctis praeesse debent, per quos iudicaria potestas in hac urbe Roma agi debent, in praesentia nostra veniant; volentes numerum et nomina eorum scire et singulos de ministerio sibi credito admonitionem facere.

9. Novissime admoneatur, ut omnis homo, sicut gratiam Dei et nostram habere desiderat, ita praestet in omnibus oboedientiam atque reverentiam huic pontifici.

Promitto ego ille per Deum omnipotentem et per ista sacra quattuor evangelia et per hanc crucem domini nostri Iesu Christi et per corpus beatissimi Petri principis apostolorum, quod ab hac die in futurum fidelis ero dominis nostris imperatoribus Hludowico et Hlothario diebus vitae meae, iuxta vires et intellectum meum, sine fraude et malo ingenio, salva fide quam repromisi domino apostolico; et quod non consentiam ut aliter in hac sede Romana fiat electio pontificis nisi canonice et iuste, secundum vires et intellectum meum; et ille qui electus fuerit me consentiente consecratus pontifex non fiat, priusquam tale sacramentum faciat in praesentia missi domini imperatoris et populi, cum iuramento, quale dominus Eugenius papa sponte pro conservatione omnium factum habet per scriptum.

APPENDIX E

AN ANALYSIS OF THE CANONS OF THE ROMAN SYNOD
OF 826 COMPARED WITH EARLIER
FRANKISH LEGISLATION

APPENDIX E

AN ANALYSIS OF THE CANONS OF THE ROMAN SYNOD OF 826 COMPARED WITH EARLIER FRANKISH LEGISLATION

In this appendix I have provided a very brief summary of each of the canons of the Roman Synod followed by representative examples of identical or similar measures adopted by the Carolingians. In some cases the parallels are not too precise but wherever there is a considerable discrepancy I have noted it in a footnote. In most cases these discrepancies concern cases where several pieces of Frankish legislation had to be cited to cover the pertinent Roman canon. In a few rather obvious cases there are so many Frankish models for a particular Roman canon that I have cited only a few of them. Generally, I have confined myself to models found in the legislation of Louis so as to give greater immediacy to the arguments presented in Chapter VI. I have made no attempt to be exhaustive, for this would have been superfluous.

1. Only worthy bishops should be elected. MGH, Conc., II.2, pp. 566-67.
MGH, Cap., I, no. 138, c. 2, p. 276.
2. Prohibition against simony. Ibid., p. 567.
MGH, Cap., I, no. 138, c. 2, p. 276; no. 174, c. 6, p. 358.
3. Bishops should do good works, watch over their flocks and attentively teach the word of God. Ibid., p. 568.
MGH, Cap., I, no. 138, c. 2, p. 276, c. 28, p. 279; no. 150, c. 4, p. 303.
4. Metropolitans should see to it that their clergy are not illiterate. Where illiterate clerics are found they should be educated and, in the meantime, suspended from duties. Ibid., p. 568.
MGH, Cap., I, no. 174, c. 2, p. 357.
5. Bishops should not delay outside their dioceses and should not stay away from their churches more than three weeks except by order of their metropolitan or prince. Ibid., p. 569.
MGH, Conc. II.1, no. 39, c. 43, p. 361, c. 44, p. 361.¹
6. Churches should have a common refectory and dormitory and cloisters should be established. Persons of good character should be elected to supervise. Ibid., pp. 569-70.
MGH, Conc. II.1, no. 39, c. 117, p. 398.
MGH, Cap., I, no. 163, c. 7, p. 327.²
MGH, Cap., I, no. 170, c. 41, p. 346, c. 52, p. 347.³

¹This may be an oblique reference to the large number of bishops employed in secular concerns by the Carolingians. Numerous similar references preventing priests and monks from tarrying away from their churches or monasteries can be cited. Priests: MGH, Cap., I, no. 177, c. 13, p. 364, c. 18, pp. 364-65; no. 178, c. 4, p. 367. Monks: no. 170, c. 26, p. 345, c. 80, p. 348.

²Required bishops to provide proper dwellings for clergy.

³Refectories are taken for granted in these capitula.

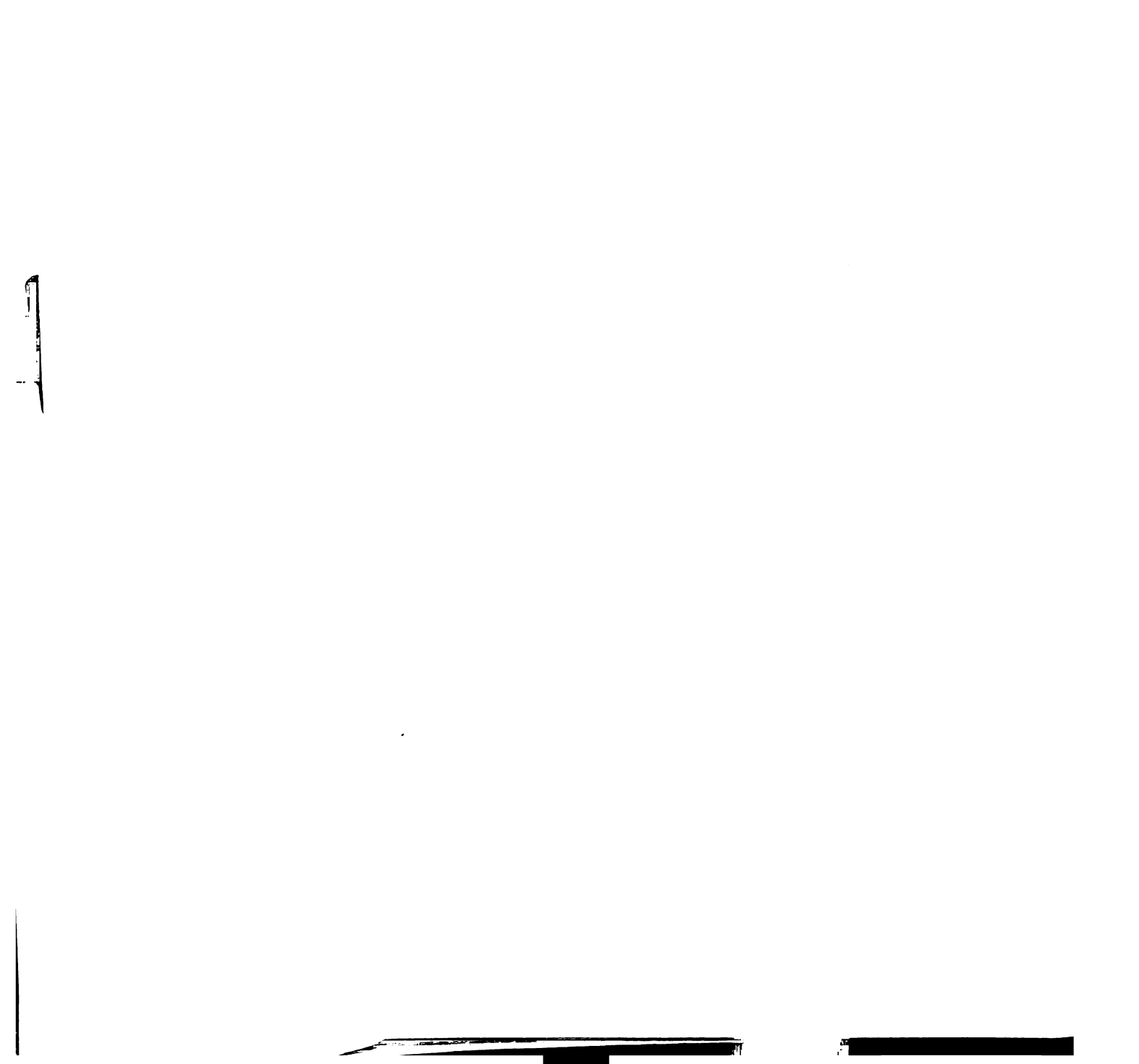
MGH, Cap. I, no. 170, c. 58, p. 347.⁴

7. Bishops should see that baptismal churches have priests when there is need. Ibid., p. 570.
MGH, Cap. I, no. 138, c. 9, p. 277; no. 164, c. 1, p. 328.
8. No more clerics than necessary should be ordained and no more than revenues will provide for. Ibid., p. 570.
MGH, Cap. I, no. 149, c. 7, p. 302.⁵
9. Priests should live in churches or monasteries and bishops should see that they do and that they fulfill their duties. No women are to be allowed in. Ibid., p. 571.
MGH, Cap. I, no. 138, c. 17, p. 278; no. 150, c. 5, p. 304; no. 164, c. 5, p. 328; no. 168, c. 7, p. 336.
10. Canonical rules are to be observed in electing bishops. Bishops not requested by the clergy and people should not be consecrated. Ibid., p. 572.
MGH, Cap. I, no. 138, c. 2, p. 276.
11. Bishops should see to it that their clergy avoid idle activity and if they will not, they are to be judged. Ibid., p. 572.
MGH, Cap. I, cc. 3,4, p. 369.
12. Priests should engage in clerical duties and not engage in hunting or similar activity. They should not appear in public without clerical garb. Ibid., p. 573.
MGH, Conc. II.1, no. 22, c. 7, p. 199.⁶
13. Priests should not be asked to appear as witnesses or to confirm documents. They may do so only when a suitable layman is not present. Ibid., p. 573.
No model found.

⁴Reference only to dormitory.

⁵This is not a general measure. It refers only to the monastery of St. Croix at Poitiers.

⁶This measure was issued under Charles but Friedrich Prinz, Klerus und Krieg im früheren Mittelalter, (Stuttgart, 1971), pp. 81ff, proves that it remained in force.



14. Clerics who have been deposed should be handed to their bishops who will have disposition of them. Ibid., pp. 573-74.
No model found.

15. Clerics suspected of fornication should be thrice warned and if found again with a woman canonically judged. Ibid., p. 574.
MGH, Cap. I, no. 138, c. 17, p. 278; no. 166, c. 2, p. 332.⁷

16. Bishops should not allow the alienation of the immovable goods of churches. Ibid., p. 574.
MGH, Cap. I, no. 154, c. 15, p. 314; no. 163, c. 10, p. 327.⁸

17. Priests should not receive oblations for penance. Ibid., p. 575.
MGH, Cap. I, c. 7, p. 277.

18. Bishops should not make dimissoriae⁹ unless asked to do so. Then a papal, metropolitan or imperial seal shall confirm. Ibid., p. 575.
MGH, Cap. I, no. 93, c. 2, p. 196; no. 94, c. 3, p. 198.¹⁰

19. Bishops and all clergy are to have advocates. Ibid., p. 575.
MGH, Cap. I, no. 158, c. 7, p. 319; no. 163, c. 4, p. 326.

⁷I could find no reference to the provision requiring three warnings.

⁸These are general prohibitions against the alienation of immovable property, with no particular reference to bishops.

⁹De qua, DuCange, Glossarium, III, p. 861: "Litterae, quas Synodus in Trullo can. 17 ἀπολυτικὰς vocat, et Clerici ab Episcopos impetrabant, ut in alienam diocesim transirent, in ea manerent, aut ab aliis Episcopis ordinarentur."

¹⁰These measures are from Italian capitularies of Pepin. The only other reference I could find to dimissoriae is MGH, Conc. II.1, no. 3, c. 9, p. 17, a Roman Synod of 743. Perhaps it was a peculiarly Italian problem.

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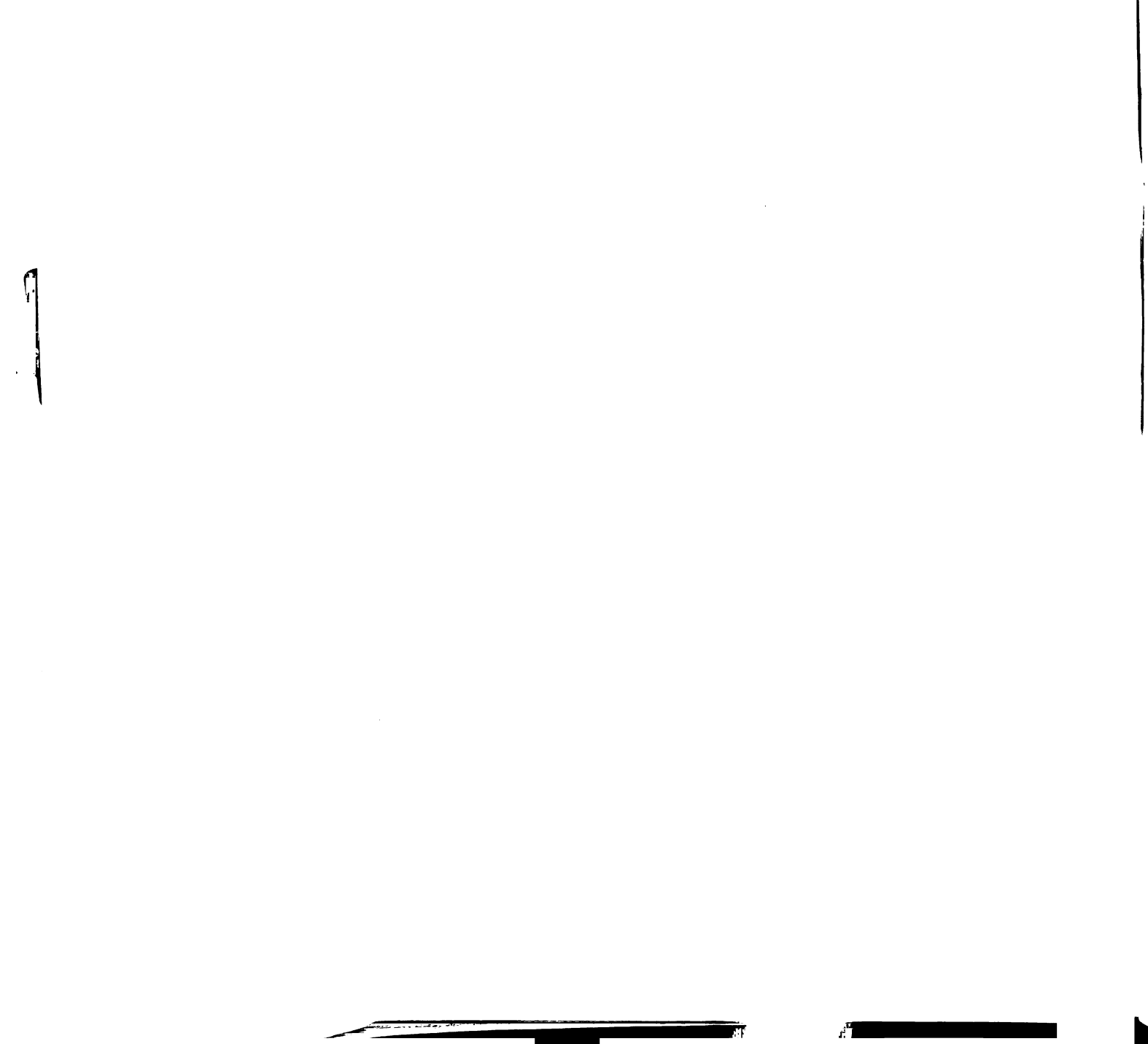
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20. Bishops should call before themselves those who cannot find advocates and investigate the reason why. Ibid., pp. 575-76.
No model found.
21. Laymen may institute priests but they are to be subject to their diocesan bishops. Ibid., p. 576.
MGH, Cap. I, no. 138, c. 9, p. 277; no. 166, c. 4, p. 332.
22. Persons who invade the property of churches should make restitution, or their heirs. Ibid., p. 576.
No model found.
23. Bishops should see to it that hospitals and the like are put to the uses for which they were intended. Ibid., pp. 576-77.
MGH, Cap. I, no. 157, c. 1, p. 316; no. 164, c. 7, pp. 328-29; no. 166, c. 3, p. 332; no. 179, c. 6, p. 369.
24. Holy places without priests are to be supplied with such within three months. These priests are to be ordained by their diocesan bishop. Ibid., p. 577.
MGH, Cap. I, no. 138, c. 11, p. 277.¹¹
25. Churches and holy places which have been destroyed should be restored. Congregations should help when sufficient funds are lacking. Ibid., pp. 577-78.
MGH, Cap. I, no. 138, c. 28, p. 279; no. 140, c. 5, pp. 287-88; no. 141, c. 10, p. 290; no. 150, c. 24, p. 307; no. 163, c. 8, p. 327.
26. Bishops should not demand donations from the clergy subject to them. Ibid., p. 578.
MGH, Cap. I, no. 138, c. 16, p. 278.¹²
27. Only competent, educated abbots, capable of fulfilling their ministry, are to be chosen. They should watch over their monks and see that the rule is observed. Ibid., p. 578.
MGH, Cap. I, no. 179, cc. 9, 10, p. 369.

¹¹No reference to three-month time limit.

¹²This refers particularly to the Lombard Kingdom.



28. Bishops should see to it that monks observe the rule, their vows, tonsure, refectory, dormitory, etc. Ibid., p. 579.
MGH, Cap. I, no. 138, c. 3, p. 276; no. 150, c. 4, pp. 303-04; no. 160, cc. 1-4, pp. 321-22; no. 170, c. 1, p. 344.¹³
29. Bishops should see that nuns observe their vows and never associate with men. Ibid., p. 579.
MGH, Cap. I, no. 158, c. 6, p. 319; no. 179, c. 12, p. 369.
30. Persons should not engage in mercantile or other labors on Sunday. Ibid., p. 580.
MGH, Conc. II.1, no. 21, c. 13, p. 194.
31. Courts should not sit in judgment of crimes on Sunday. Ibid., p. 580.
MGH, Conc. II.1, no. 34, c. 16, p. 252; no. 35, c. 35, p. 256; no. 36, c. 37, p. 270; no. 38, c. 40, p. 292.
32. Persons sent into a monastery by force are not to be kept there. Ibid., p. 580.
MGH, Cap. I, no. 138, c. 20, p. 278; no. 149, c. 21, p. 285.
33. Laymen should not enter the presbyterium during mass. Ibid., p. 581.
 No model found.¹⁴
34. In every bishopric schools are to be established for the study of letters, liberal arts and dogma. Ibid., p. 581.
MGH, Conc. II.2, c. 3, p. 471.
MGH, Cap. I, no. 150, c. 6, p. 304; no. 163, c. 6, p. 327.

¹³The cited models do not refer to episcopal supervision. This is required in MGH, Cap. I, no. 169, "Epistolae ad archiepiscopos," pp. 338-42.

¹⁴Ullmann, Papal Government, p. 128 (wrongly referring to canon 23) opines that this may have been an attempt to emphasize the special character of priests.

35. Persons, especially women, should observe feast days of the saints in the proper way and not in imitation of pagan rituals. Ibid., pp. 581-82.
MGH, Conc. II.1, no. 3, c. 9, p. 15.¹⁵
36. No man should be permitted to leave his wife and take another except in case of fornication. Divorce is to be allowed only to enter religion. Ibid., p. 582.
MGH, Cap. I, no. 138, c. 24, p. 279.
37. No man should have two wives or concubines. Ibid., p. 582.
MGH, Cap. I, no. 142, c. 4, p. 292; no. 177, c. 21, p. 365.
38. Incestuous marriages should not be tolerated. If found they should be dissolved or the parties excommunicated. Ibid., pp. 582-83.
Conc. Aquis., 819, c. 1, p. 18, ed. Emil Seckel, Neues Archiv, XLIV, (1922).

¹⁵I found twelve such references in early legislation stemming from Pepin and Charles but none from Louis. I could not find another prohibition referring especially to women.

Persons, especially women, should observe least days
of the saints in the proper way and not in imitation
of pagan rituals. Ibid., pp. 281-82. 12

Mex. Conc., II.1, no. 2, c. 2, p. 12. 13

No man should be permitted to leave his wife and
take another except in case of fornication. Whoever
is to be allowed only to repeat fornication. Ibid. 14

P. 282.
Mex. Conc., I, no. 128, c. 24, p. 317.

No man should have two wives or concubines. Ibid. 15

P. 282.
Mex. Conc., I, no. 142, c. 4, p. 325.
C. 31, p. 325.

16. Incestuous marriages should not be 16

found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

17. Incestuous marriages should not be 17
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

18. Incestuous marriages should not be 18
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

19. Incestuous marriages should not be 19
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

20. Incestuous marriages should not be 20
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
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21. Incestuous marriages should not be 21
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

22. Incestuous marriages should not be 22
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

23. Incestuous marriages should not be 23
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

24. Incestuous marriages should not be 24
found they should be dissolved.
excommunicated. Ibid., pp. 282-83.
Cond. Apdls., III, c. 1, p. 1.
Novus Archiv., XLIV, 1917.

12 I found twelve such references in early Latin
faction stemming from Regis and Charles but none from
law. I could not find another prohibition referring
especially to women.

BIBLIOGRAPHICAL ESSAY

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It is rather difficult to write a bibliographical essay for the work undertaken here. Louis' reign has been the subject of comparatively few studies and only a minority of such studies as do exist bear directly on the subject of Louis' papal relations. Then, too, the Carolingian world did not draw very firm distinctions between secular and ecclesiastical concerns¹ and this means that the student of Louis' reign must often

¹The study by Suzanne F. Wemple, "Claudius of Turin's Organic Metaphor or the Carolingian Doctrine of Corporations," Speculum, XLIX, (1974), pp. 222-37, appeared when this work was virtually completed. She argues, unconvincingly it must be noted, that Claudius, Hrabanus and to a lesser degree, Hincmar upheld the separation of Church and state. She also brings in Atto of Vercelli who is really post-Carolingian. The main weaknesses in her argument are three: she does not tie these men closely enough to the sources which she claims were their inspiration; she does not prove that they exerted any influence--on each other or on others; she hedges in dealing with all but Claudius and of him she says (p. 224) "The bare facts of Claudius' life do not suggest that his thoughts had much impact upon his contemporaries." Her argument is interesting but requires further precision. Her conclusions are dangerously close to those of the long discredited study by Lilienfein, Die Anschauungen von Staat und Kirche im Reich der Karolinger, (Heidelberger Abhandlungen, I, 1902).

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reach far and wide for insights into Louis' dealings with the very summit of the Church. Therefore, an attempt will be made here to emphasize certain characteristics of the existing literature, and to point to certain characteristic pieces of literature. By way of conclusion, a few remarks will be directed towards the source material. The sources will receive summary treatment here because, on several occasions, specific problems raised by the sources have been discussed in detail already.

There are several useful narrative treatments of Louis' reign. By far the best is the Jahrbücher by Simson. He probably knew the sources for Louis' reign as well as anyone ever has and most of his judgments have stood the test of time. Unfortunately, his work is not interpretive. The relevant chapters in the survey of the Early Middle Ages by Lot, Pfister and Ganshof are useful as are the pertinent chapters in Lot's Naissance de France. Louis Halphen's classic Charlemagne et l'empire carolingien contains much of value and many thoughtful interpretations.

Surveys of Church history are legion. By far the best is Albert Hauck, Kirchengeschichte Deutschlands. Emile Amman, L'époque carolingienne is valuable. Both of these works are indispensable because of the length and depth of their treatments but their interpretations

are outmoded in some respects. Shorter, but important, is the treatment by Hans von Schubert, Geschichte der christlichen Kirche im Frühmittelalter. Recent, but disappointing, are the chapters by Ewig in Jedin's Handbuch der Kirchengeschichte. Ewig's pages are sound but raise no new questions and draw no new conclusions. This is a shame, for Ewig has shown himself, in other works, to be a scholar of enormous and insightful talent. The Carolingian Church remains in dire need of a modern and comprehensive treatment. Etienne Delaruelle, in many short studies, has, in my judgment, pointed out some new directions that research might take.

The treatment of the early ninth century papacy in the standard manuals of papal history is entirely unsatisfactory. It is a great misfortune that Caspar did not live to bring his papal history beyond 800. Haller is fairly sound as far as he goes, but he does not go very far. His account lacks nuance and ignores some key developments. Seppelt's treatment, although it is a popular one, deserves to be read, for it contains a few fresh ideas. Not a single pope in the age of Louis has been treated in a separate study.

Where institutions are concerned, there are a large number of extremely valuable studies. The handbooks by Waitz and Brunner are models of precise scholarship. Ganshof's essay on Frankish institutions,

and his many separate studies, help to round out the picture. Even the old work of Fustel des Coulanges may be read with profit. Walter Schlesinger and his school have been pointing the way to some new approaches in institutional history, though much of their work concerns the period after Louis' death.

Our understanding of ecclesiastical institutions still rests on the firm foundations laid by Hinschius, Stutz, Imbart de la Tour, Lesne, DeClercq and a few others. Papal institutions are fairly well understood due to fine studies by Halphen, Hirschfeld and, above all, Duchesne. The latter's book on the papal states, as well as the copious notes to his monumental edition of the Liber Pontificalis, are goldmines of information. Partner's new book adds few new facts but raises some fresh interpretations. Given the state of the sources it is doubtful that much more work can, or need, be done on papal institutions. Fritze's new book is rich in bibliography and a fine survey of most of what is known. His interpretations are usually sound, sometimes fresh and occasionally venturesome. Monastic institutions are reasonably well treated in the standard Church histories and in works like Schmitz's, Histoire de l'ordre de St. Benoît and Butler's Benedictine Monachism. It has been many years since Benedict of Aniane has been studied and it seems to me that a new study of him

and his many separate studies, help to round out the picture. Even the old work of Fritsch des Courtauld may be read with profit. Walter Schiebinger and his school have been pointing the way to some new approaches in institutional history, though much of their work concerns the period after Louis' death.

Our understanding of ecclesiastical institutions still rests on the firm foundations laid by Fritsch, Stenz, Imbart de la Tour, Leclercq, and others. Papal institutions are laid out by the studies of Fritsch, Imbart de la Tour, and others. The latter's book on the papacy, as well as the copious notes to his work, are of the higher pontificalist type. Fritsch's new book adds to the fresh interpretations. Given the state of the field, it is doubtful that much more will be done on papal institutions. Fritsch's work on the history of bibliography and a fine survey of what is known. His interpretations are usually sound, though occasionally occasionally venturesome. Monastic institutions are reasonably well treated in the standard histories and in works like Schiebinger's, Historie des Ordres de St. Benoît and Butler's Benedictine Monachism. It has been many years since Benedict of Aniane has been studied and it seems to me that a new study of him

is warranted. Semmler has recently published a number of penetrating studies and it is hoped that more will come from his pen.

Political theories in the ninth century have long excited the interest of scholars. Among the older literature, the works of Kern, Knabe and Faulhaber remain fundamental. In my opinion, Delaruelle, Morrison and Anton are the best recent workers in the field. Schramm was, and Mohr and Ullmann always are, stimulating; but occasionally these authors are remarkably venturesome. Nevertheless, they possess what Ganshof described to me as the "capacité de renouvellement" and for this reason, if for none other, it is hoped that more of their kind of work will appear.

There is little point in characterizing the numerous special studies cited in this work. Perhaps it will suffice, instead, to suggest a few special problems that are in need of further work. Reuter, Trillmich and the very few others who have worked on missions can, it seems, be superceded where economic and strategic factors are concerned. A study on these matters would supplement Sullivan's excellent treatment of the role of the papacy in missionary affairs. It seems that there is a need to get beyond Haendler in all that concerns the papacy, the clergy and theology. Morrison's Tradition and Authority might serve as one

point of departure for such a study and Congar's Ecclésiologie might serve as another. The extent to which the Byzantines were a factor in Frankish, papal and Franco-papal history after 800 is badly in need of a new study. Gasquet is no longer sufficient. Ohnsorge, Schramm and Erdmann, among others, have had something to say on this subject but their works are sometimes rooted more in assumptions than in the sources. A few other problems could be mentioned, but these seem to me to be the key ones as far as this study is concerned.

Little need be said at this point about the sources upon which this study is based. Attention has already been directed, on many occasions, to strengths, weaknesses and problems of these sources. A few desiderata may be mentioned, however.

The lack of a critical edition of Louis' charters and diplomas is still a stumbling block to most kinds of research into his reign. The letters of all the popes from Leo III to Sergius II should be collected and edited in one readily accessible place. Presently, they are scattered throughout MGH and PL and a few still do not exist in genuine critical editions. The Libri Carolini are still in need of systematic indices and the Capitularia, if they cannot now be re-edited, should at least be equipped with up-to-date information

on chronology and new manuscript finds. Also, a new edition of Jaffe, incorporating the findings of research over the last several decades, should be produced.

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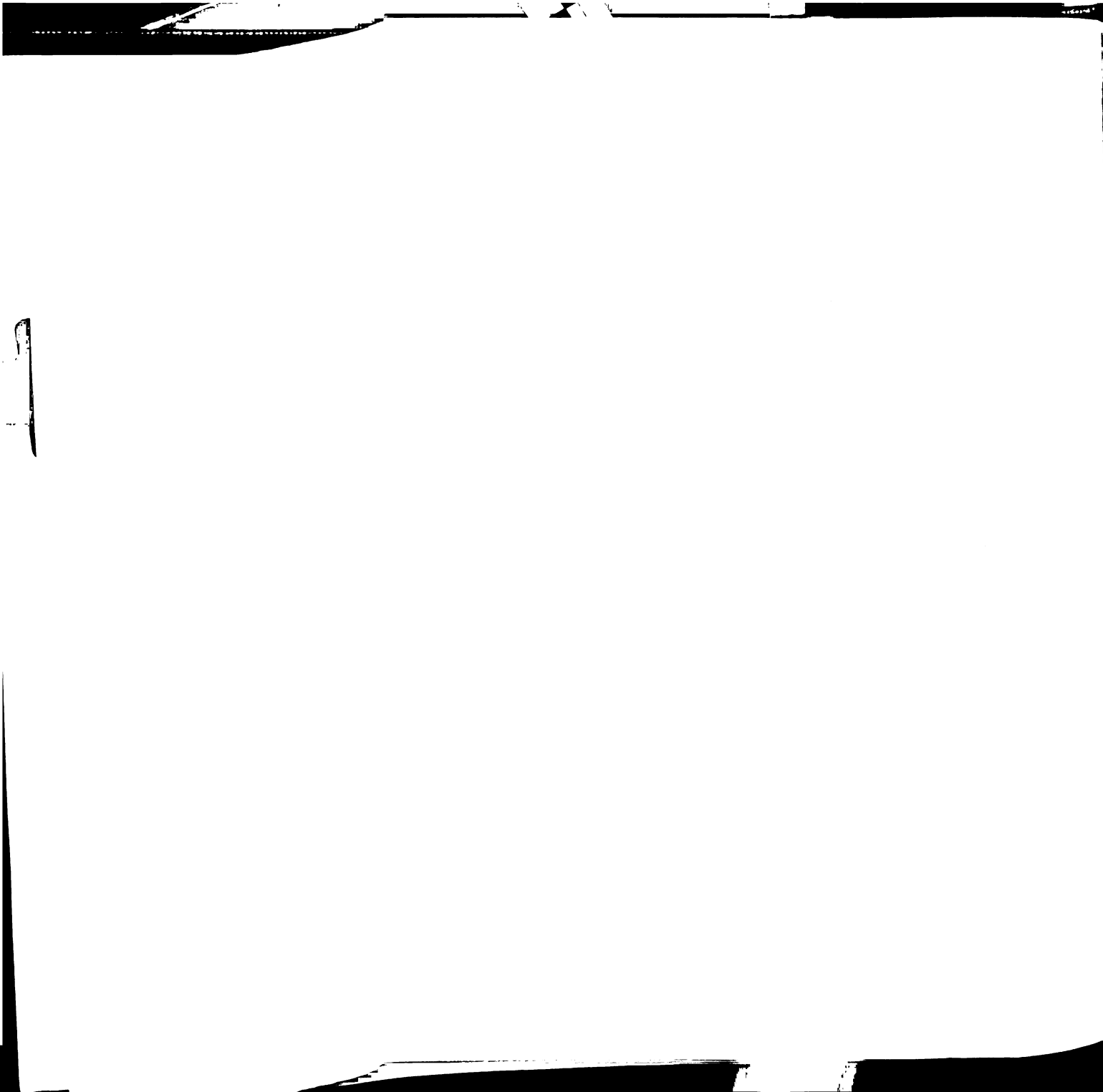
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