The pontificate of Innocent II (1130–43) has long been recognized as a watershed in the history of the papacy, marking the transition from the age of reform to the so-called papal monarchy, when an earlier generation of idealistic reformers gave way to hard-headed pragmatists intent on securing worldly power for the Church. Whilst such a conception may be a cliché, its effect has been to concentrate scholarship more on the schism of 1130 and its effects than on Innocent II himself. This volume puts Innocent at the centre, bringing together the authorities in the field to give an overarching view of his pontificate, which was very important in terms of the internationalization of the papacy, the internal development of the Roman Curia, the integrity of the papal state and the governance of the local church, as well as vital to the development of the Kingdom of Sicily and the Empire.

†John Doran was Senior Lecturer in Medieval History at University of Chester, UK.

Damian J. Smith is Associate Professor of Medieval History at Saint Louis University, Missouri, USA.
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Preface

The pontificate of Innocent II (1130–43) has long been recognised as a watershed in the history of the papacy, marking the transition from the age of reform to the so-called ‘papal monarchy’, when an earlier generation of idealistic reformers gave way to hard-headed pragmatists intent on securing worldly power for the Church. Of course, such a conception is a cliché, but its effect has been to concentrate scholarship on the schism of 1130 and its effects rather more than on Innocent II himself. There has long been a need for an overview of the pontificate – a pontificate which was so important in terms of the internationalisation of the papacy, the internal development of the Roman Curia, and the governance of the Church. This book was the brainchild of Dr John Doran, a very fine scholar and man, who died very suddenly of acute myeloid leukemia at the end of October 2012. Dr Doran was especially keen to further the project of providing scholarly volumes on the popes of the High Middle Ages, and had assembled an international team of scholars to present papers at the Leeds International Medieval Congress and to write studies concerning the pontificate of Innocent II, a subject on which he had acquired considerable expertise. It has only been possible to bring this volume to completion through the goodwill and patience of many people who have contributed to the book, or helped in other ways. Professor Anne Duggan deserves a special mention, not only for her own chapters, but also for having edited Dr Doran’s own work with great skill and accuracy, and (if this were not enough) for having read through other chapters and spared us all from many pitfalls. Father Steven Schoenig, S. J., also helped in this last task, as did Mr Edward Holt, of the history department of Saint Louis University, who by now must know more about Innocent II than almost anybody else. John Smedley and Emily Yates at Ashgate have been more supportive than one could possibly expect or hope for. Dr Paul Baker and Miss Brenda Bolton deserve thanks for having brought Dr Doran’s papers together. The volume is dedicated to John’s widow, Aleta, and their children, Anastasia, Cecilia and Susanna, whose goodness and fortitude have inspired us to complete this task.

DJS
Contributors

Martin Brett, Robinson College, University of Cambridge
†John Doran, Department of History and Archaeology, University of Chester
Anne J. Duggan, Department of History, King’s College London
Dale Kinney, Department of the History of Art, Bryn Mawr College
Graham Loud, Department of History, University of Leeds
Pascal Montaubin, Faculté d'Histoire et de Géographie, Université de Picardie Jules Verne, Amiens
Torben Kjersgaard Nielsen, Department of History, Aalborg University
I. S. Robinson, Department of History, Trinity College, Dublin
John F. Romano, Department of History, Benedictine College
Steven A. Schoenig, Department of History, Saint Louis University
Damian J. Smith, Department of History, Saint Louis University
Robert Somerville, Departments of Religion and History, Columbia University
Ursula Vones-Liebenstein, Historisches Seminar, Universität Köln
Abbreviations

Abp/abp archbishop
abpric archbishopric
AHP Archivum Historiae Pontificiae
ASRSP Archivio della Società Romana di Storia Patria
BAV Bibliotheca Apostolica Vaticana
BIHR/Historical Bulletin of the Institute of Historical Research (now Historical Research)
BJRL Bulletin of the John Rylands Library
BMCL Bulletin of Medieval Canon Law
BL British Library
Boso, Vita Liber Pontificalis, ii, 379–84
Innocentii
Bp/bp bishop
bp ric bishopric
BRAH Boletín de la Real Academia de la Historia
Brixius J. M. Brixius, Die Mitglieder des Kardinalkollegiums von 1130–1181 (Berlin, 1912)
CB cardinal bishop
CCCM Corpus Christianorum Continuatio Mediaevalis
CD cardinal deacon
CHJ Cambridge Historical Journal
Cod. Codex Inquinianus
Codex Udalrici Codex Udalrici, ed. P. Jaffè, Monumenta Bambergensia, Bibliotheca rerum Germanicarum v (Berlin, 1869)
1 Comp.–5 Quinque compilationes antiquae necnon collectio canonum Lipsiensis, ed. E. Friedberg (Leipzig, 1882; repr. Graz 1956)
Councils and Synods
Comp.
CP cardinal priest
DA Deutsches Archiv für Erforschung des Mittelalters
Decretum Decretum Gratiani; Corpus Iuris Canonici, i
Dig. The Digest of Justinian, ed. T. Mommsen and P. Krueger, with an English translation, ed. A. Watson, 4 vols (Philadelphia, 1985)

Ecumenical Councils Conciliorum oecumenicorum decreta, ed. J. Alberigo et al., 3rd edn, 2 vols (Bologna, 1973); the same text, with the same pagination, is available with an English translation: Decrees of the Ecumenical Councils, ed. N. P. Tanner, S.J., 2 vols (Georgetown, 1990)

EHR English Historical Review

Friedberg, Corpus iuris canonici Corpus iuris canonici, ed. E. Friedberg, 2 vols (Leipzig, 1879–81)

GC Gallia Christiana (nova), 16 vols (Paris, 1715–1865; repr. Farnborough, 1970)

Germania pontificia Germania pontificia: sive repertorium privilegiorum et literarum a Romanis pontificibus ante annum MCLXXXVIII, various editors, 10 vols (Berlin/Göttingen, 1911–[2005])


Italia Sacra Italia Sacra siue De episcopis Italiae, et insularum adiacentium, rebus ab iis praeclare gestis, deducta serie ad nostrum vsque actatem, ed. F. Ughelli, 10 vols in 9 (Rome, 1644–62)


JEH Journal of Ecclesiastical History


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LL  The Liber Landavensis, ed. W. J. Rees (Llandovery, 1840)


MGH  Monumenta Germaniae Historica, inde anno Christi quintesimo usque ad annum millesimum et quingentesimum (Hanover/Berlin, 1824–)

MGH Briefe  Die Briefe der deutschen Kaiserzeit (Bohlau, 1949–)

MGH Constitutiones  Constitutiones et acta publica imperatorum et regum, 8 vols (Hanover/Leipzig, 1893–1927) = MGH Leges (in 4to), Sectio IV

MGH Diplomata regum  Diplomata regum et imperatorum Germaniae (Hanover, et al., 1872–)


MGH Libelli de lite  Libelli de lite imperatorum et pontificum, ed. E. Sackur. 3 vols (Hanover, 1891–97)

MGH SRG  Scriptores rerum Germanicarum in usum scholarum ex Monumentis Germaniae historica separatim editi, 78 vols (Hannover, et alibi, 1839–2007; variously re-edited and reprinted)

MGH SRG, NS  Scriptores rerum Germanicarum, New Series (Berlin, 1922–)

MGH SS  Scriptores (in folio), 32 vols in 34 (Hanover, 1826–1934)

Neues Archiv  Neues Archiv der Gesellschaft für Ältere Deutsche Geschichtskunde zur Beförderung einer Gesammtausgabe der Quellenschriften deutscher Geschichten des Mittelalters

NMT  Nelson’s Medieval Texts

O.Cist.  Cistercian Order

ODNB  Oxford Dictionary of National Biography

OMT  Oxford Medieval Texts


OSA  Order of St Augustine

PL  Patrologiae cursus completus, series latina (Patrologia latina), 221 vols, ed. J. P. Migne (Paris, 1841–64)

Pont. Rom. vitae  Pontificum Romanorum vitae qui fuerunt ab exeunte saeculo ix usque ad finem saeculi xiii, ed. I. M. Watterich, 2 vols (Leipzig, 1862)
Abbreviations

Potthast


Proceedings . . .


Proceedings . . .


Proceedings . . .


Proceedings . . .


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Proceedings . . .


Ps.-Isidore

Papsturkunden in den Niederlanden, ed. J. Ramackers

PU Niederlanden

Abhandlungen . . . Göttingen, phil.-hist. Klasse, 3rd Ser. 8–9 (Göttingen, 1933–4)

PU Portugal


PU Spanien, i–ii


PU Templer und Johanniter, i–ii


PUE, i–iii


QF  Quellen und Forschungen aus italienischen Archiven und Bibliotheken


RS  Rolls Series: Rerum Britannicarum Medii Aevi Scriptores. Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, published . . . under the direction of the Master of the Rolls, 99 vols (London, 1858–96)

s.a.  sub anno

s.v.  sub vocabulo

X  Liber Extra: Decretales Gregorii IX: Friedberg, Corpus iuris canonici, ii.

Zenker  B. Zenker, Die Mitglieder des Kardinalkollegiums von 1130 bis 1159 (Würzburg, 1964)

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Innocent II
A very short introduction

Damian J. Smith

For Cardinal Boso, his early biographer, he was the ‘beatus pontifex’. For his opponents, he was ‘Nocentius’. Most recently, he has been described, not without some admiration, as ‘hard-nosed, devious and cynical’. Pope Innocent II rarely inspires indifference. That much has been guaranteed by the circumstances of his election. Gregory, cardinal deacon of S. Angelo, was elected pope on the morning of 14 February 1130. A little afterwards, on the same day, Peter Pierleone, cardinal priest of S. Calisto, was also elected and received the name Anacletus. The propaganda of the contesting parties made it difficult both at the time, and subsequently, to establish all that happened in the hectic days and weeks that followed, but both men had a claim to be the rightful pope and both elections could be argued to have contained irregularities. Innocent II had been elected first and by the majority of the cardinal bishops, while the subsequent election of Anacletus II was approved by a slightly greater number of cardinals and had the support of many of the clergy and people of Rome. Whatever else, the schism of 1130 demonstrated the inadequacies of Nicholas II’s election decree of 1059. Why the two sets of cardinals, almost evenly matched, lined up in the way that they did, has been debated often, and much uncertainty remains, although families and friendship networks appear to have mattered a good deal more than reforming ideals. As was noted some time ago, during the schism ideas and principles were rather conspicuous by their absence.
Innocent II was forced to depart Rome soon after his election. The city was against him. Anacletus II, admittedly with waning support, would remain in Rome until his death in January 1138, and it was death rather than Innocent that finally defeated him. The city had opted for Anacletus, the world for Innocent. This was recognised at the time as one of the most remarkable features of the schism. ‘Romam Petrus habet, totum Gregorius orbem’.

In spite of his exile from the city, or perhaps because of it, Innocent held the support and sympathy of much of Western Christendom, hostile to the perceived worldliness and corruption of the city of Rome and its people, which were increasingly lampooned.

Of course, it was not the whole world that Innocent II held. From near the outset, ‘the tyrant of Sicily’, Roger II, stood with the Pierleoni, as did King David of Scotland and Duke William of Aquitaine, as well as the prelates allied to them. But Lothar III of the Germans, Louis VI of France, Henry I of England, and the Alfonso of Castile and Aragon were with Innocent from an early stage. That proved truly formidable support, but it was in a sense only of secondary importance when compared to the approval of so many bishops and holy monks, as Bernard of Clairvaux was only too willing to point out.

What a supporting cast it was! For Innocent gained the backing of churchmen, some of whom were exceptional figures by the standards of any age and very worthy of study in their own right. Not only Bernard himself, but Norbert of Xanten, Peter the Venerable, Suger of Saint-Denis, and Oleguer of Tarragona, to name but a few, ardently approved of Innocent’s rightful claim. And that approval, at least in part, rested on the reach of the remarkable cardinals who sustained Innocent, most obviously the chancellor Aimeric and Matthew of Albano.
One of the reasons for the confidence of rulers and prelates in Innocent rested on his good character.\(^\text{11}\) That may be surprising to some, but Gregory, it should be said, was very well known to those who backed him.\(^\text{12}\) He had been a cardinal for fifteen years, had undertaken many important legations, including ones alongside his future opponent, and had been involved in making important political and legal decisions. He was an experienced campaigner and a determined one. At least nobody doubts Innocent II’s resolve. He was absolutely convinced of the rectitude of his own actions and from the outset spoke in commanding tones to the princes of the world.\(^\text{13}\) A lover of liturgy and ceremony, he made effective use of solemn processions to confirm his status, and the pomp and circumstance surrounding them was most probably in Bernard’s mind when he reminded his charge, Eugenius III, that ‘Peter is not known ever to have gone in procession adorned in jewels and silks, nor crowned with gold, nor mounted on a white horse, nor surrounded by knights, nor encircled by clamouring servants’.\(^\text{14}\) It should, of course, be said that Innocent was also to the fore in supporting Bernard’s austere Cistercians, as well as the Premonstratensians, and the style he adopted may well have been that which he considered was expected of his office. Likewise, while Innocent’s choice of sarcophagus, in a porphyry conch, which was considered by some the tomb of the Emperor Hadrian, has been used to demonstrate his imperialisation of the papacy, again the truth may be more complex and its positioning ‘ante folloniam’ may possibly suggest another humbler aspect of the pope’s character. Then again, as we shall see, a full explanation might lie elsewhere.\(^\text{15}\) Also, at the time and subsequently, Innocent has been considered vindictive in his deposition of the cardinals who supported Anacletus (who had been, of course, from his own viewpoint, the fomenters of schism).\(^\text{16}\) Yet he was more merciful to the Roman families who had opposed him, most obviously the Pierleoni themselves.\(^\text{17}\)

Whatever may be argued concerning the schism and the character of the pope, nobody will deny that this was an extraordinary period in the history

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\(^\text{13}\) For example, to Lothar III of Germany in February 1130 (JL 7403; PL, clxxix, 53).

\(^\text{14}\) Bernard of Clairvaux, *De consideratione ad Eugenium papam IV.3.6*, in *S. Bernardi Opera*, iii, 453.


\(^\text{17}\) C. Wickham, *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton, 2015), 124.
of the Church. The age which brought forth both Abelard and Gratian could hardly be considered less than momentous. Abelard would find himself condemned at Sens (a condemnation which Innocent confirmed) on the basis of some propositions which he did make, others which he may have made, and others which he most definitely did not make.18 But the period of Innocent’s pontificate was above all else the age of the advancement of the living canon law por etapas which were both intricate and exciting.19 To what extent the papacy was a mover in all this and to what extent it was forced by a general requirement for a central authority to oversee lawful process20 remain vexed questions. But there was certainly an explosion in the number of cases which came to the papal Curia and subsequently in the number which were then delegated by the papacy to local judges, as all around greater legal expertise was demanded and supplied. This intensification in the relationship between the papacy and the local churches was further exhibited in the influential reforming programme of Innocent’s councils, many of which were attended by a great number of prelates, and it is clearest of all in the wide range of religious houses which now sought and were granted papal protection of their rights and possessions. Thus the period of schism appears to have brought the Church much closer together.

All of these matters and many more are dealt with in much greater detail and with far greater competence in the pages ahead. The various authors do not always agree and concord has not altogether emerged from the many discordant aspects of Innocent II’s pontificate. The book is distinctive precisely because it is about Innocent’s pontificate rather than simply about the schism. As with the other volumes in this series, it is hoped that it will help to answer some questions, ask new ones and deepen our understanding of one of the endurably fascinating institutions in mankind’s history.

18 D. Luscombe, The School of Peter Abelard (Cambridge, 1969), 103–42; PL, clxxix, 515–7; S. Bernardi Opera, viii, 46–8 no. 194.
The dual election of 1130

Innocent II’s pontificate began in a crisis and on one level was conditioned by that crisis until after the death of Anacletus II in January 1138. At its heart were the contentious and acrimonious circumstances of parallel papal elections, in which Innocent, the former Gregory, cardinal deacon of S. Angelo, was elected three hours before Anacletus II, the former Peter Pierleone, cardinal priest of S. Calisto (S. Maria in Trastevere), on the morning of 14 February 1130. How, precisely, this came about remains controversial, but, allowing for the pro-Anacletan bias of the majority of the sources, the broad outlines can be reconstructed. When the health of Honorius II (1124–30) began visibly to decline, the cardinals present in Rome became alarmed at the prospect of a repetition of the confusion in which Honorius himself had been chosen in 1124. On that occasion, the cardinals elected Teobaldo, cardinal priest of S. Anastasia and had invested him with the red mantle, when armed men, led by Robert Frangipani, stormed into the chapel of S. Pancrazio in the Lateran, seized Teobaldo, and proclaimed Lambert, cardinal bishop of Ostia (1116–24), in his place. Abandoned by his electors, the unfortunate Teobaldo renounced the papacy, making way for Lambert’s unanimous election as Honorius II, which was followed by his consecration on 21 February.

Just over five years later (1130), with these memories fresh in their minds, the cardinals, probably advised by Aimeric, cardinal deacon of S. Maria Nuova, who had been Chancellor and a major voice in papal affairs since 1123, transferred the dying Honorius from the Lateran to the greater security of the monastery of

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2 He had taken the name of Celestine (II) and the Te Deum was being chanted: *Liber Pontificalis*, ii, 327; ‘Celestino II, antipapa’, *Enciclopedia dei Papi*, ii, 259–60 (S. Cerrini), who describes him as ‘un papa mancato (a failed pope)’; G. Schwaiger, ‘Celestine (II)’, *The Papacy, an Encyclopedia*, ed. P. Levillain, 3 vols, English translation (New York and London, 2002), i, 275, considers his election valid.

3 Brixius, 32, 71 n. 2; Zenker, 142–4, 237–8. Anacletus II singled him out for particular obloquy in *Veteris amicitiae* (JL 8379), sent to an unidentified family friend on 1 May 1130: *PL*, clxix, 699–700 no. 9, at 700.
S. Andrea (al. S. Gregorio) in Clivo Scauri, on the slopes of the Coelian Hill, protected by the fortified towers of the Frangipani. This move alarmed the Romans and wild rumours of his death began to circulate. An eyewitness, a butler in the service of Bishop Guido of Arezzo’s representative in Rome, described people running through the streets shouting, ‘The pope is dead’, followed later by others shouting, ‘The pope is alive’, and, later still (March–April), Bishop Hubert of Lucca reported to Archbishop Norbert of Magdeburg that the cardinals had had to prop up the ailing Honorius in a window to reassure the populace after Peter Pierleone circulated rumours that the pope was already dead.

The pro-Anacletus account, later sent by ‘the whole clergy and people of the Urbs Romana’ to Archbishop Diego Gelmírez of Compostela, spoke of ‘the disturbed state of the city, torn apart by hatred and enmity and the bitter agitation of the clergy’. In this febrile atmosphere of rumour and suspicion, the assembled cardinals and bishops – having decided, pro necessitate et tempore, to set aside the sententia canonum which stated that no action should be taken about the election of a new pope before the death and burial of the current one – appointed a committee of eight of their number to whom they entrusted the election. But when some of the cardinals (including Peter Pierleone and a supporter, Jonathan, cardinal deacon of SS. Cosma e Damiano) were sent to take charge of the fortifications of S. Adriano, where the election was to be held, they were, according to the ‘clergy and people’, prevented by ‘some bishops who inclined to the other side’, and, suspecting bad faith, ‘the pars maior et sanior did not dare to return to the said monastery’. Thus, only six members of the committee were present when Honorius II died on the night of 13–14 February. Having hastily buried the pope in a temporary grave, five of the six, joined by the other cardinals in S. Gregorio, elected Gregory, cardinal deacon of S. Angelo and archdeacon of the Roman Church, as Innocent II, against the protest (as the Anacletans alleged) of Peter of Pisa, cardinal priest of S. Susanna, the sixth member of the electoral committee. The Pierleoni party, led by the aged Peter, cardinal bishop of Porto, and supported by a multitude of Roman
clergy and citizens, then gathered in the church of S. Marco, where Peter Pierleone was chosen, three hours after Innocent II, and consecrated in St Peter’s nine days later (23 February), as Anacletus II. 13

Whether or not the precise circumstances were as reported by the Anacletans, Cardinals Peter Pierleone and Jonathan withdrew from a process which would almost certainly have resulted in Gregory’s election, since the electoral committee was split five to three in Gregory’s favour. 14

Historians have attempted to explain the crisis in terms of deep fissures among the cardinals, between Romans and non-Romans, or between northerners and southerners, or the older generation and the younger – particularly between those appointed by Paschal II and the Honorius II intake. Professor Robinson, in line with recent scholarship, expertly dismisses or modifies nearly all of these explanations, except the division based broadly on generation, and on the intervention of the two leading families, the Pierleoni 15 and the Frangipani, 16 which fed on and exacerbated the volatility of the broader Roman population. 17 Each family dominated segments of the city (Pierleoni: the Isola Tiburina and the ancient theatre of Marcellus, which is still commemorated in the Lungotevere Pierleoni; Frangipani: the region around the Colosseum, including the Palatine and Coelian hills) and competed for power and status as much in the City as in the papal administration. In 1124, the Frangipani had played a major role in the election of Honorius II, but in 1130, the Pierleoni had one of their own sons in the college of cardinals, while the Frangipani favoured the election of someone in the mould of Honorius. There is no doubt that the Pierleoni deployed financial and strategic power in sustaining Anacletus, just as the Frangipani used theirs to support Innocent. Since neither pope conceded, and their electors remained loyal, there ensued an eight year struggle for the allegiance of the wider Church.

The struggle for recognition

i. The Anacletan defence

It was the Anacletan party which issued the first declaration in a formal election decree published on or soon after 14 February 1130, the day of the election. One version survives in the Codex Udalrici, the collection of materials

13 For the propagandist material, see Palumbo and Schmale, above, n. 1.
14 Robinson, *Papacy*, 74. The members are listed in Bp Hubert of Lucca’s reply to Abp Norbert of Magdeburg: *Pont. Rom. vitae*, ii, 179–82, at 180. For Gregory/Innocent: CBs: William of Palestrina (Praeneste) and Conrad of Sabina; CP: Peter Rufus of SS. Martino e Silvestro; CDs: Gregory of S. Angelo (Innocent II) and Aimeric of S. Maria Nuova. For Peter/Anacletus: CPs: Peter Pierleone of S. Callisto (Anacletus) and Peter Pisanus of S. Susanna; CD: Jonathan of SS. Cosma e Damiano.
assembled from diverse sources by Ulrich of Bamberg between 1125 and 1137,\textsuperscript{18} (a much fuller version was published by Anton Chroust in 1907, based on a different manuscript).\textsuperscript{19} After a solemn invocation, the document proclaims,

On 14 February in the year of the Lord’s incarnation 1130, in the eighth indiction, after coming together as one, that is the priests and deacons and other clergy, and all the officials (milicia) and citizens and the whole population of this Roman city protected by God (convenientibus nobis in unum, ut moris est, id est sacerdotibus et levis et reliquis clero et generali milicia ac civium universitate et cuncta generalitate istius a Deo conservandae Romanae urbis), with God’s help and the intercession of the Apostles, the choice moved quickly and agreed on the person of lord P(eter), cardinal priest of the church of title of Callisto of this holy Roman see . . . We all unanimously elected him . . . as our pastor and pontiff.

Having declared the suitability of the elect, the authors invited their ‘very dear brethren (dilectissimi fratriis)’ to promote the cause of the supreme pontiff, so that the whole Church could rejoice that it had a universal father and pastor, before concluding, ‘For security in the future, we have caused this decree, made by us as said above, and confirmed by our written subscriptions, to be placed in the archive of our holy Roman church, that is, in the sacred Lateran chancery (sicilet in sacro Lateranensi scriniario)’. There then follow the subscriptions of Peter, bishop of Porto, 10 cardinal priests, three cardinal deacons, and two bishops (Sutri and Todi), each name followed by the formal consenti et subscripsi (I have agreed and I have subscribed). The presence of lesser clergy from named scholae and churches are then noted, culminating with the record that a further ‘two hundred and ninety-six archpriests, priests, deacons, subdeacons and clerics from various churches’ were also present. This election was, on the face of it, open, public, and popular, but it lacked one important – and their adversaries would say, crucial – element, the cardinal bishops. Only one (Porto) supported Anacletus, while four\textsuperscript{20} (Ostia, Sabina, Albano, Palestrina) had participated in Innocent’s election.

Ten days later, on 24 February (the day after his consecration), Anacletus announced his election in letters dated from St Peter’s and sent to the clergy and people of Germany and Saxony, and to Lothar, king of the Romans and Queen Richenza.\textsuperscript{21} That to the clergy and people declared, simply, that after

\textsuperscript{18} Published as the first item in \textit{Monumenta Bambergensia}, ed. P. Jaffé, Bibliotheca rerum Germanicarum, 6 vols (Berlin, 1864–73), v, 1–469; for the decree, see \textit{ibid.}, 418–9 no. 240, where Jaffé provides the misleading title, ‘Commentary on the election of the antipope Anacletus II’.


\textsuperscript{20} A fifth CB (Guido of Tivoli), not present for the election, joined Innocent soon afterwards: Brixius, 34 no. 18; Zenker, 51–2.

\textsuperscript{21} Et apostoli Pauli (Ex auctioritate beati Pauli apostoli), to clergy and people: \textit{Codex Udalrici}, 421–2 no. 243; \textit{Postquam disponente}, to Lothar and Richenza: \textit{ibid.}, 422–3 no. 244, carried by Adalbert of Bremen. A later letter (15 May) to Lothar regretted that the emperor had not replied to his first letter, \textit{In ipso nostre promitionis} (JL 8385) \textit{PL}, clxxix 706–7 no. 18, at 706, ‘Sed nos adhuc nulla clementiae tuae rescripta meruimus’. 

Pope Honorius’s death, ‘our brother cardinals’ with the *mira et stupenda cleri et populi concordia*, had elected him to the summit of the pontificate, following which he was ‘taken to the basilica of St Peter, prince of the Apostles . . . and placed in his most sacred chair’. The only reference to the controversial circumstances was an enigmatic, ‘Do not be surprised if you hear any sinister rumour’. That to the king and queen referred to the first letter, and confirmed that he intended to follow the example of Honorius in bestowing his favour, and treating the king’s friends and enemies as his own. As evidence of his benevolence, he relaxed the interdict which Honorius had imposed on the archbishop of Cologne, and promised to send a legate ‘who, with your advice and that of our legate the archbishop of Mainz, will do whatever pertains to your or your kingdom’s honour’ and confirm the privileges of Adalbero of Bremen.

Central to the Anacletan claim was the marvellous and astonishing concord of the clergy and people of Rome who had unanimously elected him. The fact that twelve of the cardinals had elected someone else, and counted within their number four of the cardinal bishops, was passed over in silence. He probably thought that, given the weight of popular, aristocratic, and clerical support in the City, Innocent’s position was unsustainable, as indeed it was, in the City, but throughout the wider church the situation proved to be very different.

The Anacletans were unable to stifle the claims of their adversaries, against which ‘deceitful fictions (*dolosa figmenta*)’, they issued a spirited defence, possibly drafted by the highly respected Peter, cardinal bishop of Porto, whose advocacy of Anacletus earned him the epithet ‘lion cub (*catulum leonis*)’ among his opponents. Although dated 24 February by Watterich and JL, it was probably in April or May that the ‘cardinal priests and deacons who are in Rome’, sent a long letter setting out their claims to ‘Lothar, king of the Romans’, emphasising the same themes of unanimous election by the cardinals, enthusiastic assent of the Roman clergy and people, and scrupulous observance of the traditional rites in St Peter’s basilica. Named in the *intitulatio* are eighteen cardinal priests, seven cardinal deacons, four bishops (Peter of Porto, Gilo of Tusculum/Frascati, Trasmundus of Segni, and Otto of Sutri), ‘with the other suffragans of the Roman Church’, the number having been inflated by six new elevations to the cardinalate. The list continued with the subdeacons, the primicerius and the *schola cantorum* (of the Lateran), the archpriests of the major basilicas and other unnamed archpriests, concluding with ‘the whole Roman clergy’ and the named abbots of the major Roman monasteries. They were writing, they said, to Lothar ‘and to the Eastern and Western Churches’.

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22 Below, at n, 58.
24 Propter quorumdam: *Pont. Rom. vitae*, ii, 185–7. Watterich’s heading *Anacleti electores* cannot be accurate, for six of the 27 named cardinals had been elevated after Anacletus’s election. For the May date, see H. Bloch, *Monte Cassino in the Middle Ages*, 3 vols (Rome, 1986), ii, 949.
25 Gilo, recently returned from Antioch, was the second CB to join Anacletus: Brixius, 31 no.1; Zenker, 43–4.
26 *Propter quorumdam*, 185.
to remove doubts about the events following the death of Pope Honorius and the election of Pope Anacletus, and to counter the impudent claim that the Lord Pope had not been elected by the consent and will of the whole Roman clergy and people in accordance with ‘the synodal rules and ancient traditions of our fathers, but had usurped the Apostolic See with clubs and bloodshed, by the force of his relatives, his brothers’ might, and against our will’. ‘It is no surprise to us’, they wrote, ‘if they who are striving to prostitute the Apostolic See with their deceits should direct lies of this kind to distant peoples to delude the simple’.

Their version of events parallels the election decree, but adds more detail. ‘We, cardinal priests, etc.’, along with many nobles, assembled at the basilica of S. Marco, and after long discussion, ‘the Lord Pope, then cardinal priest’, nominated one of the cardinals (Peter of Porto) who, judging himself incapable, ‘together with us, elected the same Lord Pope, by the common counsel of us all, with general consent, at the request of the people with the consent of the honorati (communi omnium nostrum consilio, communi consensu, expetente populo, consentientibus honoratis, eundem dominum Papam nobiscum communiter elegit)’, after which, they wrote, Anacletus was very quickly consecrated ‘in St Peter’s basilica, before his body, where only the Roman pontiffs are consecrated’ (Sicque in basilica beati Petri ad corpus eius, ubi tantum Romani Pontifices consecrantur, est celeberrime consecratus). What was described was virtually an election by acclamation, perhaps with conscious reference to the similar election of Gregory VII in 1073, and the order of precedence was similarly reversed. Not only do the cardinal priests and deacons precede the bishops, but the two cardinal bishops (Porto and Tusculum), without the title ‘cardinal’, join the bishops of Segni and Sutri, ‘with the other suffragans’. This was no error, but a deliberate demotion designed to exclude them, and more importantly, their colleagues who had chosen Innocent, from any significant rôle in the electoral process.

The letter then turned to rebuttal. The election of Anacletus had not been accompanied by force or violence, as illi fanatici claimed. The rumours and lies were invented by the former chancellor Aimeric, who for many years had prostituted the Roman Church to his own advantage. With the approval of Leo Frangipani, ‘who by God’s grace is now with us’, and five ‘novices who used to live from his table’, ‘the former chancellor . . . had alone striven to erect that altar [Innocent II] in God’s church.’ The claims of the four cardinal bishops who supported Innocent were then summarily dismissed: ‘But as for certain bishops whom those impostors in that faction pride themselves on applauding – they are of no concern to us, especially since nothing in the election of the

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27 In fact, nine days later.
28 Propter quorundam, 186.
30 The Frangipani defection.
31 Perhaps the CBs who participated in his consecration: see at n. 37.
Roman pontiff belongs to them’.\textsuperscript{32} Even more emphatic was the contrast drawn in the letter to Diego of Compostela,\textsuperscript{33} between the shameful sham, as they saw it, of the Aimeric conspiracy and Anacletus’s lawful and dignified election in S. Marco by the unanimous vote of the clergy and people of Rome. Whereas ‘four bishops, who have little or no power in an election . . . and very few \textit{(narissimi)} cardinals’, directed by ‘the former chancellor Aimeric . . . set up the deacon of S. Angelo, as their graven image and idol’,\textsuperscript{34} the rest of the cardinals, earlier called the \textit{maior et sanior pars}, gathered in S. Marco with the Roman clergy and people, elected Anacletus ‘with the consent of the \textit{honorati} together with the prayer of the people \textit{(cum honoratorum consensu pari et communi voto)}, unanimously, amicably, and auspiciously \textit{(unanimiter, concorditer ac feliciter)}, and led him with hymns and lauds along the \textit{via sacra} to the basilica of St Peter the Apostle, where he was placed in St Peter’s chair and consecrated by the venerable Peter, bishop of Porto ‘and other bishops of the region’.\textsuperscript{35}

Anacletus himself repeated these themes in a vitriolic letter denouncing the wickedness of Aimeric and his fellow conspirators (1 May 1130), which was carried by Gregory, cardinal deacon of S. Eustachio, to the monks of Cluny, where Anacletus had made his monastic profession in 1115. Here Anacletus refused even to name the ‘pseudo-bishops’ who supported Innocent, ‘because they have no part in the election of the Roman pontiff’.\textsuperscript{36} Probably at much the same time, Peter of Porto, the only cardinal bishop who had voted for Anacletus, made the same point directly to Innocent’s four cardinal bishops (William of Palestrina, John of Ostia, Matthew of Albano, Conrad of Sabina), whom he dismissed as ‘novices’ (\textit{novitii}). They should not have held an election without consulting him, their prior \textit{(me inconsulto priore vestro)}, he wrote, since they had no authority,\textsuperscript{37}

because your brother cardinals, whose power is foremost in the election, and the clergy, with one will and desire, elected the lord cardinal Peter as the Roman pontiff Anacletus, openly, in the light of day, at the request of all the people, with the consent of the \textit{honorati}.

\begin{itemize}
\item \textsuperscript{32} \textit{Propter quorumdam}, 187.
\item \textsuperscript{33} \textit{De obitu}, above, n. 10. Neither this letter nor that from Anacletus himself (\textit{PL}, lxxix, 696–no. 5, 16 April 1130) had much effect, for Diego’s recognition of Innocent was evident from mid-1130: Duggan, \textit{Jura sua unicuique tribuat}, nn. 12 and 13. Cf. \textit{Historia Compostellana}, iii.21, ‘De Schisma Anacleti II’; iii.23, ‘Intrusio Anacleti in papam’; and iii.25 records Innocent’s reception of Diego’s envoys with their gift of 40 silver marks at Genoa (\textit{PL}, clxx, 1184–8, 1190–1). R. Fletcher (\textit{St James’s Catapult}: the life and times of Diego Gelmírez of Santiago de Compostela [Oxford, 1984], 216–18) and Stroll (\textit{The Jewish Pope}, 117) are mistaken on this point.
\item \textsuperscript{34} \textit{De obitu}, 457; \textit{Pont. Rom. vitae}, ii, 188–9.
\item \textsuperscript{35} \textit{De obitu}, 457; \textit{Pont. Rom. vitae}, ii, 189.
\item \textsuperscript{36} \textit{Conversionis meae}: JL 8376; \textit{PL}, clxxix, 696–8, at 697. Cf. \textit{Pro tua probitate} (ibid., 697–8), carried by the same Gregory to Bp Gerard of Angoulême, whom Anacletus appointed legate in Aquitaine, and \textit{Diuturna praedecessorum} (ibid., 699) to various bps in Aquitaine. Another legate, Bp Odo of Todi (who had signed his election decree, above, at n. 19), carried a sheaf of letters to Louis VI, his son Philip (co-ruler 1129 until his death in 1131), and various unnamed bps (ibid., 700–02), etc.
\item \textsuperscript{37} William of Malmesbury, \textit{Historia Novella}, 14–18, at 16. The ‘novices’ jibe was supported by the dates of their promotions to that rank (1123, 1126, 1126, 1128).
\end{itemize}
These arguments amounted to a silent rejection of Nicholas II’s election decree of 1059, which had given the decisive role in the election of a pope to the cardinal bishops:\(^38\)

First, the cardinal bishops should discuss together with the most scrupulous attention, then summon the cardinal clergy, and then the remainder of the clergy and people should give their consent to the new election.

This rather imprecisely phrased canon was an attempt by Nicholas II (1058–61) to exclude secular interests, principally the powerful Roman families (Crescentii and Tusculani) who for almost a century to 1060 had controlled and exploited the papacy for their own interests.\(^39\) The consequence of the decree was to establish the cardinal bishops as, in Peter Damian’s terms, ‘spiritual senators of the universal Church’, whose chief prerogative was to play the leading role in papal elections.\(^40\) The problem, from the Roman perspective, was that they held bishoprics outside Rome and were increasingly non-Romans.

Although the Anacletan arguments may have been self-serving – since Anacletus could count only one cardinal bishop among his electors – they were not without support. Professor Robinson drew attention to the work of Deusdedit, cardinal priest of S. Pietro in Eudoxia (now Vincoli), whose *Collectio canonum* (1087) was focused entirely on the Roman Church and based on close scrutiny of Roman liturgical and administrative sources.\(^41\) Of particular interest are the two canons which declared that the pope should be elected by the ‘cardinals’ and enthroned by the ‘religious clerics’. These canons were based on a falsified version of the relevant passage in a letter of Nicholas II, which omitted ‘bishops’, thereby enlarging the electoral body to include all ‘cardinals’, and a further two, which accorded the right of election to the Romani.\(^42\) Very slightly later, the *Polycarpus* (c.1111 x 1113), compiled by Gregory, cardinal priest of S. Crisogono, emphasised the role of the cardinal priests,\(^43\) and in his biography of Gelasius II (in the *Liber Pontificalis*), Cardinal Pandulf wrote that the role of

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38 Gratian, *Decretum*, D.23 c.1; see D. Jasper, *Das Papstwahldekret von 1059. Überlieferung und Textgestalt*, Beiträge zur Geschichte und Quellenkunde des Mittelalters, 12 (Sigmaringen, 1986), 98–119, which presents the original with the parallel text of the later, falsified, version, which, Jasper suggests (3–82), was confected by the cardinals who abandoned Gregory VII in 1084.


the cardinal bishops in papal elections was confined to confirming or rejecting the choice of the cardinal priests and deacons. Although the latter was probably an attempt to defend the election of Anacletus, who had elevated him as cardinal deacon of SS. Cosma e Damiano in late 1134, it also represented the opinion of many Roman clergy, whose status was reinforced. Nor were these views confined to the Romans. In Bologna, Gratian’s Decretum, which was being compiled between 1120 and c.1141 x 45 ascribed the election of the pope to the cardinals in general, without mentioning the cardinal bishops. What was at its inception a struggle between two leading Roman families became a deeper controversy about the nature of the papal institution itself.

ii. Innocent’s defence

No decree of Innocent’s election has survived, but, unlike Anacletus, he did not wait for consecration (on 23 February) before announcing it to ‘Lothar (III), king of the Romans’ in a letter dated from the Palladium on 18 February. Innocent, using his baptismal name, four (cardinal) bishops and ‘the catholic cardinals who are in Rome’, simply announced his election in the address: ‘G[regorius], quondam S. Angeli cardinalis diaconus, nunc autem, Deo disponente, in pontificem Romanum electus, Guill(elmus) Praenestinus, M(athaeus) Albanensis, Iohannes Hostiensis, Chono [Conradus] Sabinensis episcopi, et catholicci cardinales qui Romae sunt . . .’. As in the Anacletan memorandum, neither the confused circumstances nor the existence of a rival claimant were mentioned, although the phrase ‘catholic cardinals’ hinted at the existence of some who were not. Although he had not yet been consecrated (hence the title electus), the letter assumed a natural transition and assured Lothar that the new pope would continue to support him and oppose his rival Conrad, as Honorius II had done, adding that he was instructing his legate, Gerard, cardinal priest of S. Croce in Gerusalemme (later Lucius II), to invite the king to Rome ‘next winter’. A companion letter, with a briefer protocol (‘G[regorius], quondam diaconus cardinalis, nunc autem disponente Domino Romanus [pontifex] electus’), asked the clergy and people of the German kingdom (per regnum Teutonicum) to receive Cardinal Gerard as legate of the Apostolic See, repeating the invitation to Rome. There was, in fact, no need to describe the recent events,

44 Libr Pontificalis, ii, 313.
45 Zenker, 145–6.
46 Duggan, ‘Jura sua unicuique tribuat’, at n. 21.
47 Cf. esp. Decretum, D79 c.1, which agrees with the variant in Deusdedit, although that was not his source.
48 Known variously as S. Maria in Palladia/de Pallaria/Pallario or S. Maria, S. Sebastiano e S. Zoticco, the monastery was within the much larger region of the Palatine, where the Frangipani had their houses and fortresses: Codice Topografico della Città di Roma, ed. R. Valentini and G. Zucchetti, 4 vols (Rome, 1940–53), ii, 337.
49 Karissimus/Dilectissimus pater, JL 7403; Codex Udalrici, 419–20 no. 241 (PL, clxix, 53 no. 1). On his way north, Gerard (Brixius, 33 no. 11 and 75, n. 11) assisted Abp Walter of Ravenna in a dispute with the bp of Bologna. M. da Bergamo, ‘Osservazioni sulle fonte per duplici elezione papale del 1130’, Aevum, 39 (1965), 45–65, at 47.
for the whole story would have been related orally by Cardinal Gerard, who was already in good standing in Germany, having represented Honorius there in the recent past. Innocent may have hoped for a relatively easy transition, but the hold of the Pierleoni on the city was so strong that he could not be consecrated either in St Peter’s or in the Lateran basilica, and had to make do with consecration in S. Maria Nuova, essentially within the Frangipani stronghold on the Palatine,\(^{51}\) on the same day as Anacletus was consecrated by Peter, cardinal bishop of Porto, in St Peter’s. The symbolism would not have been lost on anyone who knew. By early April, if not before, Innocent had been forced to seek refuge in Trastevere.\(^{52}\)

By this point there was no concealing the fact that Anacletus II was in control of the City, which Innocent’s cardinals claimed had been bought with Pierleoni money,\(^{53}\) since Innocent had to withdraw to the security of his father’s house in Trastevere. From there, on 11 May, he wrote again to Lothar, this time using his full papal title, *Innocentius episcopus servus servorum Dei*, to defend the validity of his election. He had been unanimously elected by the ‘bishops and catholic cardinals (*episcopi et Catholici cardinales*)’, implying that those who had elected Anacletus were schismatic.\(^{54}\) More explicit was the accompanying letter from Innocent’s cardinals. They claimed that the election had been greeted with popular enthusiasm, Innocent being accompanied by the Romans to the Lateran basilica, where he was enthroned, before being taken to the (Lateran) palace, where the customary solemnities were conducted and the same insignia as Honorius II, Calixtus II and Pascal II conferred on him.\(^{55}\) Moreover, Innocent was elected a full three hours before Anacletus, who was later elected in S. Marco, ‘near the towers of his brothers’.\(^{56}\) The ‘schismatics’ had then launched violent attacks against St Peter’s, the Lateran, and the Frangipani towers on the Palatine, where Pope Innocent was taking refuge, and had even abused pilgrims. Each side blamed the other, of course, but the Pierleoni had succeeded in driving Innocent from the Palatine.

Although Innocent’s cardinals acknowledged that, by God’s grace, he was now concealed (*iam latitat*) within the cavernous walls of his father’s house...
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in Trastevere,\(^{57}\) they nevertheless claimed that many noble and ecclesiastical persons were hurrying to his aid or sending messengers and ‘venerating the lord pope Innocent as the universal father and vicar of St Peter’.\(^{58}\) These words were certainly optimistic, yet there are indications that they were not wholly untrue. Some appellants whose cases were pending when Honorius died, immediately transferred to Innocent. As early as 25 February, for example, just two days after his consecration on the 23rd, envoys of Bishop Urban of Llandaff obtained a mandate from Innocent,\(^{59}\) who took advantage of their presence to send an encyclical letter to the clergy and people of England, issued from the temporary security of the Palladium on 3 March. This announced his election and declared that ‘with the common counsel and consent both of the aforesaid [cardinal] bishops and catholic cardinals, and of other bishops who had gathered from various parts of the world’, he had excommunicated ‘the said Peter Leonis’ on the previous day (2 March, mid-Lent Sunday).\(^{60}\) This was accompanied by a mandate to Abbot Hugh of Reading to collect Peter’s Pence and ignore the falsehoods of Peter Leonis.\(^{61}\) Similarly, envoys of Abbot Theodwin of Gorze obtained a privilege, also dated from the Palladium,\(^{62}\) and even in Trastevere he was able to receive a deputation from Rouen, which obtained confirmation, dated 28 March, of Hugh of Reading’s election as archbishop.\(^{63}\) By these means, the Innocentian version of events was transmitted along the pilgrim routes from Rome to France, Normandy, Wales, England, and Germany.

The Anacletan/Pierleoni control of the City, however, made Innocent’s continued residence even in Trastevere unsafe, since his Frangipani protectors made their peace with Anacletus,\(^{64}\) and by June he had transferred to Pisa, from where, on the 20th, he sent another long letter to the bishops and princes of Germany, transmitted by Gerard, cardinal priest of S. Croce and Archbishop Walter of Ravenna, repeating Honorius II’s original invitation to King Lothar, but adding a more full-blooded defence of his own position.\(^{65}\) He compared his own election against his will by the ‘[cardinal] bishops and catholic cardinals’, who had communiter elected him Roman pontiff, with that of Peter

\(^{57}\) Codex Udalrici, 431. The Latin is ambiguous. It could apply to Anacletus, as da Bergamo thought (58), but it is more accurate as a description of Innocent’s physical situation. The letter urged Lothar to come to the aid of the ‘Prince of the Apostles’.

\(^{58}\) Codex Udalrici, 431 (PL, clxxix, 38).

\(^{59}\) See Duggan, Sicut ex scriptis, n. 129.

\(^{60}\) JL 7407; Liber Landavensis, ed. W. J. Rees (Llandovery, 1840), 52–3, at 53.

\(^{61}\) Placuit ei and Pro eo quod: Duggan, Sicut ex scriptis, nn. 6 and 8.


\(^{63}\) PUE, iii, 147 no. 26.

\(^{64}\) Ernald of Bonneval reported that his noble protectors were won over by the Pierleoni, either through fear or greed: Vita et Res Gestae S. Bernardi, Liber Secundus, Auctore Ernaldo, Abbate Bonae-Vallis, PL, clxxxv, 267–302, at 296; cf. Das Leben des Heiligen Bernhard von Clairvaux, ed. and trans. P. Sinz (Düsseldorf, 1962), 7–30, at 28–9.

\(^{65}\) PL, lxxix, 56–7 no. 5 (JL 7413). Da Bergamo, 46–8, 55–8, satisfactorily answers Schmale’s objections to the possibility of these two legations by Gerard.
Leonis, who, after striving for a long time, seized St Peter’s chair through the violence of his relatives, bloodshed, and the destruction of sacred images. A contemporary chronicler, Falco of Benevento, reported Innocent’s election as a matter of fact, arguing that the election of Anacletus was effected by Peter of Porto and was accepted by the Roman people only because Leo Pierleone induced them to support him by opening the public treasury.66

This boiled down to an argument based on prior election (by three hours); election by four cardinal bishops (and eight other cardinals); acknowledgement in the Lateran; and consecration by the cardinal bishop of Ostia, to whom the office belonged. Although this model did not conform with the electoral decree of 1059, it was closer to it than the model which elected Anacletus. Innocent could also claim, although it was nowhere recorded, that he had been selected by a majority of the original eight man commission which had been appointed with the collective consent of the cardinals present in Rome. Five of the eight (including Innocent), had voted for him, one protested and two, including Anacletus, had withdrawn from the process. Thus Innocent was elected by twelve cardinals and Anacletus by thirteen or fourteen. Since thirteen or fourteen cardinals were away from Rome, neither candidate could claim to have been elected by a decisive majority of the cardinals, and that relative proportion did not change when the absentee returned. Of the forty cardinals (excluding the two popes–elect) in post when Honorius died, twenty-one opted for Anacletus within a few weeks, and nineteen joined Innocent.67

These details were probably unknown to contemporaries outside Rome, but Innocent’s prior election by a group including four cardinal bishops probably carried the greater weight in the wider Church. The emphasis on the role of the Roman clergy and people in Anacletus’s election was intended to reinforce Anacletus’s authority, not weaken it, but while this fact was welcomed in Roman circles, it was unlikely to appeal to the councils of bishops convened to judge between the rival candidates. Not only did it reinforce their distrust of the Roman populace, but bishops were likely to look askance at any diminution of the authority of their order in the election of the pope.

Ubi papa ibi Roma

Innocent and his Curia had to withdraw, first from the Palatine, then from Trastevere, then to Pisa – while legates and supporters across the rest of Europe proclaimed his legitimacy – but it was a further exile, north of the Alps (1130–32), which paradoxically enabled him to exercise the papal office

66 Chronicon Beneventanum: città e feudi nell’Italia dei Normanni, ed. E. D’Angelo, Per Verba. Testi medie-
latini con traduzioni, 9 (Florence, 1998), 106.
67 These numbers have been much debated: Brixius (31–40) listed 44 (including the two men elected in 1130), Zenker (194–5) counted 40 (excluding the popes–elect), of whom 19 supported Innocent (n. 4) and 21 Anacletus (n. 5), although at least 12 were absent from Rome when the elections were held. The two ‘extra’ cardinals listed in Brixius, Henry, CP of S. Prisca and Peter, CB of S. Eusebio, were elevated by Anacletus after his election. For discussion, see H. Bloch, Monte Cassino in the Middle Ages (Cambridge, Mass., 1986), 947–51 and 951, n. 2.
Two popes

with more efficiency than if he had been in Rome. In fact, by observing the customary rituals of the papal office he was able, in a sense, to make Rome present wherever he happened to be. Anselm of Gembloux, for example, emphasised the peculiarly Roman character of the ceremonial displayed at Liège on Laetare Sunday (29 March 1131). The pope travelled in procession *cum curribus et rhedis* (referring to some form of decorated wagons or chariots) from the church of St Martin 'on the public hill' (*in publico monte*), 'as if in Rome on the Triumphal Way' (*quasi Romae via triumphali*), and climbed up to the Capitol of St Lambert (*usque ad capitolium sancti Lantberti ascendit*), where he crowned the royal couple (Lothar III and Richenza) in the presence of some 60 bishops and abbots. Innocent's itineration north of the Alps more than justified the phrase *ubi papa, ibi Roma.*

Equally impressive was his celebration of Easter 1131 at the abbey church of Saint-Denis outside Paris, as the guest of Abbot Suger, who recorded in his biography of Louis VI that the pope celebrated the Easter triduum in the most solemn Roman manner. After privately vesting himself, in the Roman way, he appeared wearing the *phrygium* and riding a white horse, with the vassals of the monastery acting as groomsmen. Suger was clearly mesmerised by the ceremonial, which replicated the customs and ceremonies which Innocent would have observed in Rome (and which, no doubt, Anacletus was observing there), including reclining on couches to eat the paschal lamb on Easter Sunday. The display of such Roman pomp was an important demonstration of legitimacy. For the same reason, Innocent retraced the footsteps of his predecessors, associating himself with their actions. A privilege for Peter the


69 *Anselmi Gemblacensis continuatio a.* 1112–1135, ed. D.L. C. Bethmann, *MGH SS* 6 (Hanover, 1844), 375–85, at 383; Innocent's presence at Liège is also mentioned in *Canonici Wissegradensis continuatio a.* 1126 ad 1142, ed. G. H. Pertz, *MGH SS* 9 (Hanover, 1851), 132–48, at 136, where he was described as 'Innocent, the fugitive pope . . . the one whom Peter Pierleoni with the clergy and people of the Roman Church had driven from the pontifical seat'. The Visegrád (Hungary) chronicler knew that Innocent did not enjoy the support of the inhabitants of Rome, but had no doubt about the validity of his title.

70 Stroll argues (*The Jewish Pope*, 121–4) that Anselm's reference to Innocent as the 'he-goat who touches not the ground' (Daniel 8: 5) is a veiled criticism (and it was erased from the MS (*Anselmi Gemblacensis*, 383 n. g), but in the context of the wickedness which Anselm reports of Anacletus, it is more likely that he was alluding to the fact that the he-goat defeated the ram, which had seemed all-powerful. His account of Lothar's coronation in the Lateran (1133) criticised the avarice of the Romans of both sides, but whereas 'Innocentius' was 'papa', his opponent was dismissed as 'Petrus pseudopapa': *ibid.* , 384.


Venerable recorded that he had dedicated Cluny ‘on the very same day on which, many years ago, Pope Urban (II), our predecessor of happy memory, consecrated the high altar there’.  

The imperial coronation

Although Innocent could reconstitute Rome in exile, there were certain solemn actions which could properly only be performed in the city. One such action was the coronation of the Romano–German emperor. One of Innocent’s first acts (18 February 1130) had been to instruct King Lothar to come to the Apostolic See the following winter ‘to receive the fullness of honour and dignity’, and to bring sufficient strength to impose peace and defeat the enemies of Church and Empire. This was followed, almost three months later (11 May) by a more persuasive invitation, which included Queen Richenza. Innocent’s own ‘exile’ then intervened, and it was not until three years later (1133) that he was able to return, but only to the Lateran, while the elect, with a small army, camped on the Aventine Hill. The event is described in the Annales Magdeburgenses, which are likely to be well informed about Lothar’s expedition, since Archbishop Norbert was acting as chancellor during the expedition. The imperial coronation was celebrated in the Lateran basilica on Trinity Sunday (4 June 1133), after a delay of six weeks, during which, being too weak to force the issue, Lothar tried to secure access to St Peter’s by negotiation. In spite of the brave face put on these events by Innocent in his letter of 3 May 1134 to Archbishop Diego of Compostela, it is clear that Anacletus was not ‘confined to the house of the Crescentii (Castel Sant’Angelo)’, as the Annals of Gembloux claimed. his presence in Rome effectively prevented access to St Peter’s. Lothar’s negotiations with the Anacletans show that Anacletus was in control of much of the city, and the decision to conduct the coronation at the Lateran was made by the German princes, who were keen to withdraw before the summer heat. Innocent was, in fact, confined to

75 See Montaubin, chapter three.  
76 JL 7404; PL, clxxix, 53.  
77 JL 7411; PL, clxxix, 55–6.  
78 Annales Magdeburgenses a. 1–1188, 1453–1460, ed. G.H. Pertz, MGH SS, 16 (Hanover, 1859), 105–96, at 184. According to Falco of Benevento, 148, Lothar had brought only two thousand troops to Rome: far too few to intimidate the Pierleoni.  
79 Annalist Saxo a. 731 ad 1139, ed. D.G. Wätz, MGH SS, 6 (Hanover, 1844), 542–777, at 768.  
80 Annales Magdeburgenses, 184.  
81 JL 7653; Historia Compostellana, 462; JL 7619; Anselmi Gemblacensis, 384.  
82 For details of the negotiations and the Anacletan failure to make good their offer to entrust some of their fortifications to the emperor, see Lothar’s letter, in which he proclaimed himself the ‘protector and defender of the Roman Church’, with the duty to labour for her freedom: Encyclica de Anacleti Antipapa dammato, MGH Constitutiones, i, 166–7 no. 114.  
the edge of the abitato, and the public procession between the Lateran and S. Sabina on the Aventine which celebrated Pentecost (14 May), must have been something of a disappointment.

Lothar’s coronation, nevertheless, was a significant event, involving the pope and his entourage, the emperor and his, and a representative number of Romans, led by Censius Frangipane and his nephew Odo, who witnessed Lothar’s oaths to the Roman people and to the pope. Whatever the restriction imposed by the Pierleoni grip on the greater part of the City, the coronation was important enough for Innocent to have a permanent record depicted on one of the walls of the Lateran palace. The original fresco has not survived, but it was sketched by Onofrio Panvinio around 1570, showing a sequence of three scenes: on the left, the oath to the Romans, in the centre the oath to the pope, and on the right the coronation. The first shows the emperor standing before the doors of a church with his hand resting on an open book set upon a lectern and a richly-attired figure administering the oath. This is the figure of Cencius Frangipane, who was administering the oath on behalf of the Roman people, no doubt to avoid the sort of rioting which took place at the imperial coronation of Henry V, when the emperor insisted on swearing the oath to the Romans in German. The inscription, which supposedly caused offence to Frederick Barbarossa, read:

The king comes before the doors, swearing first (to maintain) the City’s privileges; afterwards he becomes the man of the pope, by whose grant he assumes the crown.

In 1133, however, the coronation spelt the end of Innocent’s Roman sojourn, for Lothar’s withdrawal left him perilously exposed. So, leaving Conrad of Sabina in Rome as his vicar, he retreated again to Pisa, where he resumed the full authority of the papal office. Nevertheless, outside Rome, the coronation was seen as further proof of Innocent’s claim to be the true pope. The denunciation of Anacletus (1133) which Archdeacon Arnulf of Sées sent as an open letter to Bishop Gerard of Angoulême (Anacletus’s permanent legate

84 Hubert, Espace Urbain et Habitat à Rome, 63–96; see also R. Krautheimer, Rome, Profile of a City, 312–1308 (Princeton, 1980), 271–88 for the abitato, and 311–26 for the disabitato.
85 Annales Magdeburgenses, i, 414; MGH Constitutiones, i, 168 no. 115.
86 Liber Censuum, i, 414; MGH Constitutiones, i, 168 no. 115.
88 P. Brezzi, Studi su Roma e l’impero medioevale (San Gimignano, 1984), 285.
89 Otto of Freising and his continuator Rahewin, Ottonis et Rahewini, Gesta Friderici I. imperatoris, ed. G. Waitz and B. von Simson, MGH SRG 46 (Hanover/Leipzig, 1912), 177: ‘Rex venit ante fores, iurans prius Urbis honores, post homo fit papae sumit quo dante coronam’.
to Aquitaine), condemned Gerard for acknowledging as pope Anacletus, who had seized the See of the Apostles and was only ‘confirmed’ by the obedience of the City. To call him pope on these grounds would be as foolish as to call someone without a kingdom a king or someone destitute of a principality a prince, ‘as if the favour of the Romans should be placed before that of nearly all the peoples’. ‘Did not Innocent’, he continued, ‘residing in the church of St John (Lateran), consecrate the most Christian prince Lothar as king . . . and crown him with the imperial diadem?’ 91 Innocent had freely entered and left the city, Arnulf asserted, adding that even if the pope were to have nothing it would not in any way diminish his rights. 92 Arnulf, probably writing from Bologna, was not very well informed about the events in Rome, 93 but he understood the contrast between Innocent’s universal jurisdiction, manifested in the imperial coronation, and Anacletan reliance on the City, and the former outweighed the latter.

Freed from the imperial threat, Anacletus continued to hold the City and to make ample use of this fact in his propaganda, while at the same time reasserting his influence beyond the walls. In September 1133 he consecrated the high altar in Anagni cathedral and the new bishop, Roane, 94 and in April 1134 he reported Innocent’s second flight and his own unchallenged authority to Diego of Compostela. He contemptuously reported that he had quickly dislodged his rival’s supporters, who seem to have been in control only of the Lateran and S. Paolo fuori le mura. 95

With our brothers and sons, the bishops and the cardinal priests and deacons, with the whole clergy and people of the city, who, as from the beginning, are cleaving to us with the undivided bond of charity, we are well and prospering.

He was thus able to conduct the Easter solemnities and other customary feasts ‘in the Lateran palace, according to the customs of our predecessors, together with all the patricians of our city, honourably and with devotion’, 96 and he had easily taken back the Lateran basilica, S. Paolo fuori le mura ‘and a few other minor fortifications’. 97

Such mastery of the city, and the inability of the emperor to neutralise the power of Anacletus’s Norman allies, made it very difficult for Innocent to make progress. Even when Lothar returned to Italy in 1137 98 there were

91 Ibid., iii, 104.
92 Ibid., iii, 104.
94 JL, i, 918.
95 JL 8426; PL, clxxix, 723–4. See also at n. 124, below.
96 PL, clxxix, 724.
97 Ibid., 724.
98 Peter the Deacon, Chronicca Monasterii Casinensis, MGH SS, xxxiv, 558, reported that Lothar’s original force had been insufficient and that Innocent II, in exile at Pisa, urged him repeatedly to gather a great force and intervene in Italy, which he finally did in 1136: Monumenta Bambergensia, v, 523–5 no. 29 (announcing the expedition to Innocent); MGH Constitutiones, i, 170–1 no 118 (official summons).
disputes about papal rights and prerogatives. For some time Innocent feared to enter the City, even though he had secured the fealty of the surrounding areas, and it was not until c.1 November 1137 that letters were issued from ‘Rome’. Even the death of Anacletus on 25 January 1138 did not end the schism, for his cardinals made a final desperate stand.

Rome after the schism

Bernard of Clairvaux had striven, inefectually, to win over the City in 1137, failing partly because Anacletus’s clerical supporters feared either the revenge of the Pierleoni, or the public shame and vilification which might follow their submission. They would not have been encouraged by the treatment of the two Anacletan cardinals captured at Benevento in 1137, who had been deposed and confined in a monastery. After weeks of indecision and political calculation, including consultation with Roger of Sicily, the Anacletans elected Gregory, cardinal priest of SS. XII Apostoli as ‘Victor IV’ (c.15 March). Although Ernald of Bonneval thought that this election was merely a device to allow time for dignified negotiations to end the schism, from Innocent’s perspective it was a reminder of the ease with which another schism could be provoked. This explains the treatment of the Anacletan cardinals. Peter the Deacon ended his continuation of the Chronicle of Montecassino with the report that Innocent won over the Pierleoni and their followers with large sums of money and that Anacletus’s destitute cardinals ‘are falling at Innocent’s feet having received a solemn pledge from his party (Innocentii vestigiis adolvuntur sacramento a parte illius accepto) that he would deprive them neither of office nor of goods’. The final words of the unfinished chronicle, ‘but for the time being (sed ad tempus)’, hinted that it was a temporary measure. All surviving members of the Anacletan college of cardinals, except for two who had submitted reasonably early, were degraded at the Lateran council (1139), including the highly regarded Peter of Pisa, who had been persuaded by Bernard of

99 Outside Viterbo, which supported Anacletus, Innocent and Duke Henry of Bavaria argued over the 3,000 talents offered by the Viterbans in return for an honourable surrender: Annalista Saxo a. 731 ad 1139, ed. D.G. Waite, MGH SS, 6 (Hanover, 1844), 542–777, at 773; Innocent was involved in a protracted dispute with the emperor over the rights of the monks of Monte Cassino, Chronica Casinensis, 569–601; when Lothar took Salerno, not only were the Pisans angry, but the pope and the emperor disputed ownership: Chronica Casinensis, 591; cf. P. Partner, The Lands of St Peter. The Papal State in the Middle Ages and the Early Renaissance (Berkeley and Los Angeles, 1972), 172–3.

100 JL 7858.


102 Annalista Saxo, 773.

103 Brixius, 33–4 no. 13; Enciclopedia dei Papi, ii, 271 (Di Carpegna Falconieri); Palumbo, Lo Scisma, 588–9.

104 Falco of Benevento, 206.

105 Ernald of Bonneval, 295–6.

106 Chronica Casinensis, 607.

107 John, CP of S. Pudantiana, reduced to CD of S. Nichola in carcere, but restored in 1134 (Brixius, 35 no. 24); Lictefred, CP of S. Vitale (Brixius, 36 no. 27).

108 Ecumenical Councils, i, 203 can. 30.
Clairvaux to abandon Anacletus in 1137,\(^{109}\) and the last canon (30) annulled ‘all ordinations conferred by Peter Leonis and the other schismatics’. Even when Bernard of Clairvaux and the whole Cistercian order begged Eugenius III to relax that decree in the case of Philip (whom Anacletus had consecrated archbishop of Tours and later appointed to Taranto, and who had become a Cistercian), so that he could serve as a priest, Eugenius reluctantly denied the request, reporting that the cardinals would not suffer it: the demotion of the schismatics had not been Innocent’s initiative alone.\(^{110}\)

The harshness of this action was criticised by contemporaries and later historians, but in the case of Cardinal Gregory (‘Victor IV’), the Innocentians could point to a man who had been restored to office in 1123, only to foment schism again in 1130 and then prolong it by consenting to his own election as Anacletus’s successor.\(^{111}\) Set in the context of Lothar’s failure to break the power of Roger of Sicily, the continued volatility of the Romans, and the election of ‘Victor IV’, the demotions of 1139 are explicable. Although Innocent had secured the recognition of most of the Latin Church by the end of 1130, it was the obstinate resistance of the Anacletans that set Rome against the maior pars of Christendom and prolonged the schism for eight years. It was necessary to prove that such behaviour carried penalties.

There are some indications that Innocent applied the same discipline to the Anacletan administration in the City. In his summary of the closing years of Innocent’s pontificate, Boso recorded that the pope had granted an annual payment of one hundred Pavian pounds to the judges and advocates attached to the Lateran palace, in return for which they swore that they would act justly, according to the laws and customs of the city, and accept only the customary payments and offerings as long as the pope and his successors continued the payment.\(^{112}\) Although largely ignored by historians, this may illuminate a crucial aspect of the restoration of Innocent’s authority in Rome. It is possible that he removed the judges and advocates associated with the Anacletan regime, for none of the seven Palatine judges in office before 1138 are found functioning later in Innocent’s pontificate.\(^{113}\) This suggests that Innocent appointed new judges (and perhaps advocates) in 1138 or 1139.

\(^{109}\) Comes, CP of S. Sabina, CP of S. Eudoxia (Brixius, 32 no. 8); Giles, CB of Frascati (Brixius, 31 no. 1); Crescentius, CP of S. Sabina (Brixius, 32–3 no. 9); Desiderius, CP S. Prassede (Brixius, 33 no. 10); Gregory, CP of SS. Apostoli, ‘Victor IV’ (Brixius, 33–4 no. 13); Gregory, CP of S. Balbina (Brixius, 34 no. 14); Peter, CP of S. Marcello (Brixius, 38 no. 35); Peter of Pisa, CP of S. Susanna (above, n. 11), but he was restored by Celestine II.


\(^{112}\) Vita Innocentii, 383–4; Liber Censusum, ii, 127. Moscati, *Alle origini del comune romano*, 79 and n. 54, ascribes this concession to the first year of the pontificate, conflating it with the preceding oddly intrusive account of a famine in Rome in Innocent’s first year, but Innocent II was in no position to make any such grant in 1130.

\(^{113}\) See the lists in L. Halphen, *Études sur l’Administration de Rome au moyen âge* (Paris, 1907), 89–146.
Examination of the surviving archives of Roman churches provides some support for the argument that it was Innocent who removed the vestiges of Anacletan rule, but the evidence must be treated with great caution. Since Roman notaries recorded original transactions and later authentications on individual pieces of parchment, rather than in books or on rolls, and Roman churches did not compile cartularies, it is impossible to trace lacunae in the records unless they were recorded at some later time. The archive of S. Maria Maggiore, for example, was reorganised in the sixteenth century: private acts were catalogued and stored separately from public acts, such as papal bulls, and some were missing by 1621. But whereas numbers 1 to 197 of the catalogued private acts remain without any gaps, at least three quarters of the public acts from the twelfth to the fifteenth century are now lost. Conclusions based on the remainder are likely to mislead. The same caution applies even more strongly to the majority of surviving archives, which did not catalogue their holdings in the sixteenth century. Nevertheless, there is a tendency for gaps to correspond with the years of the schism, although even the total absence of documents for the period 1130–38 need not be suspicious, since it was usual to destroy earlier ownership documents when property changed hands. The evidence of survivals is inconclusive: some bear Anacletus’s name, some Innocent’s, some have been destroyed.


115 Carusi provides a useful introduction to such collections: Cartario di S. Maria in Campo Marzio, xxx–l; cf. Le più antiche carte del convento di San Sisto, l–lxix.

116 Le più antiche carte del convento di San Sisto, xxxix–xliv.


118 ‘Regesto dell’abbazia di Sant’Alessio all’Aventino’, ASRSP, 27, no. 12, from 1116, is followed by no. 13, dated 1140; ‘Tabularium S. Mariae Novae’, ASRSP, 24, 180–2; no. 45 (17 Sept. 1127) is followed by no. 46 (31 Jan. 1137), which bears the pontifical year of Innocent II; there is then a notable increase in the number of documents: three from 1139 (183–5 nos 47–9) and two from 1140 (186–8 nos 50 and 51); ‘Le carte dell’archivio Liberiano’, 27, 200–2 no. 15 is dated 9 May 1150, the next, 441–2 no. 16 is dated 26 Jan. 1133, and the next, 442–4 no. 17 is dated 14 March 1148 (all three are acts of the nuns of S. Bibiana).

119 For example, ‘Le carte antiche dell’archivio Capitolare di S. Pietro in Vaticano’, ASRSP, 25, 278–9 no. 36 (c. 1128) to no. 37 (1138).
the pope's name (presumably Anacletus) removed, and others omit the pope's name altogether.\textsuperscript{120} Such sparse survivals can be taken only as an indication of possible trends,\textsuperscript{121} but one cannot exclude the possibility that Innocent invalidated transactions redacted in the name of his rival.\textsuperscript{122} Combined with the demotion of the Anacletan cardinals and what looks like a purge of judicial officials, such actions could explain the more radical Roman opposition manifested at the end of the pontificate.

On the other hand, the narrative sources which described conditions in Rome after the end of the schism reflect the claims of Innocent's supporters that the Anacletan faction had damaged the city.\textsuperscript{123} They may have exaggerated the destruction, but Anacletus's own letter to Diego of Compostela (April 1134) described how he was besieging Leo Frangipane and his brother and he boasted that, with the help of his vassals and especially of the king of Sicily, he would soon reduce them to nothing (\textit{funditus extirpare disponimus . . . radicitus interibunt}), while a third Frangipani brother had made a stand amid the ruins of a church tower with sixty followers, and had been utterly destroyed.\textsuperscript{124} In the light of these assertions, the claim of the \textit{Annals of Gembloux}, that the city was damaged by bitter fighting between the rival groups, is not so far-fetched, and is supported by the significant repairs undertaken by Innocent. Nevertheless, it suited Innocent's supporters to stress the damage caused by the schismatics in order to enhance the beneficial consequences of the return of the legitimate pope.

\textsuperscript{120} 'Regesto del monastero di S. Silvestro in Capite', \textit{ASRSP}, 22, 494–5; no. 16 is dated with the pontifical year of Anacletus, no. 17 has Innocent II's, and the next document, 495–6 no. 18, from 1138, bears Innocent's pontifical year; 'Le carte dell’archivio Liberiano', \textit{ASRSP}, 27, 200–2 no. 15 has a space where the pope's name should be, while the next document, 441–2 no. 16 is dated 26 Jan. 1133 with no further reference; the four documents from the years of the schism preserved in the archive of S. Prassede, 'Tabularium S. Praxedis', \textit{ASRSP}, 27, all bear the name of Anacletus, but are unusual in that three (72–3 no. 17, 75–6 no. 19 and 76–7 no. 20) were drawn up at the command of the titular cardinal, while the other (73–5 no. xviii) was an act of the abbot of Grottaferrata, Nicholas III, who had recognized Anacletus; the \textit{Cartario di S. Maria in Campo Marzio} contains nine documents from the schism years, all but two naming Anacletus: 63–4 no. 31 (27 April 1131), 65–6 no. 32 (20 July 1133), 66–7 no. 33 (13 Oct. 1133), 68–9 no. 34 (4 Jan. 1134), 69–70 no. 35 (24 April 1134), 71–2 no. 36 (6 Jan. 1136), 74–5 no. 38 (9 July 1137), while two name Innocent II: 72–3 no. 37 (12 March 1136) and 75–7 no. 39 (13 Feb.1138). The \textit{Ecclesiæ S. Mariae in Via Lata Tabularium} shows a similar preponderance of documents naming Anacletus II: 7–8 no. 156 (Sept. 1133–Feb. 1134), 8–9 no. 157 (21 May 1134), 9 no. 158 (1134), 9–10 no. 159 (2 Feb. 1135), 10–11 no. 160 (30 May 1135), while Innocent II is named in only two: 7 no. 155 (Jan. 1133) and 11–12 no. 161 (16 March 1137).


\textsuperscript{122} It should be noted, however, that in his confirmation of the properties and rights of S. Maria in Ara-coeli (5 July 1252), Innocent IV incorporated Anacletus II's bull (1130 x 1134: JL 8425), granting ownership of the Campidoglio: \textit{Italia Pontificia}, i, 101–2 no. 1; Potthast Reg. 14651 (Innocent IV), 17671 (confirmation of Innocent IV's bull by Alexander IV, 26 September 1259).

\textsuperscript{123} JL 7411; \textit{Codex Udalrici}, 427–9 no. 247, at 428; \textit{PL}, clxxix, 55; \textit{Codex Udalrici}, 429–31 no. 248, at 430; \textit{PL}, clxxix, 37–8, at 37.

\textsuperscript{124} JL 8426; \textit{PL}, clxxix, 723–4; cf. above at n.95.
Abbot Ernald of Bonneval, for example, relying on Bernard of Clairvaux’s report, described the restoration of peace in glowing terms:125

Innocent is effectively arranging affairs in Rome, visitors are coming from all sides, some to do business, others simply to congratulate him. Solemn processions are celebrated in all the churches and the people, having put down their weapons, rush to hear the word of God. After many privations, the noble city flourishes again: solid peace restores and recovers what had been alienated in the time of discord. Wastelands are ploughed and deserts become fruitful. Everyone finds repose under his vine and fig tree. By night the watchmen are silent and, with open doors, all fear is cast out. At the opportune time, Innocent restores the ruined churches, brings back the exiles, restores the ancient services to the churches, restores abandoned properties to the expelled, and finally makes appropriate grants. Even now, at Aquas Salvias, he is establishing the monastery in honour of St Anastasius (=: SS. Vincenzo e Anastasio), which had once been there, but now has only the church without a resident. After constructing monastic buildings, restoring the church, and assigning fields and vines for the upkeep of the monks’ houses, the lord pope asked for and obtained an abbot and community to be sent from Clairvaux. So Bernard, formerly vicedominus of the church of Pisa126 is being sent, and religious brethren with him, to serve the Lord in the same place according to the Rule of St Benedict.

This French Benedictine was intoxicated with the transformation, which included the establishment of a new Cistercian community in Rome, and he was not alone.

Thirty or so years later, Peter Malleus, canon of St Peter’s, listed Innocent’s benefactions to the basilica: a new silver crucifix for the high altar, new beams to restore the portico between S. Maria in Traspontina and the steps of St Peter’s, and a new cross for the stational liturgy of the city.127 John the Deacon, too, reported that Innocent rebuilt the tower outside the Lateran basilica and, at his own expense, renovated the roof with beams sent by Roger of Sicily, some of which were sold to buy lands outside Rome for the Lateran canons.128 Boso also stressed Innocent’s restoration of churches: the rebuilding of S. Maria in Trastevere, the repair of the roofbeams at the Lateran basilica and S. Paolo fuori le mura (where he also repaired the walls), the virtual rebuilding of S. Stefano Rotundo on the Coelian, and the building of two new chambers at the Lateran palace.129 The reconstruction of S. Maria in

125 Ernald of Bonneval, 296–7.
126 Later Pope Eugenius III 1145–53.
127 Petrus Malleus: Codice Topografico, iii, 382–442, at 382 and 436.
128 John the Deacon, Descriptio Lateranensis Ecclesiae, in Codice Topografico, iii, 326–73, at 348–9; cf. Italia Pontificia, i, 27 no. 14 for Innocent’s gifts, presented by his vicar in Rome, Conrad, CB of Sabina, on 18 July 1139.
129 Vita Innocentii, 384.
Trastevere became a symbol of Innocent’s triumph: he was born in Trastevere, Anacletus had been its cardinal priest, and the use of Roman spolia and rich mosaic decoration, with his own image in the apse, celebrated the restoration of legitimate papal rule.  

Nevertheless, the schism cast a long shadow. The Anacletan experiment, which saw all active segments of the City combine in the election of a pope and hold out against the rest of Christendom for eight years, almost certainly contributed to the growth of more radical republicanism, which successive popes had to deal with as best they could. Innocent’s demotion of the Anacletan cardinals was an effective disincentive to any who might be tempted to split the Church in the future, and there was no schism until the imperially supported crisis which confronted Alexander III from 1159 to 1178, but the Roman support for the ‘schismatics’ discouraged future popes from elevating Roman citizens to the College of Cardinals. Innocent appointed no Romans, nor, for the most part did his successors, until the Roman-born Paolo Scolari (Clement III, 1187–91) returned the Curia to residence in Rome for much of the year, agreed the peace of 1188, and transformed the College with large-scale promotions of Romans. Roman support for Anacletus had set the City against the World, which had, broadly, given its allegiance to Innocent, and distrust of, or even contempt for, the faction-ridden Romans was to remain widespread for a long time.


131 Robinson, Papacy, 55–6. There were eighteen Romans in 1191.

2  Innocent II and the Empire

I. S. Robinson

Since . . . we rely exceedingly on the firmness and the righteousness of your faith . . . we command Your Prudence to come to the apostolic see next winter in order to receive (with the Lord’s help) the fullness of the [imperial] honour and dignity. As befits so great a man, therefore, you are to come with sufficient support so that you have the strength to establish peace and (with the favour of divine grace) to subjugate the enemies of the Church and the empire.

It was in these terms that Pope Innocent II announced his election to King Lothar III of Germany on 18 February 1130, describing himself as ‘Gregory, formerly cardinal deacon of S. Angelo but now (through the ordering of God) elected as Roman pontiff’ and including in the initial protocol his electors, ‘the bishops of Palestrina, Albano, Ostia, Sabina and the catholic cardinals who are in Rome’.¹ A second papal letter of the same date, addressed ‘to all the archbishops, abbots, clergy and others faithful to God throughout the German kingdom’, commanded them to ‘furnish support and counsel’ to Lothar and to ‘send him to the threshold of the apostles next winter in order to receive the fullness of the honour and dignity of the emperorship’.²

Suspicions about the authenticity of these two letters of 18 February 1130 – which survive only among the materials added c.1134 to the Bamberg letter collection, Codex Udalrici³ – were raised by F.-J. Schmale. He questioned the authenticity not only of these two papal letters but also that of three other letters found only in the Codex Udalrici: letters to Lothar III from Innocent II (11 May 1130) and from bishops and cardinals in Innocent’s party, and a letter from the papal legate Archbishop Walter of Ravenna to Archbishop Norbert

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¹ Innocent II, JL 7403; PL, clxxix, 53AC = Codex Udalrici, ed. P. Jaffé, Monumenta Bambergensia, Bibliotheca rerum Germanicarum v (Berlin, 1869), 419–20, no. 241. I am most grateful to Dr Léan Ní Chléirigh and Dr Éimhín Walsh for their help in tracking down many elusive sources.
² Innocent II, JL 7404; PL, clxxix, 53C–54B = Codex Udalrici, 420–1 no. 242.
³ The original compilation of the Codex Udalrici was dedicated by Udalric (generally assumed to have been a master in the cathedral school of Bamberg) to Bishop Gebhard of Würzburg in 1125. See C. Erdmann, ‘Die Bamberger Domschule im Investiturstreit’, Zeitschrift für bayerische Landesgeschichte, 9 (1936), 1–46; T. Reuter, ‘Codex Udalrici’, Lexikon des Mittelalters, 2 (Munich–Zürich, 1983), 2209–10.
of Magdeburg. He suggested that all these letters originated in northern Italy as stylistic exercises characteristic of the contemporary schools and the topical references to the events of 1130 were added at the time of their inclusion in the Codex Udalrici. The forgeries 'show the pope as decidedly accommodating towards the king'. In reality, however, argued Schmale, Innocent II never intended Lothar III to play the decisive role suggested in the forged letters. Innocent's earliest undisputedly genuine letter (not found in the Codex Udalrici) to the German kingdom is dated 20 June 1130 (four months after his rival, Pope Anacletus II, had hastened to announce his election to the German king). Soon Innocent II would be on the road to France, where he would find the support that would be most valuable to him in ending the papal schism: that of the new religious orders of the Cistercians, the regular canons and Premonstratensians. This interpretation of Innocent II's priorities in the months immediately following his election is all of a piece with the analysis of the divisions in the college of cardinals at the outbreak of the schism in Schmale's Studien zum Schisma des Jahres 1130. What principally divided the adherents from the opponents of Innocent was their response to the aspirations of the 'new spirituality' of the religious orders of c.1100: 'the Innocentine cardinals were representatives of all these aspirations.'

More recent studies of the Innocentine materials in the Codex Udalrici have, however, dispelled the suspicions of forgery. These findings in turn prompt a reappraisal of Innocent II's attitude towards the German court. Instead of the silence imagined by Schmale, the five letters of Innocent and his supporters suggest an urgent desire to communicate with Lothar III. Albert Hauck's reading of the letters was surely the correct one. 'For both the popes elect it is extraordinary how much depended on acquiring the recognition of the German king. Both hastened to initiate a relationship with Lothar.' Innocent II stole a march on his rival with his two letters issued on 18 February 1130, only four days after his election and five days before his consecration. The improvised chancery of Anacletus II issued letters to the Germans and to their king on 24 February. None of the papal letters of February refers directly to the

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schism. In his letter to the German prelates, clergy and people, Anacletus II reported that the cardinals ‘elected us to the supreme summit of pontifical authority amidst a wonderful and astounding harmony on the part of the clergy and people’. He concluded: ‘do not be greatly surprised by any perverse rumour that you receive; . . . you are to regard as false any report other than what we have said’.  

11 Anacletus II, JL 8370; PL clxxix, 691AB.

12 Innocent II, JL 7403; PL clxxix, 53BC.

13 Ibid., col. 53C; Anacletus II, JL 8371; PL, clxxix, 691D–692A.

14 Anacletus II, JL 8371; PL, clxxix, 691C. Innocent II, JL 7403; PL, clxxix, 53B. Cf. idem, JL 7404; PL, clxxix, 54A.

15 Anacletus II, JL 8371; PL, clxxix, 691D.
threshold of the apostles next winter’. 16 This theory that a German king whose election had been confirmed by the pope was thereby qualified to receive the imperial crown was explicitly stated in Innocent II’s letter to Lothar III of 11 May 1130 (repeated in his letter to the German princes of 20 June 1130), again citing the action of Honorius II. ‘Pope Honorius . . . confirmed by apostolic authority that the election made of you by the archbishops, bishops and princes of the kingdom must be inviolably preserved for the sake of the unity of the Church and kingdom and summoned you to the apostolic see to receive the fullness of the imperial dignity’. 17

Such a statement is not found in any surviving letter of Honorius II, although there is an extant letter to Archbishop Adalbert of Mainz, announcing the papal excommunication of the anti-king Conrad of Staufen on 19 April 1128, which exhorts Adalbert ‘to support our most beloved son Lothar, whom you elected as king, together with the archbishops, bishops and other princes of the kingdom, and to be diligently attentive to the peace of his kingdom and the honour of his person’. 18 Innocent II’s account of his predecessor’s confirmation of Lothar’s election is, however, corroborated by narrative sources. Two papal legates – Gerard, cardinal priest of S. Croce in Gerusalemme and Romanus, cardinal deacon of S. Maria in Porticu – had participated in the consultations that preceded Lothar III’s election in Mainz on 30 August 1125. 19 Subsequently the two legates were present at Lothar’s coronation in Aachen on 13 September. 20 A single narrative, the perhaps near-contemporary Annals of Disibodenberg, reported that ‘Cardinal Gerard and the bishops of Cambrai and Verdun were sent as envoys to Rome for the purpose of confirming the king’. 21 The papal ‘confirmation’ of the election recorded in Innocent II’s letter to Lothar of 11 May 1130 has been seen as the Curia’s response to this mission: ‘Pope Honorius . . . confirmed by apostolic authority that the election . . . must be inviolably preserved’. 22 It is possible, of course, that the Disibodenberg annalist misinterpreted the mission when he reported its purpose as pro confirmando rege. (Since the annalist seems to have been unaware that Bishop Henry of Verdun had been suspended from his office and summoned to Rome by Honorius II because of his ‘disobedience’ and his dispute with the abbey of St Vanne, he

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16 Innocent II, JL 7403; PL, clxxix, 53AB; idem, JL 7404; PL, clxxix, 54AB.
17 Idem, JL 7411; PL, clxxix, 55B. Cf. idem, JL 7413; PL, clxxix, 56BC. The latter document, found outside the Codex Udalrici, was declared by Schmale, ‘Bemühungen’, 257, ‘free from suspicion’.
20 Anselm of Gembloux, Continuatio [1125], 380.
21 Annales sancti Disibodi [1125], MGH SS, xvi, 23.
may well have misunderstood the purpose of his journey to Rome.)

Perhaps Lothar III intended merely to report his election to the pope and the subsequent papal confirmation came unsought (as in the case of Frederick Barbarossa in 1152).

The presence of the papal legates at Lothar III’s election and the subsequent communication with the papal Curia recall the proceedings at the elections of the German anti-kings during the Investiture Contest. Papal legates had been present in Forchheim when the anti-king Rudolf, duke of Swabia was elected in opposition to King Henry IV (March 1077). According to Pope Gregory VII’s version of events, ‘King Rudolf hastened to send an envoy to me, informing me that he had been compelled to undertake the government of the kingdom; nevertheless he was prepared to obey me in every way’. The papal confirmation of his kingship eventually followed in the Roman synod of Lent 1080. After Rudolf’s death Gregory VII gave instructions to his permanent legate in Germany about the election of a successor, ‘obedient, humbly devoted and useful to holy Church’ (March 1081). In April 1095 Pope Urban II confirmed the royal title of a new anti-king, Conrad, the rebellious son of Henry IV, and promised him ‘counsel and help in obtaining the kingship and in acquiring the crown of the empire’. There was also a precedent for the papal confirmation of royal elections earlier than that offered by the conduct of the anti-kings. It had been recorded in 1128 by Paul of Bernried in his Life of Pope Gregory VII. ‘On the death of Henry III . . . the Roman pontiff Victor . . . gave permission for that king, Henry IV, to succeed according to hereditary right, although he was still a child.’ This was the Gregorian interpretation of the fact that the six-year-old Henry IV had been committed by his dying father, Emperor Henry III, to the care of Pope Victor II. Thus an illustrious correspondent informed Victor II that Christ had ‘added monarchies’ to his existing powers; ‘indeed, having taken away the king from the world, He [had] permitted [the pope] rights over all the vacant Roman empire’. Gregory VII, keenly aware that he had inherited these rights, was in no doubt, after
deposing Henry IV in 1076, that the election of the king’s successor required papal confirmation. He instructed the German princes to inform him about ‘the person and morals’ of their proposed candidate, ‘so that we may confirm your election . . . by apostolic authority, as ought to be done’.30 Innocent II’s idea of the pope’s legitimating role in the election of the German king thus drew on seven decades of ‘creative misinterpretation’ in the papal Curia.

Lothar III’s failure to respond to the papal letters of February 1130 prompted a series of further letters to the king from the rival popes and their supporters. In late February or early March Innocent II’s adherent, the distinguished reformer Archbishop Walter of Ravenna wrote to Archbishop Conrad I of Salzburg, urging him to inform Lothar and the German episcopate of the schism in Rome, so that the king would hasten to Italy and, like a hammer, smash ‘the idol’, Anacletus II.31 A few weeks later Walter of Ravenna, replying to the inquiries of his correspondents, the archbishops Norbert of Magdeburg and Adalbert of Mainz, about the recent papal election, exhorted them to persuade ‘the most invincible king of the Romans’ to undertake an immediate Italian expedition in order to restore peace to the Church.32 The energetic Archbishop Walter of Ravenna reappears in two letters of 11 May 1130 addressed to Lothar: a letter from Innocent II and a letter from the cardinals who elected him, commending Walter as papal legate in Germany.33 Innocent’s second letter to Lothar and the letter of his electors, unlike the papal letters of the previous February, referred to the schism and admitted the existence of a rival pope. Innocent’s letter of 11 May imposed two tasks on Lothar. ‘In order to suppress the savagery [of Anacletus II and his adherents] and to reform the condition of both the Church and the empire for the better, we once more command Your Excellency . . . to come to our presence next winter with the archbishops and princes of the kingdom to receive, with the Lord’s cooperation, the fullness of the imperial dignity’.

It is significant that both the letters of 11 May, like the letters of Walter of Ravenna to the archbishops of Magdeburg and Mainz, used the title rex Romanorum for Lothar. While Innocent’s letter of 18 February was addressed ‘to the illustrious and glorious King Lothar’, that of 11 May was addressed ‘to the illustrious and glorious king of the Romans’. The letter of Innocent’s electors was addressed ‘to the most famous king of the Romans, shining with the firmness of justice’. Anacletus II had already in his first letter to Lothar (24 February) used the title ‘glorious king of the Romans’.34 The title rex

32 Walter of Ravenna, letter to Norbert of Magdeburg: Codex Udalrici, 424 no. 245. The identical letter to Adalbert of Mainz (unpublished) was discovered by Somerville, ‘Honorius II’, 344–5 (who noted that its discovery suggested that Codex Udalrici 245 was not a forgery, as argued by Schmale, ‘Bemühungen’, 246–7).
33 Innocent II, JL 7411; PL, clxxix, 56A = Codex Udalrici, 429 no. 247; Letter of ‘Bishops N. and N. and the Roman cardinals’ to Lothar III, Codex Udalrici, 431 no. 248.
34 Innocent II, JL 7411; PL, clxxix, 55A; Codex Udalrici, 429 no. 248. Anacletus II, JL 8371; PL, clxxix, 691C. The opening protocols of his subsequent letters to the king and queen (JL 8388–9) are missing.
Romanorum had been used sporadically in the royal chancery of the German kingdom throughout the eleventh century, beginning in the reign of Henry II, until, in the reign of Henry V, Lothar’s predecessor, it became the normal usage of the chancery. The title seems to have signified that its holder was the futurus imperator, with an undoubted claim to be crowned emperor in Rome. 35 A famous letter of 1073 addressed to Pope Gregory VII ascribes to Henry IV the title Romanorum Dei gratia rex, the Dei gratia formula signifying a divinely ordained right to the imperial title. 36 Gregory VII in his letters addressed Henry IV simply as rex or gloriosus rex and referred to him as rex Teutonicus, rex Teutonicorum or Alamannie rex. This usage seems implicitly to reject the claim in the title rex Romanorum and to assert the ninth-century principle that only St Peter could confer the imperial crown and that his successor, the pope, must determine the suitability of the candidate. 37 The title ascribed by the royal chancery to Lothar III during the seven years before his imperial coronation echoed the title of Henry IV in the letter of 1073. Lothar was Dei gratia Romanorum rex, divina favente clementia (gracia) Romanorum rex (invictissimus). 38 Unlike Gregory VII, Innocent II conceded to the German king the title rex Romanorum, presumably because, as he reminded Lothar in his letter of 11 May, Honorius II had already summoned him to receive the imperial crown. Innocent renewed this summons and in addition summoned ‘our glorious daughter Queen Richenza . . . to come to us to receive the fullness of the imperial consecration together with you’. 39

The renewed efforts of Innocent II and his electors to obtain the support of Lothar III were immediately followed by a series of letters from the Anacletan party. Firstly, a letter of 15 May 1130 from Anacletus II to Lothar regrets that the pope has ‘not merited a reply’ from the king to his letter of 24 February, since ‘the royal power and holy Roman authority ought to respond to each other with mutual diligence’. He assured Lothar that he was firmly in control

38 Diplomata Lotharii III (MGH Diplomata 8: Die Urkunden Lothars III. und der Kaiserin Richenza), no. 4 (divina favente clementia Romanorum rex); nos. 5, 6, 10, 11, 13, 16, 21, 23, 27, 34, 37–8, 43, 45–7 (divina favente clementia Romanorum rex); nos. 8, 12, 14, 15, 17, 18, 24, 28, 31, 33, 35–6, 39 (Dei gratia Romanorum rex); nos. 22, 32 (divina favente clementia Romanorum rex invictissimus); nos. 41–2 (rex Romanorum); no. 44 (divina favente clementia Romanorum rex augustus). Cf. in particular Diploma Lotharii III, no. 7, Domino et universali pape Honorio Lothario Romanorum rex. See also Lotharius III Constitutiones, nos. 113–114 (MGH Constitutiones 1, 166–7), Dei gratia Romanorum rex.
39 Innocent II, JL 7411; PL, clxxix, 56A. Innocent II used the title Romanorum rex again in JL 7449; PL, clxxix, 76D (to Archbishop Diego Gelmiñez of Compostela, 16 February 1131) and in JL 7619; PL, clxxix, 178 (to Abbot Peter the Venerable of Cluny, 23 May 1133): charissimo filio nostro Romanorum rege Lothario.
of Rome, informed him that he had excommunicated the anti-king Conrad of Staufen and referred to the possibility of ‘the government of [Lothar’s] kingdom [being] enlarged ad culmen imperii’.\textsuperscript{40} In a second letter of 15 May, Anacletus urged Queen Richenza to use her influence over ‘the most Christian king’ to increase ‘his love and good will towards the apostolic see’ and the pope.\textsuperscript{41} Two letters dated a few days later from Anacletus’s cardinals and from his supporters among the Roman aristocracy counselled Lothar that his hopes of being crowned emperor depended on his acknowledging Anacletus as the lawfully elected pope.\textsuperscript{42} In these letters the Anacletan party for the first time mentioned the imperial coronation, about which Anacletus’s letters of February had remained silent.

Innocent II’s letters of February and May had, as we have seen, consistently urged Lothar to hasten to Rome to be crowned emperor and his letter of 20 June to the German archbishops, bishops, abbots and princes repeated this message in the same language as the letter of 11 May to Lothar. Again the letter emphasised the idea of continuity with the actions of Honorius II, who had confirmed Lothar’s election and summoned ‘that catholic man and cultivator of justice’ to the apostolic see ‘to receive the fullness of the imperial dignity’. ‘Aiding the holy Roman church to the best of [their] ability’, the bishops and princes were ‘to strive most diligently to make . . . King Lothar well disposed to [the pope’s] honour and service’ and ‘bring him to [Innocent’s] presence next winter’.\textsuperscript{43} Just as the papal letter to the Germans of 18 February had commanded them ‘unanimously to furnish support and counsel’ and ‘manfully to aid’ Lothar by their presence when he came to ‘the threshold of the apostles’, so also Innocent’s letter of 20 June commanded them to accompany the king on his Italian expedition. As the letters of February and May had made clear, this would involve military action ‘to subjugate the enemies of the Church and the empire’, ‘to suppress the savagery’ of the Anacletan faction.

To the ecclesiastical princes the letter of 20 June was a reminder of the servitium regis that they owed the king, which included the duty to provide troops for his military expeditions. The contingents furnished by the prelates comprised the greater part of the royal army, particularly in the case of expeditions to Italy. Innocent could not obtain the help he desired from Lothar unless the prelates fulfilled the obligations of servitium.\textsuperscript{44} These obligations had been regarded with hostility by the eleventh-century papal reform movement, which had emphasised the principle that ‘no man that

\textsuperscript{40} Anacletus II, JL 8388; PL, clxxix, 706D–707C.
\textsuperscript{41} Idem, JL 8389; PL, clxxix, 708B.
\textsuperscript{43} Innocent II, JL 7413; PL, clxxix, 56B–57A. See above n. 17.
wars for God entangles himself with the affairs of this world’ (2 Tim. 2:4). The German rulers’ insistence on the presence of prelates as well as their military contingents on their expeditions had seemed to infringe the reformers’ prohibition ‘that no clergyman is to bear arms or to be zealously engaged in military service’. Simultaneously, however, the reform papacy had asserted the legality of wars fought not for worldly purposes but ‘according to the counsel of holy bishops, in defence of righteousness’, especially ‘if the holy Roman mother church has need of help in the form of warriors and of the material sword against the profane and the enemies of God’. It was on such an expedition that Innocent II commanded the German prelates to accompany their king, the righteousness of his cause justifying their performance of servitium regis. ‘We command you . . . manfully to aid [Lothar] by appearing in person, as is needful, so that he may come [to Rome] with honour and with power and may be able to establish peace and to defend the Church’. The reformers now had to rethink eleventh-century views of the servitium of the ecclesiastical princes in the light of both the developing ideas of militia Christiana and the changed situation in which the German ruler was a ‘catholic man and cultivator of justice’ rather than an enemy of the pope.

The process of revision is visible in the dedicatory letter of the Libellus de ordine donorum Sancti Spiritus composed in the last years of Innocent II’s pontificate by the distinguished theologian Gerhoch, provost of Reichersberg. Gerhoch was acutely aware of both the concerns of the eleventh-century reformers and the ideas of righteous warfare prevalent in the early decades of the crusading movement. He wrote, therefore, that the king must wage only just wars according to the counsel of the Church. ‘The aid of the Church is owed to a just army especially by bishops endowed from the property of the kingdom’. A bishop whose church had been endowed by the crown with the regalia (governmental and financial rights) owed loyalty to the king, if the king was obedient to the Church. This involved the observance of what Gerhoch guardedly called tolerabiles consuetudines. The bishop must support the king with the material possessions of his church, provided that he used only the regalia for this purpose and did not draw upon the rights and properties that the bishopric held independently of the crown (ecclesiastica). The bishop was forbidden to perform actual military service but he was permitted and indeed required to accompany the king’s army in order to provide pastoral care. Gerhoch cited the example of Bishop Adhemar of le Puy, the papal legate on the First Crusade.

45 See, for example, Deusdedit, cardinal priest of S. Pietro in Vincoli, Libellus contra invasores et simoniaeos I.15, MGH Libelli de lite imperatorum et pontificum, ii, 314 (1097).
47 Gregory VII, Registrum, vi/5b, 404; ii/51, 194. See especially C. Erdmann, Die Entstehung des Kreuzzugsgedankens (Stuttgart, 1935), 185–211.
48 Innocent II, JL 7404; PL, clxix, 54B.
49 Gerhoch of Reichersberg, Libellus de ordine donorum Sancti Spiritus, dedicatory letter, ed. D. and O. Van den Eynde and P. Rymersdael, Gerhohi praepositi Reichersbergensis Opera inedita i (Spicilegium Pontificii
These observations of 1142/3 seem to reflect the particular circumstances of the pontificate of Innocent II and the demands that the pope made of the German ruler and his ecclesiastical princes. A glimpse of a similar re-evaluation of the legitimacy of servitium regis survives in a letter of Lothar III of 1136. The context was the second Italian expedition of the reign, again undertaken in defence of the rights of Innocent II. The letter commands Archbishop Bernard of Arles to ‘meet us on the feast of St Michael [29 September] in Piacenza with your militia to give the counsel and aid due both to the Church and to the empire’. The assurance that the service performed by the prelate is due tam ecclesie quam imperio is made even more explicit in a letter of King Conrad III to Pope Eugenius III (March 1147), reporting the election of Abbot Wibald of Stablo as abbot of Corvey. Wibald had been elected ‘so that the practice of divine worship [might] be reformed by him and the servitium that is due to the kingdom from that place [might] be performed more readily and more abundantly for the defence of the holy Church of God’. Here the gloss on the term servitium – ad defensionem sanctae Dei ecclesiae – seems to have a legitimating function, intended to reassure the pope that the abbey’s resources would be used only in righteous warfare: that is, in military operations of the kind demanded by Innocent II in his letters of 1130 to the German king and princes.

Innocent II’s renewed initiative of May and June 1130 met with no more of a response from Lothar III than that of February. The task of achieving recognition of the legality of his title had to be entrusted to the papal legates. The cardinal priest Gerard of S. Croce in Gerusalemme and Archbishop Walter of Ravenna, commended in Innocent’s letters to the king and the princes, were received by Lothar in early summer. The legates reported to Bishop Otto of Bamberg, perhaps in July: ‘we believe that it is known to Your Fraternity that our lord Pope Innocent sent us to the king and to the princes of the kingdom with his letters. He received us with love and honour but he deferred a reply until he had the advice of the princes’. They perhaps defended Innocent II’s cause before the king at an assembly in Regensburg in June or July.

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50 Diploma Lotharii III, 147 no. 94. See Bernhardi, Lothar III., 610; Hehl, Kirche und Krieg, 34–5, 52.  

52 Walter of Ravena and Gerard of S. Croce in Gerusalemme, letter to Bishop Otto of Bamberg: Codex Udalrici, 432 no. 249.

53 Bernhardi, Lothar III., 265; J. Bachmann, Die päpstlichen Legaten in Deutschland und Skandinavien (1125–1159), Historische Studien 115 (Berlin, 1913), 23. Cf. Gerhoch of Reichtsgern, Epistola ad Innocentium papam (Dialogus inter clericum saecularem et regularem), MGH Libelli de lite, iii, 225, reported that he was present in 1130 ‘when Archbishop Walter of Ravena was in Regensburg on a legation of the lord pope’. 
Bamberg letter collection contains a second letter to Bishop Otto, probably sent in October, in the names of Walter of Ravenna and Bishop James of Faenza. They reported themselves ‘safe, sound and cheerful in Würzburg’, where they awaited ‘the appointed council’. This concilium is the subject of a letter of the king himself to Otto of Bamberg, announcing ‘the pressing and extremely necessary business of the Church and the kingdom to be discussed in Würzburg’. Lothar urged the bishop, despite his ill health, to hasten to this ‘conventus of [his] colleagues and fellow bishops’. A historian sympathetic to Lothar, the Annalista Saxo, provided the fullest account of this concilium.

A council of sixteen bishops was assembled by the king in Würzburg in the month of October, in which the archbishop of Ravenna, the legate of the apostolic see, was present, and there Gregory, who was also called Innocent and who prevailed over Pierleone in the election, was elected and confirmed by King Lothar and all who were assembled there.

II

King Louis VI of France and the French episcopate had already acknowledged Innocent II as pope on 25 May 1130 at the synod of Étampes. Lothar III, however, delayed for eight months after Innocent’s announcement of his election to the German king and prelates before recognising the legality of his title. There is no direct evidence that Lothar considered in 1130 exercising the right claimed by some of his tenth- and eleventh-century predecessors and (as King Henry III seems to have done in 1046) sitting in judgement on the candidates. The outbreak of the schism, however, evidently revived memories of such proceedings among contemporary observers. As we have seen, the Annalista Saxo reported that in the council of Würzburg Innocent eligitur et confirmatur by Lothar and the 16 bishops. It was with a similar assumption about the king’s right to resolve a papal schism that the author of the Gesta

54 Walter of Ravenna and James of Faenza, letter to Otto of Bamberg: Codex Udalrici, 436 no. 253. G. Schwartz, Die Besetzung der Bistümer Reichsitaliens unter den sächsischen und salischen Kaisern (Leipzig – Berlin, 1913), 172 identified Bishop James as a papal legate but in Codex Udalrici, 253 only Walter of Ravenna is described as ‘now legate of the Apostolic See’.


of the abbots of Lobbes (Laubach) explained the motive of Innocent in seeking out Lothar in Liège in March 1131. The pope ‘had recourse to the aid of Lothar, the king of Germany. He believed that the ending of a conflict and discord of this kind belonged to [Lothar’s] authority. Nor was he deceived in this belief and hope’. 58

Lothar III was himself instructed in his role in the schism in similar language by Bishop Bruno of Strasbourg in a letter of September or October 1130. Bruno also sent a separate letter to Queen Richenza, requesting that she ‘come to the aid of the holy Roman church in its grave suffering’ with prayers and almsgiving. 59 The letter to Lothar addressed him as gloriosissimo ac victoriosissimo Dei gratia Romanorum regi semper augusto, a title that expresses the qualifications that enabled him to intervene in the present crisis of imperium and ecclesia. Alone of the letters concerning the schism sent to the German king, queen or princes in 1130, those of Bruno do not express support for either of the papal candidates. It was for Lothar alone to decide between the rival popes. ‘The eyes of all your servants look especially to you amidst the many and most grievous disasters of empire and Church, awaiting under heavy affliction and with many sighs whatever Your Majesty decides, what you decree, with what genius and with what authority you will heal the schism of holy mother Church’. 60 Outside the German kingdom a distinguished observer brusquely dismissed this theory of Lothar’s right to settle the schism as a devious tactic by Innocent II’s enemies. In a letter of April or May 1138 Peter the Venerable, abbot of Cluny, rebuked the former monk of Cluny, Giles, now cardinal bishop of Tusculum and one of the electors of Anacletus II (another former Cluniac monk), suggesting that he had ‘hoped that Emperor Lothar would either prefer Pierleone to Pope Innocent or depose both candidates and raise another to the apostolic see’. Now both Lothar and Anacletus were dead, however, Innocent was universally acknowledged and Giles’s schemes had achieved nothing. 61

The idea that the rex Romanorum possessed the authority to resolve the schism resurfaces in a number of contradictory texts concerning events in the spring of 1133, when Lothar was en route to Rome for the imperial coronation. The chronicler Falco of Benevento (†1144/5) reported a rumour that the king actually intervened to end the schism (as if belatedly following the advice of Bruno of Strasbourg). Lothar ‘sent, as we have heard, to Anacletus to appear before him so that, according to the counsel of religious men and through the mediation of the Holy Spirit, he might put an end to so great an error and to such great slaughter. The man Anacletus, as we have learned, disdained to do this’. 62

The Historia ecclesiastica of Orderic Vitalis (who died soon after 1141) contains

58 Gesta abbatum Lobbiensium c. 23, MGH SS, xxxi, 325.
60 Bruno of Strasbourg, letter to Lothar III: Codex Udalrici, 433–4 no. 251.
62 Falco of Benevento, Chronicon Beneventanum, s.a. 1133, Cronisti e scrittori sincroni napoletani editi e inediti, ed. G. Del Re, i (Naples, 1845), 217.
another version of this rumour, which (like Falco’s report) represents Lothar as intervening to resolve the schism but records a different outcome. Lothar ordered Anacletus to accept Innocent as pope or to allow his claim to the papacy to be judged by a court. Anacletus declared himself willing ‘to stand trial by just men before the emperor’. Innocent, however, angered Lothar by refusing to stand trial ‘unless all the property that belonged to the papal office was freely delivered to him’. Lothar responded by giving up ‘whatever he possessed to Peter [Anacletus] and after seven weeks he withdrew, leaving the business unfinished’. Here the idea of Anacletus facing judgement in Lothar’s presence recurs but it is accompanied by a report, not corroborated by any other source, of the king’s questioning the claim of Innocent II.63

These versions of events are contradicted in the detailed account found in ‘version A’ of the Vita of Archbishop Norbert of Magdeburg, Lothar III’s archchancellor of the Italian kingdom in 1132–3 and Innocent II’s most active supporter among the German prelates. This account (written perhaps in the late 1140s) ascribes the initiative to Anacletus:

Envoys of the Romans, sent by Pierleone, approached the lord emperor and tried in various ways, by entreaty and bribery as well as by argument, to change the prince’s mind and gain his approval. When they achieved nothing because Father Norbert opposed them, they demanded a hearing and petitioned for a tribunal of judgement and justice and with these words they partially won over both some of the princes and some of the other vassals to their side.

When Norbert reported this development to Innocent II, members of the latter’s entourage responded ‘that the supreme pontiff ought not to submit to the judgement of man or to be present at tribunals’.64 This was a reminder of the doctrine of Pseudo-Symmachus (c.500), enshrined in the canonical principle, Prima sedes a nemine iudicatur, with which the adherents of the eleventh-century reform papacy had challenged the claim of the emperor to judge the legitimacy of a papal title.65 According to the Life of Norbert, however, Innocent II did not adopt this Gregorian stance.

Looking to his own honour and freedom, Pope Innocent proposed to the prince Lothar that the latter should throw him into perpetual captivity if

63 Orderic Vitalis, Historia ecclesiastica, XIII.14, ed. M. Chibnall, The Ecclesiastical History of Orderic Vitalis, vii (OMT, Oxford, 1978), 426–8. On the unreliability of this account see M. Chibnall, ibid., 428 n. 1; Hauck, Kirchengeschichte iv, 153 n. 1, 154 n. 1; Palumbo, Scisma, 497 n. 1; Stroll, Jewish Pope, 72. Innocent II is here represented as appealing to the Pseudo–Isidorean principle of exceptio spolii, that a bishop cannot be put on trial if he has been despoiled of his possessions: Decretales Pseudo–Isidorianae et Capitula Angilramni, ed. P. Hinschius (Leipzig, 1863), 18 (Prefatio c. 6), 201 (Decreta Felicis [I] c. 10), 486 (Decreta Felicis [II] c. 12).
64 Vita Norberti Magdeburgensis archiepiscopi, c. 21, MGH SS, xii, 701–2. This passage is found only in ‘version A’ of the Vita, which the editor, R. Wilmans, regarded as earlier than the longer ‘version B’ (ibid., 663–70).
he did not appear for trial in a royal tribunal in the place and at the time fixed for him. Thus it happened that the subterfuge of Pierleone, who was bellowing for the papacy, was brought to nothing and Innocent was from day to day regarded with greater favour by all the wise.

Innocent’s response won back the support of the German princes and enabled Lothar to enthrone him in the Lateran palace in Rome and to declare the deposition of Anacletus. The attitude attributed to Innocent II here is of course entirely at odds with that displayed in his letters to Lothar of February and May 1130, which admit of no doubt of the legality of his claim to the papacy.

The events that are recounted in such contradictory terms in these narrative sources (and to which the letter of Peter the Venerable to Giles of Tusculum perhaps also alludes) figure in a letter of Lothar III, composed shortly before his imperial coronation (4 June 1133). The letter is addressed to ‘the kings, archbishops, bishops, princes and all the faithful of God whom this letter reaches’ and is primarily concerned with announcing the deposition of Anacletus II. The narratio states that during the expedition to Rome, Lothar ‘frequently received the envoys of that schismatic Pierleone, who to be sure proclaimed the justice of their cause and asserted in their public appeals that one who was prepared to appear before a judge ought not to be denied a hearing or to be troubled with hostile attacks’. The king referred their appeal to ‘the bishops and cardinals who were with the lord Pope Innocent’, who replied that ‘the whole Church of God had already promulgated its sentence and had condemned Pierleone and his confederates’. After Lothar pitched camp on the Aventine Hill, ‘Pierleone did not cease to assail our ears and those of our princes by means of Peter, the former bishop of Porto, and his other supporters, demanding justice’. The Anacletan party offered to surrender hostages and fortifications to the king as an earnest of their pope’s readiness to stand trial. ‘Desiring to restore peace in the Church of God without bloodshed’, Lothar referred this offer to the Innocentine party, who agreed to match it with their own hostages and fortifications, ‘as lovers of peace and trusting in justice’. Ultimately, however, ‘the opposing [Anacletan] party, desiring to gain time, held us back from our purpose for a considerable period under the veil of deceitful promises. At length, because they refused after frequent reminders to fulfil what they had promised’, the members of the Anacletan party were condemned and ‘judged to be enemies by the princes of our court’.66 The sequence of events here resembles that in the *Life of Norbert*, although there is no dramatic offer by Innocent II to ‘appear for trial in a royal tribunal’. The authenticity of Lothar’s letter has been questioned.67 Most scholars have concluded that the

66 Diploma Lotharii III, no. 48 = Encyclica de Anaceto antipapa damnato, MGH Constitutiones, i, 166–7 (no. 114).
core passages of the document at least are genuine, although it has also been suggested that the letter was a stylistic exercise by a north Italian scholar, one of a number of fictional letters inspired by the schism of the 1130s. The text of Lothar’s letter – surviving in a single, somewhat damaged, twelfth-century manuscript (Paris, Bibliothèque Nationale, latin 1708) – contains a number of errors, especially in the concluding list of the *principes nostre curie* who were the judges of Anacletus and his supporters. It is far from clear, therefore, whether this letter offers an accurate account of Lothar’s negotiations with the Innocentine and the Anacletan party on the eve of the imperial coronation.

From our curious collection of sources it may be deduced that in May 1133 a proposal was made that Lothar III should judge the claim of Anacletus II to the papacy and perhaps also that of his rival. This proposal may have been followed by protracted negotiations, but these did not lead to a *indicium* and the outcome was that Anacletus was formally condemned without a hearing by the king, who then received the imperial crown from Innocent II. The proposal that Lothar should intervene in the schism as judge is most likely to have come from Anacletus and his party rather than from Lothar himself. For Anacletus had on previous occasions expressed his readiness to submit to *canonicum et ecclesiasticum indicium*. In a letter of 25 February 1131 to all the clergy and ‘the faithful of blessed Peter’ throughout Gallia, Burgundy, Aquitaine and Normandy, Anacletus had offered ‘to undergo canonical and ecclesiastical judgement’ together with the party of his rival, ‘the schismatics and enemies of the catholic Church’, in an assembly in Rome or Ravenna or Milan. Anacletus recalled that he had proposed a similar proceeding *iam olim* (presumably soon after his election) ‘in the presence of the duke of Apulia’: that is, Roger II, the pope’s protector, whom he crowned king of Sicily on 25 December 1130. There is a strong likelihood, therefore, that Anacletus resorted to the same procedure in the spring of 1133, this time with the proposal that the *rex Romanorum*, rather than Roger II of Sicily, should preside over the tribunal that judged his claim to the papacy. Perhaps this was a desperate last attempt to win over Lothar – using the incentive of a royal tribunal to resolve the schism – before the king committed himself irrevocably to Innocent II by receiving the imperial crown from him.

Presumably the Anacletan party intended to evoke the tenth- and eleventh-century precedents for a papal ‘trial in a royal tribunal’ as a tactic that might win over the Germans at the eleventh hour. Although no trial took place, the proposal had sufficient *éclat* to capture the imaginations of the authors of our
primary sources and perhaps also of some of those present in Rome in May 1133. The Life of Norbert, as we have seen, states that Anacletus’s request for ‘a tribunal of judgement and justice’ had some support from some of the principes and fideles in the royal entourage, while the letter of Lothar emphasises the role of the principes nostre curie in the negotiations with the Anacletan party. Prominent among the members of the entourage was Archbishop Adalbero of Hamburg–Bremen, who has been suspected of supporting Anacletus at the beginning of the schism. Adalbero had been present in Rome in February 1130, having come to seek from Pope Honorius II a confirmation of the metropolitan rights of his church vis-à-vis the church of Lund, and it was he who was entrusted by Anacletus with the delivery of the letter of 24 February to Lothar. On 27 May 1133 Adalbero of Hamburg–Bremen received from Innocent II a privilege, which subordinate Lund and the other churches of Denmark to Hamburg–Bremen and which – ‘influenced by the prayers of our most beloved son, King Lothar’ – confirmed the metropolitan rights of Hamburg–Bremen over the churches of Sweden, Norway, the Faroes, Greenland, Häringsland, Iceland, Lapland and the Slavs. The timing of this privilege, not long after Anacletus’s appeal for a tribunal iudicii et iusticiae, might suggest that Adalbero had responded with enthusiasm to the appeal and that Lothar and Innocent II had acted adroitly to avoid proceedings that were desired neither by the king nor by the pope. Whoever in the royal entourage supported the Anacletan proposal, Lothar ensured that no tribunal took place, acting not as the judge but as the protector of Innocent II.

‘Lothar trieb keine Königspolitik,’ concluded Albert Hauck: neither in 1130 nor in 1133 did the king attempt to exploit the opportunity presented by the schism to enhance the authority of the rex Romanorum vis-à-vis the papacy. Lothar informed Innocent II’s legates in June or July 1130 that he would not reply to their pope’s letters until he had received the consilium principum. This cautious delaying is reminiscent of the advice given in a treatise composed in Lotharingia in the early months of the schism (perhaps early enough to be known to some of the prelates whom the king consulted). The Libellus de schismate Anacletiano of Reimbald, canon of Liège, deplors the ferocity of the faction-fighting. ‘Hear how they bite, how they devour each other. . . . A wretched fate! Behold the members of one body fighting together like two armies’. This outcome Reimbald ascribed to a rush to judgement on the part of his contemporaries. ‘This man supports Anacletus, that man Innocent and they pass a judgement as rash as it is over-hasty before they have considered

71 Innocent II, JL 7622; PL, clxxix, 180A–181A. See W. Seegrün, Das Papsttum und Skandinavien bis zur Vollendung der nordischen Kirchenorganisation (1164), Quellen und Forschungen zur Geschichte Schleswig–Holsteins 51 (Neumünster, 1967), 133–41. On Archbishop Adalbero and the antipope see Anacletus II, JL 8388; PL, clxxix, 706D. See also Hauck, Kirchengeschichte, iv, 144–5. Abbot Simon of Rasted was with Adalbero in Rome at the time of the election and obtained a privilege from Anacletus II, rogante A. archiepiscopo Hamburgensi. See Anacletus II, JL 8372: Historia monasterii Rastedensis c. 12, MGH SS, xxv, 501.

72 Hauck, Kirchengeschichte iv, 143; cf., 154.

73 See above n. 52. Cf. Lothar’s letter requesting the consilium of Bishop Otto of Bamberg: above n. 55.
the issues’. Reimbald reminded his readers of the words of the apostle: ‘Do not pronounce judgement before the time’ (I Cor. 4:5). 74

Could Lothar after his eight month delay have acknowledged Innocent II’s rival as pope, given that so many German prelates had now become what Reimbald of Liège called Innocentiari? A letter of Anacletus of 29 August 1130 complains of the success that Innocentine propaganda had achieved among the ecclesiastical and secular princes. The letter denounces Archbishop Norbert of Magdeburg for having 75


given the most serene King Lothar deceptive fictions . . . to imbibe, so that you boast that he approves of your heresy. We are amazed indeed that so great a prince should support so great a falsehood; but we are even more amazed that such a pious prince allows you to rail against our apostolic supremacy. For, as I hear, you travel about, visiting all the bishops and the secular magnates so as to make a convert for Nocentius [Innocent], that is, for Antichrist.

Already at the end of August 1130, therefore, Anacletus assumed that not only some of Lothar’s subjects but also the king himself accepted the mendacium that Innocent II was the lawful pope.

Norbert of Xanten, founder of the Premonstratensian order, archbishop of Magdeburg (1126–34), was similarly credited by Innocent II with winning over the German kingdom to his obedience. The papal privilege of November or December 1131, confirming the metropolitan jurisdiction of the archbishopric of Magdeburg, recorded Norbert’s devotion to ‘the cause of the holy Roman church’. ‘When the schism of Pierleone was kindled’, Norbert ‘laboured with constant arguments, fortified by reason, to persuade the minds of the king and the princes and other persons, both ecclesiastical and secular, to enter the unity of the catholic Church and the obedience of blessed Peter and of us.’ 76

A further papal privilege, issued on 4 June 1133, the day of Lothar’s imperial coronation, conferred on Magdeburg metropolitan rights over dioceses in Poland and Pomerania. Again Norbert’s service to the Innocentine cause was recorded: he had brought ‘the hearts of the king and of the other princes’ into Innocent’s obedience. 77 Norbert’s influence on Lothar is also a theme of ‘version A’ of the anonymous Life of Norbert. Lothar ‘loved the man of God

75 Anacletus II, JL 8409, partially edited in Regesta pontificum Romanorum, i, 916. See also Hauck, Kirchengeschichte, iv, 145 n. 9.
76 Innocent II, JL 7516; PL, clxxix, 167CD. See Petke, Kanzlei, 313, 316.
77 Innocent II, JL 7629; PL, clxxix, 183. This privilege, unlike the earlier JL 7516 (and unlike JL 7622 for Hamburg–Bremen, issued the previous week: see above n. 71), does not mention an intervention by Lothar on behalf of the recipient. See Petke, Kanzlei, 313.
Norbert, so that he was very often ruled by his counsels and nourished by him every day with the food of the word of God. Norbert is not reported as present in the ‘council of sixteen bishops’ in Würzburg (October 1130) that at last reached a decision about the papal schism. He figured prominently, however, in Lothar’s subsequent relations with Innocent. Norbert was present in Liège at the time of the first meeting of king and pope in March 1131 and he served as Lothar’s envoy at Innocent’s Council of Rheims in October–November 1131. The anonymous biographer especially emphasised ‘how necessary, how useful to the Church he was’ on Lothar’s first Italian expedition (1132–3). ‘Father Norbert, feeble in body but ready and fearless in spirit, went on this expedition in obedience to the command of the lord Pope Innocent and according to the summons of the lord emperor.’

Of the prelates who counselled Lothar in Würzburg in October 1130, Archbishop Conrad I of Salzburg (the long-serving reformer and outspoken defender of the freedom of the Church) and Bishop Ekbert of Münster (a monastic reformer and a supporter of Norbert’s Premonstratensian order) were already Innocentiani. They were subsequently commissioned to communicate the council’s decision to Innocent II, who was currently residing in Clermont. (These royal envoys were accompanied by Abbot Theodwin of Gorze, whom Innocent II would appoint to the office of cardinal bishop of S. Rufina in 1134.) Conrad of Salzburg and Ekbert of Münster witnessed the triumph of the Innocentine cause in Liège in March 1131. After Innocent had held a synod in Liège in Lothar’s presence, ‘they sent the bishop of the church of Münster to announce to Pope Peter [Anacletus] and to all the Romans that the king of the Germans would come to them with an army in five months’ time’. These two prelates had become Innocentiani through the influence of the papal legate who joined them at the council of Würzburg, Archbishop Walter of Ravenna. As we have seen, the legate’s letters replying to the questions of German

78 Vita Norberti, c. 21 (version A), 702. See above n. 64.
79 For Liège see Diploma Lotharii III, 54–5 no. 33. For Reims see Historia Mauriniacensis monasterii [Morigny], MGH SS, xxvi, 43. On Norbert’s influence on Lothar’s relations with Innocent II see Petke, Kanzlei, 312–6.
80 Vita Norberti, c. 21, 701.
82 Synod of Clermont (18 November 1130) in Mansi 21, 437. See Bachmann, Legaten, 42–3; B. Zenker, Die Mitglieder des Kardinalkollegiums von 1130 bis 1159 (dissertation: Würzburg, 1964), 27. At the end of the schism Theodwin’s bishopric of S. Rufina was united with that of Porto.
83 Canonici Wissegudensis Continuatio Cosmæ, MGH SS, ix, 136. This information was recorded only by this Bohemian author, the continuator of the chronicle of Cosmas of Prague, who derived his knowledge from the circumstance that Ekbert was forced to travel via Wissegred. ‘In fear of the false king Conrad [the anti–king Conrad of Staufen] he turned aside from the straight road and came into Bohemia’.
correspondents about the papal elections of February 1130 – those to Conrad I of Salzburg, Norbert of Magdeburg and Adalbert of Mainz survive – provided prominent German reformers with their first detailed information about the schism, in a form that strongly emphasised the legality of the Innocentine cause. Before his election as archbishop of Ravenna in 1118 Walter had belonged to a circle of reform-minded clergy in Regensburg and he was held in the highest esteem in German reforming circles. His friend Paul of Bernried described him in 1131 as ‘holy and adorned with miracles’ and declared that he ‘had never savoured God more sweetly from the mouth of a man than from the mouth of Archbishop Walter of Ravenna’. It was he, wrote Peter Classen, who ‘in the Würzburg assembly in October 1130 achieved general recognition for Innocent in Germany’.

III

Perhaps the Innocentine legates in Germany did as much as, if not more than, the reform-minded prelates in steering the king and the princes into the obedience of their pope. The twelfth-century papal Curia surely possessed no specialist in German affairs more able and hardworking than Gerard, cardinal priest of S. Croce in Gerusalemme (the future Pope Lucius II), who carried out four legations in the kingdom for Innocent II between 1130 and 1136. Bishop Otto of Freising remembered him in 1146 as ‘a man worthy of the priestly office by virtue of his clemency and humility’. Gerhoch of Reichersberg, complaining in the early 1160s that the ‘arrogance of legates has increased in modern times’, recalled having seen in his youth the modest demeanour of Gerard and his colleague, Martin, cardinal priest of S. Stefano in Celio Monte. ‘Truly like fellow citizens of the saints and servants of God bearing peace and illuminating the land, they brought joy when they came to the cities and the monasteries and left behind a blessing when they departed’. Lothar III was already acquainted with Gerard Cacciaminici of Bologna before the outbreak of the schism since, as we have seen, Gerard

84 See above nn. 31–2.
86 Classen, *Gerhoch*, 52.
had been present at the election and the coronation of the king in 1125.\footnote{See above nn. 20–1.}
In June 1126 Gerard was present at a royal assembly in Speyer. It seems to have been on this occasion that he intervened in the disputed election to the archbishopric of Magdeburg, confirming Norbert of Xanten as archbishop.\footnote{Herman of Tournai (of Laon †1147), \textit{De minacidae beatae Mariæ Laudunensis}, \textit{MGH SS}, xii, 660, identified Speyer as the location. Cf. \textit{Vita Norberti}, 694, c. 18. See Bachmann, \textit{Legaten}, 11.}
A diploma of Lothar dated 4 November 1126 places the legate in the royal camp in Strasbourg.\footnote{Diploma Lotharii III, 12 no. 10.}
At the time of the death of Honorius II Gerard had been entrusted with a further legation, to summon Lothar ‘to the apostolic see to receive the fullness of the imperial dignity’.\footnote{Innocent II, JL 7411; \textit{PL}, clxxix, 55B.}
After participating in the election of Innocent II, he carried out the legation on behalf of the new pope, delivering Innocent II’s first letter to the German king. We have already observed him, in company with Walter of Ravenna, attempting to negotiate with Lothar.\footnote{See above n. 52.}

The annalist of Disibodenberg places Gerard at the royal Christmas festivities of 1130 in Gandersheim. ‘Cardinal Gerard arrived with an apostolic legation, announcing that the lord pope desired a conference with [Lothar] above all things’. It was presumably here, and perhaps also on 5 February 1131 in Goslar, that the legate discussed with Lothar the forthcoming meeting with Innocent II in Liège (22 March–2 April 1131).\footnote{Annales sancti Disibodi [1131], 24. \textit{Diploma Lotharii III}, 48 no. 31, issued in Goslar on 5 February 1131, also mentions the presence of Anselm, cardinal priest of S. Lorenzo and Bishop Otbert of Cremona, who may have been members of Gerard’s legation. See Bachmann, \textit{Legaten}, 26.}
Gerard’s next appearance as a legate was in October 1133 in Mainz, where he presided over a synod to resolve a dispute between the abbey of Hersfeld and the bishopric of Halberstadt, together with Archbishop Adalbert of Mainz. The latter, an energetic reformer who had played a key role in the election of Lothar as king, exercised the office of permanent ‘legate of the apostolic see’ in the German kingdom from 1119 until his death in 1137.\footnote{Adalbert of Mainz, charter of 21 October 1133, in \textit{Mainzer Urkundenbuch} i, ed. M. Stimming, Arbeiten der Historischen Kommission für den Volkstaat Hessen (Darmstadt, 1932), 505 (no. 588): resolution of the tithes dispute between Hersfeld and Halberstadt. Cf. \textit{Diploma Lotharii III}, 86 no. 54, issued in Mainz on 23 October, where Gerard appears as a witness. On Adalbert as permanent legate see H. Büttner, ‘Erzbischof Adalbert von Mainz, die Kurie und das Reich in den Jahren 1118 bis 1122’, in \textit{Investiturstreit und Reichsverfassung}, ed. J. Fleckenstein, Vorträge und Forschungen 17 (Siegen, 1973), 400–1. On the permanent legation in the earlier twelfth century see W. Janssen, \textit{Die päpstlichen Legaten in Frankreich vom Schisma Anaklets II. bis zum Tode Coelestins III. (1130–1198)}, Kölner Historische Abhandlungen 6 (Cologne–Graz, 1961), 170–3.}
Gerard was present at the emperor’s Christmas festivities in Cologne in 1133 and in an imperial assembly in Aachen on 6 January 1134 he settled a dispute between the Augustinian canons of Klosterrath and their provost.\footnote{Annales Rodenses [1134], \textit{MGH SS}, xvi, 710–11. On the accuracy of this account in the Annals of Klosterrath see Bachmann, \textit{Legaten}, 38–40; Petke, \textit{Kanzlei}, 448–50.}
6 June 1134 in Merseburg.\footnote{Diploma Lotharii III, 103 no. 66, granting the monastery of Münchsmünster to the bishopric of Bamberg.} He is next found at the imperial court in Speyer in December 1135 as a member of an important delegation.\footnote{Falco of Benevento, Chronicon [1135], 227–8. Romuald of Salerno, Annales [1135/6], MGH SS, xix, 421 presented a different version of these events, omitting the legate Gerard: see below p. 64 and n. 183. This embassy was connected with the imperial court in Speyer (Annales sancti Disibodi [1135], 25; Annalista Saxo [1136], 601) by Bernhardi, Lothar III., 589–90 and n. 6. See also Bachmann, Legaten, 46–7.}

Prince Robert [II of Capua] . . . on the advice of the lord Pope Innocent, hastened, together with the lord Cardinal Gerard and Richard, the brother of Count Rainulf [of Alife] to the glorious Emperor Lothar . . . He requested that [Lothar] might help him, for the love of the lord pope, and restore what he had unjustly lost. The emperor, therefore, after giving him many gifts, promised that he would in that same year come to secure the freedom of the Roman see and to reinstate that same prince.

It was probably on this occasion that the negotiations took place, involving the papal legate, that produced Lothar’s second Italian expedition in 1136. During March 1136 Gerard was present at the imperial court for the elections of the bishops of Halberstadt (1 March in Goslar) and Cambrai (22 March in Aachen).\footnote{Halberstadt: Annalista Saxo [1136], 601; Gesta Halberstadiensis ecclesiae pontificum [1136], MGH SS, xxiii, 106. Cambrai: Gesta episcoporum Cameracensium continuata c. 3, MGH SS, xiv, 228. See Petke, Kanzlei, 92 and n. 97.} The last reported appearances of Gerard in the imperial presence come from southern Italy in July–September 1137. Gerard appeared before the emperor as the spokesman for Innocent II in an investigation of papal and imperial rights over the abbey of Monte Cassino.\footnote{Chronica monasterii Casinensis IV,109–15, 119–24, MGH SS, xxxiv, 574–90, 593–600; Petrus Diaconus, Allocatio pro cenobio Casinensi ed. E. Caspar, Petrus Diaconus und die Monte Cassineser Fälschungen: ein Beitrag zur Geschichte des italienischen Geisteslebens im Mittelalter (Berlin, 1909), 251–80. According to the unreliable commentator Petrus Diaconus, this investigation resulted in an acrimonious dispute between Innocent II and the emperor. The abbot-elect Rainald of Monte Cassino, who had been a supporter of Anacletus II, was deposed and Abbot Wibald of Stablo was elected as his successor.}

The legatine career of the indefatigable Gerard of S. Croce in Gerusalemme clearly indicates the importance for the Innocentine Curia of frequent contact with Lothar III. A number of his colleagues also appeared in the German kingdom during these years, notably Cardinal bishop Matthew of Albano, renowned for his ‘immense and unremitting labours and his comings and goings throughout almost the whole world’.\footnote{Peter the Venerable, Letter 39 (to Innocent II), Letters i, 132. He was mainly active in France: see Janssen, Frankreich, 15–18, 30–4, and the chapter by Montaubin in this volume.} Matthew was present at Lothar’s Easter festivities on 19 April 1131 and was drawn into the discussions that resulted in the election of Archbishop Albero of Trier.\footnote{Balderic, Gesta Alberonis archiepiscopi c. 10, MGH SS, viii, 248–9. See Bachmann, Legaten, 27–8.} A few weeks
later, in the presence of Lothar, Matthew presided over a synod in Mainz, together with the permanent legate, Archbishop Adalbert of Mainz. Here Bishop Bruno of Strasbourg, repudiated by his clergy and people, resigned his bishopric into the hands of the archbishop and the cardinal. When Lothar celebrated the Christmastide of 1131–2 in Cologne, three papal legates were present: Cardinal bishop William of Palestrina, Guido (of Castello), cardinal deacon of S. Maria in Via Lata (the future Pope Celestine II) and John of Crema, cardinal priest of S. Grisogono (an object of particular hatred in the Anacletan party). ‘By the judgement of the king and the princes and of the cardinals the church [of Cologne] was brought into unity’ by agreeing to the election of Archbishop Bruno.

A papal legation of October 1134 in the abbey of Fulda is linked in the *Annales Magdeburgenses* with the reconciliation of the Staufen to Emperor Lothar. Duke Frederick II of Swabia, Lothar’s rival in the royal election of 1125, after nine years of rebellion submitted to Empress Richenza, ‘hoping that, because she was his kinswoman, he might through her enter the emperor’s favour’. The empress ‘caused him to be absolved by the legate of the pope, who was then present, from the excommunication by which he was separated for seven successive years from the communion of holy Church’. This *legatus apostolici* is not identified, but is likely to have been the recently appointed Cardinal bishop Theodwin of S. Rufina, who not long afterwards appeared as a witness in an imperial diploma issued on 1 January 1135 in Aachen. This was the former Abbot Theodwin of Gorze, the only German in the Innocentine college of cardinals. He is found again as a witness in Lothar III’s diploma of 17 March 1135, issued in Bamberg. It must have been around this time that he intervened, together with Archbishop Adalbert of Mainz and the emperor himself to restore to the monastery of Zwiefalten property confiscated by the bishop of Prague.

Theodwin of S. Rufina is next recorded as Innocent II’s legate in Germany at the election of Lothar III’s successor, Conrad III – the former anti-king Conrad of Staufen – in Koblenz on 7 March 1138. It was a controversial election, the work of the opponents of Lothar’s son-in-law and heir, Henry the Proud,
duke of Bavaria and Saxony, the most powerful of the German princes. The
chronicle of Bishop Otto of Freising, the half-brother of the new king, written
in 1146, describes clandestine proceedings, held eleven weeks before the date
previously agreed by the princes for the election:110

A general assembly of the princes was announced in Mainz at the forth-
coming Whitsuntide [22 May 1138]. Certain of the princes, however,
feared that perhaps in the general curia Duke Henry, who was then the
foremost man in the kingdom both in title and in dignity, might gain the
upper hand through his power. They took counsel together and around
the middle of Lent they held an assembly in Koblenz, a town in Gallia.

The prime mover was Archbishop Albero of Trier, whom Innocent II had
appointed legatus sedis apostolicae, permanent legate for the archdioceses of Trier,
Mainz, Cologne, Salzburg, Bremen and Magdeburg, on 2 October 1137, after
the death of Adalbert of Mainz. According to Albero’s biographer, ‘so great
was the friendship that then bound [Albero and Conrad of Staufen] together
that after Emperor Lothar’s death the lord Albero laboured with all his zeal to
raise him to the kingship when almost all the princes of the kingdom opposed
him’. Otto of Freising noted that ‘the Saxons and Duke Henry and others
who had not been present at the election falsely claimed that [Conrad] was
elected not lawfully but by deception’. In modern scholarship the election has
indeed been interpreted as a ‘thorough-going coup d’état’.112

The narrative sources sympathetic to Conrad III counter the contemporary
doubts about the legality of his royal title by emphasising the role of the papal
legate in the election. Otto of Freising wrote that Conrad was elected ‘in the
presence of Theodwin, cardinal bishop and legate of the holy Roman church,
who promised the approval of the supreme pontiff and of all the Roman people
and the cities of Italy’. An annalist in the abbey of Melk recorded that Con-
rad ‘was elected king by the cardinals (sic) sent by the pope and the greatest
princes of the kingdom’. An annalist in the abbey of St Jakob in Liège wrote
that Conrad was ‘anointed king in Aachen in the middle of Lent by the Roman
cardinal Tieguinus, according to the will and at the command of the lord Pope
Innocent’.113 Two of the hostile Saxon narrative sources also draw attention

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110 Otto of Freising, Chronica, vii/22, 343.
111 Innocent II, JL 7852; PL, clxxix, 333B–334A. Cf. JL 7851; PL, clxxix, 331C–333B, which confers
on Albero the primacy of Gallia Belgica. JL 7905; PL, clxxix, 369C–370A, dated 17 July 1138,
excludes the archdiocese of Salzburg from Albero’s remit. On his magna familiaritas
with Conrad of Staufen and his role in the latter’s election see Balderic,
Gesta Alberonis archiepiscopi, 252. c. 15
(composed in the mid–1150s).
112 O. Engels, Die Stauffer (Stuttgart, 1972), 81. See also U. Schmidt, Königswahl und Thronfolge im 12.
Jahrhundert, Forschungen zur Kaiser – und Papstgeschichte des Mittelalters 7 (Cologne–Vienna,
1987), 87–90; G. Althoff, ‘Konrad III. (1138–1152)’, in Die deutschen Herrscher des Mittelalters ed. B.
Schneidmüller and S. Weinfurter (Munich, 2003), 218.
113 Otto of Freising, Chronica, vii/22, 343; Annales Mellicenses, Continuatio Mellicensis, MGH SS, ix, 503;
by Cardinal Theodwin in Aachen’.
to the legate’s role. The *Annals of Magdeburg* report that it was ‘through the mediation of Theodwin’ that ‘certain [princes] separated themselves from the others and elected Conrad . . . for themselves as their own private king’. Similarly *Annalista Saxo* recorded that ‘Conrad the Swabian’ was ‘consecrated by Cardinal bishop Theodwin’ and that ‘the consent of many great princes was never sought’.[114] All these authors attributed an important role in the controversial election to the pope’s representatives, Otto of Freising referring to the *assensum summi pontificis* and the Liège annalist to Conrad’s accession *volente et iubente domno papa*.

Other considerations besides the influence of the papal Curia were undoubtedly at work, not least the desire to prevent the election of Henry the Proud. ‘The success of this business [of the election] was furthered by the fact that, because of his well known pride, Duke Henry of the Bavarians had incurred the hatred of almost everyone who had been on the Italian expedition with Emperor Lothar’.115 How hostility towards Henry the Proud coincided with the legate’s promotion of the interests of the papal Curia is suggested by a letter of May 1138, in which Cardinal Theodwin and the permanent legate Albero of Trier gave an account of the royal election to Archbishop Conrad I of Salzburg.116

All thought as we did with one voice and one heart with the sole exception of the duke of the Bavarians with a few of his supporters. We have therefore separated him from our counsels because he was to a great extent [rejected?] by our mother, the holy Roman church, which he stifled with his power, [and] moreover, by taking possession of the royal insignia and still retaining them, he deservedly became an object of suspicion to kingdom and Church.

The complaint that Henry the Proud ‘stifled’ (*suffocavit*) the Roman church seems to be linked to incidents reported in the narrative sources concerned with Lothar III’s second Italian expedition of 1136–7, in which his son-in-law played a very influential role. There was a *dissensio magna* in March or April 1137 between Innocent II and Henry the Proud following the surrender of Viterbo. The 3,000 *talenta* paid by the inhabitants on their submission was claimed both by the pope as payment to the lord of Viterbo and by the duke as plunder.

114 *Annales Magdeburgenses* [1138], 186; *Annalista Saxo* [1138], 612.
115 Otto of Freising, *Gesta Fridericis* I.23, MGH SRG, xlvi, 36. Cf. Otto, *Chronica*, vii/24, 348: ‘Duke Henry through the authority of his father-in-law, the emperor, and through his own strength had grown to such greatness that he despised everyone and would not deign to seek anyone’s support in obtaining the kingship’.
Innocent II and the Empire

(iure belli). When, in May, Benevento submitted to the pope, he was obliged to request the duke to recall to their camp the German troops bent on plundering the city. At the beginning of July in the emperor's camp near Melfi ‘a great mutiny broke out at the instigation of certain men who wished to kill the pope and the other cardinals and the bishop of Trier and who wished to allege that it was on their advice that [the Germans’] stay in particular places was protracted and therefore their return to their own land was delayed’. Lothar had to intervene personally to quell the mutiny. He was nevertheless compelled to abandon the expedition to the south agreed with the pope. ‘When the emperor aimed to pursue [Roger II of Sicily] into Calabria and even into Sicily, he was held back by his followers, who had already remained for a long time outside their homeland and were thinking of seeing their wives, children and friends again’.

No statement of Innocent II survives concerning the election of Conrad of Staufen (whom he had excommunicated in the reign of Lothar III). Innocent, however, did not repudiate the actions of the papal representatives who had participated in Conrad’s elevation to the kingship. It is likely that by 1137 the pope regarded Henry the Proud, who had now been invested with the office of margrave of Tuscany, as too formidable a candidate for the German throne. Theodwin of S. Rufina may well have been justified, therefore, in promising ‘the approval of the supreme pontiff’ to the electors of the less threatening figure of Conrad III.

Certainly the permanent legate Albero of Trier asserted the importance of the voluntas ecclesiae Romanae in the election of Conrad. In his letter of March 1138, intended to win over Archbishop Conrad I of Salzburg, he declared that he had acted in Koblenz ‘together with the Roman church and the princes of the kingdom’. The veteran reformer was urged to conform ‘to the will of the Roman church, to the common consent of the kingship and the priesthood’ by acknowledging Conrad as king.

Albero clearly wished to present himself as a defender of the interests of the papal Curia in the process
of king-making and he assumed that this consideration would carry weight with his distinguished correspondent.

The action of Cardinal bishop Theodwin of S. Rufina in anointing and crowning Conrad in Aachen on 13 March 1138 might be seen as the culmination of the increasing legatine involvement in the affairs of regnum and sacerdotium in Germany during the 1130s. ‘It was the first time that an authorised representative of the pope performed this ceremony for a German king. The first Staufen succeeded to the German throne as the elect of the hierarchically–princely party’.124 The unusual circumstances of the coronation were explained by Otto of Freising. ‘Coming immediately to the palace in Aachen, [Conrad] was anointed king by the aforementioned cardinal [Theodwin] – for the archbishop of Cologne, who ought rightfully to have done this, was newly enthroned and did not yet possess the pallium – together with the archbishops of Cologne and Trier and other bishops’.125 Archbishop Arnold I of Cologne, elected in February 1138, had not yet been consecrated and could not, therefore, claim the role of coronator that his predecessors had exercised since 1028. There was no opportunity for the church of Mainz to recover the function of crowning the new king that it had lost after 1024, since the archbishopric was still vacant.126 Balderic, the biographer of Albero of Trier, offered a fictional version of the coronation. ‘Archbishop Albero ... confirmed [Conrad] in the kingship by means of the royal unction’.127 Balderic’s version contradicted the account that he found in the earlier metrical Gesta Alberonis that he used as a source. Albero came to Aachen, said the poet, ‘so that he might bless [Conrad], as is well known to be the custom of our forefathers’. He was unable to do so, however, ‘because the bishop of Cologne interrupted [the ceremony], saying that it was his right to anoint the king’.128 Balderic’s purpose was to represent Albero as the prime mover in both the election and the coronation of his friend Conrad III and there is no mention in this account of the cardinal legate.

Balderic was writing in the mid-1150s, when the memory of the intensive legatine activity in the Germany of the 1130s was already fading and when the relationship of the papacy and the German kingdom was changing.129 In the unusual situation of March 1138, however, when the mos veterum could not

124 Hauck, Kirchengeschichte iv, 160. See also Bachmann, Legaten, 54–5.
127 Balderic, Gesta Alberonis archiepiscopi, 252, c. 15.
128 Gesta Alberonis metrica lines 84–9, MGH SS, viii, 238. This text, composed in Albero’s lifetime, records the career of Albero up to 1145.
129 Balderic, Gesta Alberonis archiepiscopi, 253, c. 17, criticised Innocent II for consecrating Abbot Siger of St Maximin in Trier contra voluntatem archiepiscopi. ‘The people wondered at so sudden a change: that the Roman church should so seriously offend so great a man, who had endured so many labours and so many dangers on its behalf and who had so recently been so high in the favour of
be observed, only the cardinal legate enjoyed sufficient prestige and authority to confer legitimacy on the proceedings. Theodwin of S. Rufina continued to serve the interests of the papal Curia in Germany during four pontificates, appearing almost uninterrupted in the entourage of Conrad III. His legitimate career culminated in the Second Crusade in 1147, when, together with his colleague, Guido, cardinal priest of S. Grisogono, he ‘commanded the people of God in that expedition’.

The career of Theodwin, like that of his predecessor as papal expert in German affairs, Gerard of S. Croce in Jerusalemme, is a reminder of the extent to which the success of the alliance of the papacy with the German ruler, the princes and the prelates in the 1130s depended on the management skills of the papal legates. What Peter the Venerable wrote about Innocent II’s debt to his legate Cardinal bishop Matthew of Albano applied also to other legates and not least to Gerard of S. Croce and his colleagues in Germany. The pope was exhorted to remember ‘what he has done for you, what he has suffered, what sacrifices he has made, how faithful he has been in increasing your authority in the kingdom of the Church over which you preside’.

In 1137, when Lothar III’s second Italian expedition was scattering the pope’s enemies, Cardinal Gerard of S. Croce in Jerusalemme wrote to Innocent II, ‘the Church has both elected and consecrated you as Caesar and as lord of the whole world.’ The idea of the pope as Caesar totiusque orbis dominator is characteristic of the language of the papal imitatio imperii of the eleventh and twelfth centuries, that ‘imperialisation of the Church’ that Ernst Kantorowicz considered ‘one of the outstanding features of the reform papacy’. The pope was Caesar and dominator by virtue of the Constitutum Constantini. The impact of this eighth-century forgery, the ‘Donation of Constantine’, is already discernible in the language of papal supremacy in a papal letter of 1053, referring to ‘the earthly and heavenly empire or rather the royal priesthood of the holy Roman and apostolic see’.

Gregory VII’s claim ‘that [the pope] alone can use

the Apostolic See . . . .’ Perhaps Balderic knew of the unsuccessful claim of the archbishops of Trier in the tenth and early eleventh century to be the coronator of the German king, based on the alleged Petrine connections of the church. See Boshof, ‘Köln, Mainz, Trier’, 20–33. The settlement of claims in 1028 ascribed to the archbishop of Trier the right to assist in the ceremony (as recorded for 1138 by Otto of Freising, Chronica, vii/22).

Bachmann, Legaten, 59–61, 73–4, 78–9; Zenker, Mitglieder, 28.

Annales Ratisponenses (Prüfening manuscript) 1147, MGH SS, xvii, 586. See Robinson, Papacy, 360–1.

Peter the Venerable, Letter 39: Letters i, 132.


the ‘imperial insignia’ is a reminder of the lasting influence of the ‘Donation’ on papal ceremonial and liturgical garments. Early twelfth-century polemists continued to discuss the political authority conferred on the pope by the Constitutum Constantini. Placidus, monk of Nonantola, for example, wrote that Constantine ‘left all the western territories to the most blessed Pope Silvester’, who, however, rejecting ‘the crown of the kingship’, ‘asked [Constantine] rather to serve holy Church devoutly while holding the kingship’. The interpretation of Honorius Augustodunensis was that ‘Constantine conferred the crown of the kingship on the Roman pontiff’, decreeing ‘that no one thereafter was to succeed to the Roman empire without the pope’s consent’. Silvester I made Constantine his adiutor and aeclesiae defensor and ‘he granted him the sword for the punishment of evildoers and also placed on his head the crown of the kingship for the praise of the good’.

These ideas of the status and function of the emperor are reflected in Innocent II’s letters of February and May 1130 to Lothar III and also in the papal ceremonies of Innocent II’s pontificate. That the ‘imperialisation’ of the Roman church intensified precisely during Innocent’s pontificate was suggested by Josef Deér in the context of his discussion of the porphyry tombs of certain twelfth-century popes. Innocent II was the first pope to arrange for his burial in a tomb made of this purple-coloured stone particularly associated with the Roman emperors. He removed from the Castel S. Angelo the porphyry tomb believed by contemporaries to be ‘the sepulture of Emperor Hadrian’ and appropriated it to his own use in the Lateran basilica. Innocent evidently wished even in death to lay claim to the imperial purple granted to the pope by the Constitutum Constantini.

During the years in which he depended on Lothar III as rex Romanorum and as emperor to secure his victory in the papal schism, Innocent II stridently asserted his own independent imperial rights. The pope’s determination to demonstrate his right to ‘the various imperial ornaments and every procession of the imperial majesty’ is well documented. The narrative sources for the encounter of Innocent II and Lothar III in Liège in March 1131 contain detailed information about the papal ceremonies. Abbot Suger of St Denis, writing between 1138 and 1144, recorded how the members of the papal entourage,
'preparing themselves in the Roman manner, surrounding themselves with great and admirable splendour, placed on [the pope’s] head the phrygium, an imperial ornament like a helmet, rounded by a gold circlet, and led him, mounted on a white horse covered with a blanket'.

Describing the first meeting of pope and rex Romanorum in Liège on 22 March, Suger reported another ceremony derived from the same source. As the pope approached ‘in the street before the cathedral church, [Lothar], offering himself most humbly as a groom, hastened to him on foot in the midst of the holy procession and, holding in one hand the staff to defend him and in the other the rein of his white horse, he led him as if [Innocent] was his lord’. The allusion here is to the stratoris officium mentioned in the Constitutum Constantini, in which Constantine declares that, ‘holding the rein of [Pope Silvester I’s] horse, out of reverence for blessed Peter we performed for him the office of a groom’. The Liber pontificalis contains instances of the performance of the stratoris officium for the pope by Carolingian rulers. The actual precedent followed by Lothar III, however, is likely to have been that of Emperor Henry IV’s son, King Conrad, the first German king to perform the stratoris officium, when he ‘met Pope Urban [II] as he came to Cremona and performed the office of groom’ in 1095. The context of this meeting, as of that of 1131, was a papal schism. As we have seen, it seemed to Suger of St Denis that Lothar in his role of strator treated Innocent II tanquam dominum. The meaning of the ceremony in Liège, however – as of the ceremony in Cremona in 1095 – was that the king demonstrated his acceptance of the legality of the pope’s title and rejected that of the antipope.

Suger’s account adds that, after acting as strator during the whole procession, Lothar held the stirrup when the pope dismounted. This was a separate ceremony, the officium strepae, in which the king performed the service of a marshal (mariscalus, stableman). It is not mentioned in the Constitutum Constantini and is first recorded as a papal ceremonial in the pontificate of Calixtus II. Lothar III was the first German king to perform ‘the office of the stirrup’.

His conduct was cited as a precedent when in June 1155 on the eve of his imperial coronation King Frederick I was called upon to perform the officium stratoris et strepae for Pope Hadrian IV. Frederick refused to do so until – ‘after the more ancient princes, and especially those who had come with King Lothar to Pope Innocent, had been questioned and the custom of former times had been discovered from their account and from old records’ – the German princes and
‘the whole royal court’ decreed ‘that the same king [Frederick] should, out of reverence for the blessed apostles, perform the office of a groom for Pope Hadrian and hold his stirrup’.146

The papal ceremonial of 29 March 1131 in Liège appears in a report by Abbot Anselm of Gembloux (†1136), clearly expressing disapproval and denying Innocent his pontifical name. ‘On Sunday in the middle of Lent Gregory, like the he-goat in Daniel who did not touch the ground with his feet, ascended with chariots and wagons from the church of St Martin to the cathedral of St Lambert, as if in a triumph in Rome; he celebrated Mass; he crowned the king and queen’.147

This event – the pope’s procession through Liège, culminating in the crown-wearing of Lothar and Richenza in the cathedral – is presented here in the language of the papal imitatio imperii. The papal procession resembled a Roman triumph: quasi Romae via triumphali. Anselm’s disapproval of the ceremonial is expressed in his allusion to the vision of Daniel 8:5, in which a he-goat (signifying for the prophet Alexander the Great) overcomes a ram (signifying the Medo–Persian empire). If Anselm’s interpretation of this passage coincided with the patristic exegesis contained in the Glossa Ordinaria, he understood the he-goat who did not touch the ground to mean (in the allegorical sense of Scripture) a tyrant who favoured worldly men.148

The ceremonial in Liège on 29 March 1131, which appeared so outlandish to this Lotharingian observer, would have been entirely familiar to a Roman audience on this day, Laetare Sunday (the fourth Sunday in Lent). This was one of the 18 days in the liturgical calendar when the pope ‘must be crowned’.149 Wherever he might be, he must go in procession, crowned ‘in the Roman manner’.150 A distinguished critic of papal processions, Abbot Bernard of Clairvaux was in Liège at the time of the meeting of Innocent II and Lothar III and he may well have witnessed the procession that perturbed Anselm of Gembloux. Bernard was certainly a witness in Rome in 1138 when Innocent returned to the city at the end of the schism and ‘processions were solemnly celebrated from church to church’.151 Bernard’s memories of these ceremonies may well have contributed to his famous denunciation of the ‘imperialisation of the papacy’ in the earlier twelfth century, addressed to Pope Eugenius III. ‘Peter is not known ever to have gone in procession adorned in jewels and silks, nor crowned with gold, nor mounted on a white horse, nor surrounded by knights, nor encircled by clamouring servants . . . In these respects you are the heir not of Peter but of Constantine’.152

147 Anselm of Gembloux, Continuatio [1131], 383.
151 Ernalld of Bonneval, Vita prima sancti Bernardi ii.5, 7; PL, clxxxv, 271C–272A, 296C (the continuation of the Vita of William of St-Thierry).
152 Bernard of Clairvaux, De consideratione ad Eugenium papam IV.3.6, in Sancti Bernardi Opera, ed. J. Leclercq, H.M. Rochais and C.H. Talbot (Rome, 1963), iii, 453. (The work is dated 1148/9–1152/3.)
Bernard’s biographer, Abbot Ernald of Bonneval (†1156), ascribed to the saint an important role in the ill-tempered negotiations in Liège that followed the papal request that Lothar should intervene in Rome against the antipope: 153

That fair weather was quickly overshadowed. For, believing that the time was opportune for him, that same king churlishly insisted that the investitures of bishops – which the Roman church had obtained from his predecessor, Emperor Henry [V], by means of the greatest efforts and many dangers – should be restored to him. At these words the Romans were very afraid and turned pale, thinking that they had encountered a greater danger in Liège than that which they had left behind in Rome. There was no counsel at hand until the holy abbot [of Clairvaux] opposed [Lothar] like a wall. For, boldly resisting the king, he refuted the latter’s malign statement with extraordinary freedom and checked it with extraordinary authority.

An allusion to this incident is found in a letter of Bernard: ‘the barbarian sword’s point threatening their necks in Liège did not force them to assent to the churlish and wicked demands of the angry and raging king’. 154 The incident is reported in very different terms in the chronicle of Otto of Freising. When the pope called on Lothar to intervene in Rome, the king ‘without hesitation promised aid to the Roman church; firstly, however, he modestly explained how much the kingdom was weakened by its love for the churches and at what cost to itself it had given up the investiture of churches’. 155 The ‘churlish demands’ of the Bernardine accounts have dwindled into a modest explanation in the report of Otto of Freising. The only other extant reference to this incident is a single sentence in the Monte Cassino chronicle, directly contradicting the Bernardine version. Innocent ‘was received by King Lothar near Liège and confirmed to him the staff and ring according to ancient custom and also delivered up to him the land of Countess Matilda’. The chronicle combines here a startling statement about investiture with the issue of the lands bequeathed to St Peter by Margravine Matilda of Tuscany, an issue that is not otherwise known to have been raised in Liège. This suggests that the chronicler had confused the negotiations of March 1131 in Liège with those of June 1133 on the occasion of the imperial coronation in Rome, when (as we shall see) Innocent reached a settlement on both these issues. 156

There is no more confusing topic in the relationship of Innocent II and Lothar III than that of the ‘demand’ for investitures found in these contradictory reports. What precisely were the importunae improbaeque postulationes mentioned by the eyewitness Bernard of Clairvaux? Ernald of Bonneval used the term episcoporum investiturae, and Petrus Diaconus, in the Monte Cassino chronicle, the phrase virgam et anulum iuxta morem antiquum. Otto of Freising used the term investitura

153 Ernald, Vita prima, ii./5, 271C–272A.
ecclesiarum (in the context not of a royal demand but of a royal assessment of the relative weakness of the regnum that was now expected to provide for the defensio sanctae Romanae ecclesiae). This terminology has suggested to some historians a royal demand for the revision of the Concordat of Worms of 1122. ’In effect, Lothar was demanding the restoration of the pre-1122 form of investiture: that is, the reestablishment of investiture with ring and staff’. Of the historians who dissented from this view and offered a minimising interpretation of Lothar’s ‘demands’, Wilhelm Bernhardi suggested that the king had requested only ‘a confirmation [Verbriefung] of the Concordat of Worms’. Lothar had been seeking not a renegotiation of the concordat but a guarantee of its continuance. Albert Hauck wrote that the claims of Ernald of Bonneval and Petrus Diaconus, that there had been a ‘demand for the restoration of investiture in the old sense, seems to me impossible’. It was more likely that Lothar believed that he was not in possession of all the rights guaranteed to the king by the concordat.

These opinions remind us that the privilege conferred in Worms on 23 September 1122 was addressed by Pope Calixtus II to ‘our beloved son Henry, emperor augustus of the Romans’, with no mention of his successors. As Otto of Freising noted, ’the Romans say that this [privilege] was given for the sake of peace to [Henry V] alone and not to his successors’. That the concession was made by the papacy with the greatest reluctance solely pro bono pacis is also clear from Gerhoch of Reichersberg’s account of the reaction to the concordat in the First Lateran Council (March 1123). He recalled in 1142 that, on the reading of ’that concession made to the emperor, that German bishops were to be elected in the king’s presence and were to receive the regalia by means of the sceptre . . . there was loud opposition from many, shouting, Non placet, non placet’. This resistance was with difficulty overcome by the papal explanation ’that for the sake of restoring peace such things need not be approved but must be tolerated’. Gerhoch in 1142 thought of the papal privilege for Henry V – which had so regretfully legalised the feudal relationship of bishop and king and thereby confused regalia and ecclesiastica – as merely a temporary expedient that would in good time be revised in the interests of the Church. Indeed during the past two decades since it was issued the rights accorded to the monarch had already been eroded. ‘That concession that was extorted for the sake of obtaining peace has partly been cancelled out because – thanks be to God – the elections of bishops are made outside the king’s presence. We hope that in the near future that evil [of homage] may also be removed from our midst’. Gerhoch thus welcomed that same development that (according to Otto of Freising) so much concerned Lothar III: the weakening of the regnum as a consequence of the surrender of investitura.

159 Concordat of Worms, Papal privilege: MGH Constitutiones, i, 161. See Robinson, Papacy, 434, 447.
160 Otto of Freising, Chronicon vii/16, 331.
The issue of the investiturae episcopatum was to be raised again immediately after Lothar III’s imperial coronation on 4 June 1133 and on this occasion the negotiations produced a papal privilege, which defined the emperor’s ius in episcopal elections. These negotiations are recorded in a single narrative source, ‘version A’ of the Vita of Archbishop Norbert of Magdeburg (perhaps composed in the late 1140s).\textsuperscript{162}

When he had been crowned, however, the emperor made the ill-advised demand that the investitures of bishoprics – that is to say, the freedom of the churches – should be granted to him by the lord pope, for the honour of the empire and the strengthening of the alliance that he had concluded with the pope. When the lord pope seemed inclined to agree to this request and among so great a host of bishops no one was to be found to object to this wrongdoing, Archbishop Norbert appeared in the presence of the emperor and his many knights and said, “What are you doing, father? Why are you giving up to the slaughter the sheep that have been entrusted to you? Do you wish to make a slave girl of the Church that you received as a free woman? The throne of Peter requires the deeds of Peter. I indeed promised obedience to blessed Peter and to you in Christ’s name but if you do what is demanded of you, lo! I shall oppose you in the sight of the Church”. Thus Father Norbert concluded his speech and the emperor desisted from his irregular demand and the pope from his unlawful concession.

There is an obvious resemblance between the anonymous biographer’s report and that of Ernald of Bonneval concerning Lothar’s demand for the episcoporum investiturae in Liège. The only significant difference is that the Vita Norberti ascribes to the archbishop of Magdeburg the role that Ernald gave to Bernard of Clairvaux. Ernald’s version of this anecdote, although apparently later in date than that of the ‘A’ text of the Vita Norberti, is nevertheless at least partially corroborated by the letter of Bernard of Clairvaux himself that congratulates the papal Curia on successfully resisting ‘the churlish and wicked demands of the angry and raging king’. It is entirely possible, therefore, that the report of Norbert’s dramatic intervention in Rome in June 1133 was a misremembered or misappropriated version of Bernard’s intervention in Liège two years earlier.\textsuperscript{163}

That the issue of episcopal elections was, however, actually raised on the occasion of the imperial coronation is evident from the survival of the papal privilege dated 8 June 1133, entitled by the editor, Ludwig Weiland, Privilegium de regalibus episcoporum Teutoniae and called by R.L. Benson, ‘the Roman concordat of 1133’. The papal privilege survives only as a fragment, lacking the opening protocols. The exposition protocol reminds Lothar that ‘in the

\textsuperscript{162} Vita Norberti Magdeburgensis archiepiscopi, 702, c. 21.

\textsuperscript{163} See Hauck, Kirchengeschichte, iv, 154, n. 5; Bauermann, ‘Bischofswahlen’, 112 n. 35; Benson, Bishop-Elect, 256 n. 17; Petke, Kanzlei, 317. See also above n. 154.
hope that the greatest advantage will accrue to the catholic Church and to the Christian people from your elevation... we have raised you to the most exalted rank of the empire, most Christian of princes, unique among the special sons of blessed Peter and his particular defender.\textsuperscript{164} The disposition protocol states that, 'wishing not to diminish but to increase the majesty of the empire, we grant you the fullness of the imperial dignity and confirm the due and canonical customs by means of the present document'. This reference to the papal grant of the \textit{imperatoriae dignitatis plenitudo} echoes the language of the Innocentine letters of 18 February and 11 May 1130, which had commanded Lothar to come to Rome \textit{pro imperialis dignitatis plenitudine susciendi.}\textsuperscript{165} While the privilege is careful to emphasise the role of the pope in the succession to the imperial office, it is studiously vague when referring to the \textit{debitae et canonicae consuetudines} that the pope intended to confirm to the emperor. The expression 'due and canonical customs' doubtless had for the papal Curia a meaning different from the understanding of Lothar III and his advisers.

Innocent II's privilege certainly did not offer the 'confirmation of the Concordat of Worms' that Bernhardi believed Lothar to have requested from the pope in Liège in March 1131. While evading any specific mention of the provisions of 1122, however, the final sentence of Innocent's privilege included a concession that did not appear in the Concordat of Worms (although it closely imitated the language of the concordat). 'We forbid, however, any one of those in the German kingdom who happens to be called to the honour of a bishopric or to the government of an abbey to dare to usurp or seize the \textit{regalia} unless he has requested them from your power and performed to Your Magnificence what is rightfully owed to you in respect of them.'\textsuperscript{166} The papal privilege of 1122 had conceded to the emperor that 'the elect is to receive the \textit{regalia} from you by the sceptre and is to perform what is rightfully owed to you in respect of them', which included the homage so much deplored by Gerhoch of Reichenberg and likeminded reformers. The privilege of 1133 now stipulated that the bishop elect could not lawfully administer the \textit{regalia} until he had performed homage to the emperor.

\textsuperscript{164} Innocent II, JL 7632: \textit{MGH Constitutiones}, i, 168 (no. 116). See the emendation of the text by P. Classen, 'Das Wörmsner Konkordat in der deutschen Verfassungs geschichte' in \textit{Investiturstreit und Reichsverfassung} ed. J. Fleckenstein, Vorträge und Forschungen 17 (Sigmaringen, 1973), 432 n. 80. See also Benson, \textit{Bishop-Elect}, 251–63. On his term 'Roman concordat' see Classen, 'Wormser Kon-
kordat', 432 n. 79.

\textsuperscript{165} Innocent II, JL 7403, PL, clxix, 53B; JL 7411, PL, clxxix, 55B, 56A: see above nn. 1, 34. On the language of Innocent's grant of the \textit{plenitudo} of the imperial dignity see Hauck, \textit{Kirchengeschichte} iv, 155 and n. 3 (drawing a parallel with the controversial inscription of the mural in the St Nicholas chapel of the Lateran palace that so offended Emperor Frederick I in 1155: Rahewin, \textit{Gesta Friderici imperatoris} III.10, \textit{MGH SRG}, xlvi, 177); Benson, \textit{Bishop-Elect}, 257–8 (suggesting that 'Innocent almost maintained that the imperial coronation was a constitutive act, in which the Roman pontiff conferred an office together with all of its powers' and drawing a parallel with Hadrian IV, JL 10304, the papal letter to the assembly of Besançon, 1157: Rahewin, \textit{Gesta}, iii/11, 175; iii/12, 176). See also Unverhau, \textit{Approbatio – Reprobatio}, 124–9.

\textsuperscript{166} Innocent II, JL 7632. For the formula \textit{quod ex his, quae iure debet tibi, tuae magnifici tiae}, cf. \textit{Concordat of Worms}, Papal privilege, 161, c. 1, 2: \textit{regalia per sceptrum a te recipiat et quae ex his iure tibi debet faciat}. 
Innocent II’s privilege of 8 June 1133 was the last papal document to pronounce on the subject of the imperial investiture of the regalia. Unlike earlier pronouncements, it provoked very little reaction from contemporaries. The only extant quotation from the privilege is found in a letter of Archbishop Conrad I of Salzburg sent in late 1133 or early 1134 to Archbishop Norbert of Magdeburg, referring to the proceedings of the recent imperial assembly in Würzburg.¹⁶⁷ This Würzburg assembly of 8 September 1133 is presented in the Saxon narrative sources as an occasion of unusual splendour, as befitted the new emperor’s return to his German kingdom. ‘Emperor Lothar crossed the Alps and celebrated the Nativity of St Mary in Würzburg and he held a glorious assembly at his court of the princes of the various provinces, glittering both with the sublimity of the ecclesiastical order and with the secular dignity’¹⁶⁸ In the letter of Archbishop Conrad of Salzburg, however, the assembly of Würzburg is presented as a highly contentious meeting, in which the emperor asserted his rights concerning the election of German prelates. The archbishop’s letter reveals how Lothar interpreted the crucial final sentence of Innocent II’s privilege of 1133. The emperor was faced in Würzburg with the case of Bishop Henry of Regensburg, elected in the summer of 1132, who had not yet received investiture of his bishopric per sceptrum but who had been consecrated by Conrad of Salzburg and had already begun to administer the regalia. According to Archbishop Conrad’s letter, in the assembly of Würzburg ‘the lord emperor rebuked me and in harsh language charged me with having consecrated the lord [bishop] of Regensburg and with these words he diminished the dignity of all the archbishops. He said, however, that the bishopric of Regensburg belonged to him’ and thus, added Conrad, failed to make the necessary distinction between regalia and ecclesiastica.¹⁶⁹

Lothar had encountered a similar case in April 1132, when Archbishop Albero of Trier appeared at his court in Aachen to request the regalia of his archbishopric. ‘King Lothar refused to invest him with the regalia because he had received episcopal consecration before he had requested his investiture’. The king relented when Albero offered to swear an oath that he had not intended ‘to diminish [the king’s] honour. Albero had been consecrated by Innocent II himself in Vienne in March 1132: according to his biographer, he had been ‘forced by the lord pope’ to accept consecration.¹⁷⁰ Clearly Innocent

¹⁶⁷ Conrad of Salzburg, letter to Norbert of Magdeburg, ed. Bauermann, ‘Bischöfswahlen’, 132: . . . laudamus discretionem domini et patris nostri Innocencii pape, qui electos episcopos tam dixit a regalium introductione vel administratione significavit extraneos esse debere, quoadquasque tales exposcunt a domino imperatore . . . . The letter survives only on a damaged piece of parchment, which is, however, partially supplemented by passages in Gerhoch of Reichersberg, Commentarius in psalmum LXIV, MGH Libelli de lite, iii, 451, which shows knowledge of the letter. Classen, ‘Wormser Konkordat’, 432 and n. 80 observed that the sole extant exemplar of Innocent II’s privilege is found in a manuscript fragment (Munich, Bayerische Staatsbibliothek Clm 29094 Stück 2) deriving from the circle of Conrad of Salzburg.

¹⁶⁸ The same text appears in Annales Magdeburgenses [1133], 184 and Annalista Saxo [1133], 596.


¹⁷⁰ Balderic, Gesta Alberonis archiepiscopi, 250–1, c. 13, 250, c. 12. See Benson, Bishop-Elect, 271; Petke, Kanzlei, 255.
did not regard such a consecration of a prelate before he had received investiture *per sceptrum* as a violation of the Concordat of Worms. Presumably the pope based his conduct on the clause in the imperial privilege of Worms that guaranteed *canonicam electionem et liberam consecrationem*.\(^{171}\) Lothar III, however, on the evidence of the rebuke that he administered to Archbishop Conrad of Salzburg in the assembly of Würzburg, believed that, on the contrary, consecration before the bestowal of the *regalia per sceptrum* was an infringement of the monarch’s rights. The emperor seems in the Würzburg assembly to have expressed an opinion similar to that which Otto of Freising would set down in his report of a discussion of the terms of the Concordat of Worms at the imperial court in 1156: ‘no [bishop] elect is to be consecrated before he receives the *regalia* from the emperor’s hand by the sceptre’.\(^{172}\)

Was this the issue – consecration and administration of the *regalia* before investiture *per sceptrum* – that prompted Lothar in Liège to inform the pope ‘how much the kingdom was weakened by its love for the churches and at what cost to itself it had given up the investiture of churches’? Other such cases may have preceded those of the archbishop of Trier and the bishop of Regensburg that so angered Lothar in 1132. One at least can be identified at the moment of Lothar’s accession, in which the candidate was consecrated, as in the Regensburg case, by Archbishop Conrad of Salzburg. This was the consecration of Bishop Reimbert of Brixen, which took place on 24 August 1125, the first day of the assembly of princes that met in Mainz to elect a successor to Emperor Henry V. Conrad of Salzburg was evidently unwilling to delay the consecration for a week, so that Reimbert might receive the *regalia per sceptrum* from the new king according to the Concordat of Worms.\(^{173}\) Evidently Conrad believed, like ‘the Romans’, that the papal privilege of 1122 had been ‘given for the sake of peace to [Henry V] alone and not to his successor’.\(^{174}\) This issue, perhaps specifically raised by the king with the pope in Liège in 1131, was finally resolved by Innocent after Lothar had fulfilled his promise to intervene in Rome in 1133.

On 8 June 1133, the date of the *Privilegium de regalibus episcoporum Teutoniae*, Innocent also issued a second diploma, entitled by its editor, Ludwig Weiland, *Privilegium de terra Mathildis*, which settled another matter of dispute between pope and emperor.\(^{175}\) ‘The land of Matilda’ was the alodial property of Margravine Matilda of Tuscany, the indefatigable ally of the Gregorian papacy during the Investiture Contest. She seems to have donated her property to

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171 Concordat of Worms, Imperial privilege, 159, c. 1.
172 Otto of Freising, *Gesta Friderici imperatoris*, iii/6, 107 (on the occasion of the election of the archbishop of Magdeburg).
175 Innocent II, JL 7633: *MGH Constitutiones*, i, 169–70 (no. 117). T. Groß, *Mathildischen Güter*, 113–17, argued that this text (found in the collection of Cardinal Albinus of Albano of 1189 and in the *Liber Censuum* of the chamberlain Cencius Savelli of 1192) was an amalgam of a diploma for Lothar of June 1133 and an addendum made later in the year or possibly a second diploma of 1137 in favour of Henry the Proud and his wife Gertrude.
St Peter as early as the pontificate of Gregory VII (between 1074 and 1080) and may have renewed the donation in 1102. Soon after her death (24 July 1115), however, Emperor Henry V, her distant kinsman, took possession of her alodial property, claiming to be her heir, and the papal Curia was either unable or unwilling to offer resistance.176 Three years after Lothar III succeeded Henry V both imperial and papal claims to the *terra Mathildis* were under threat. Lothar’s rival, Conrad of Staufen, entered the Italian kingdom in 1128 and was crowned king of Italy by Archbishop Anselm V of Milan on 29 June. He sought to take possession of ‘the land of Matilda’ as his base in the kingdom.177 It was in the context of the anti-king Conrad’s dangerous ambitions that Innocent II on 8 June 1133 reached an agreement with Lothar on ‘the alodium of Countess Matilda of happy memory, which is undoubtedly known to have been conferred by her on blessed Peter’.

The exposition protocol of the papal diploma assured Lothar that ‘right faith’ and ‘true religion’ ‘shine out in your person, thanks be to God, the more clearly as you are known to have been a lover of religion and a cultivator of righteousness from your earliest years and recently in these days you have endured many hardships and immense dangers, sparing neither your person nor your own wealth in the service of blessed Peter’. Desiring to ‘increase the imperial power of the *specialissimus ecclesie defensor*, the pope invested Lothar with the land of Matilda ‘by means of a ring’.178 The investiture was conditional on an annual payment of 100 pounds of silver to the pope and his successors. After Lothar’s death ‘the property is to return as a whole without loss or injury to the jurisdiction and lordship of the holy Roman church’. Meanwhile ‘those who man the fortresses and he who is the *rector* of the land are to perform fealty to blessed Peter and to us and to our successors’. Furthermore, for love of the emperor and empress (*pro caritate vestra*), the pope invested their son-in-law, Henry the Proud, duke of Bavaria, and their daughter Gertrude with that same *alodium* under the same conditions. The duke ‘was to do homage and swear fealty’ to St Peter, the pope and his successors. The privilege ends with a reservation clause: ‘saving always in all things the rights and possessions of the holy Roman church’. It is a precursor of the formula *salva sedis*


apostolicae auctoritate, which after 1143 was regularly used in papal privileges as a general reservation clause. 179

When she devised her donation, Matilda may have been attempting to frustrate imperial claims to her allodium by recognising St Peter as her lord in respect of the terra Mathildis (which she continued to administer in person after the donation and its confirmation), rather than the emperor, from whom she held the march of Tuscany. 180 There is perhaps an analogy here with the conduct of Robert Guiscard, duke of Apulia and Calabria, who showed himself willing in 1059 to hold his territories as a benefice from St Peter. The duke declined in 1075 to acknowledge the lordship of King Henry IV of Germany in respect of these territories, despite the precedent created by his elder brother, Drogo of Hauteville, who had accepted investiture with the county of Apulia from Emperor Henry III in 1047. 181 The rival claims of St Peter and the emperor to the suzerainty of Apulia would reemerge to trouble the relations of Innocent II and Lothar III four years after the settlement of the rival claims to the terra Mathildis. The issue arose when Lothar's Italian campaign of 1136–7 defeated King Roger II of Sicily and expelled him from Apulia, permitting the papal Curia's preferred candidate, Rainulf, count of Alife, to be invested with the duchy. The evidence of the narrative sources suggests that Lothar's military successes revived traditional ideas of imperial lordship over southern Italy.

Otto of Freising interpreted the campaign as the glorious reconquest of lands that had long ago escaped from imperial control. ‘The emperor performed mighty deeds in Apulia and Campania such as none of the kings of the Franks is found to have achieved there from Charlemagne up to that time’. 182 The account given by Archbishop Romuald of Salerno (†1181) represents Lothar's campaign of 1136–7 as in part a response to an appeal from the enemies of Roger II of Sicily for imperial protection. 183

Prince Robert [II] of Capua and Count Rainulf [of Alife] and certain other barons, knowing that they were not powerful enough to resist King Roger, had recourse to the help of Lothar, the German emperor, requesting him to restore their lost lands to them and declaring that Apulia and Sicily belonged to the jurisdiction of his empire.

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182 Otto of Freising, Chronicæ, vii/19, 337.

Similar language is found in Falco of Benevento’s report of the campaign. Lothar ‘bound all the towns and cities of Apulia to his imperium’; Salerno submitted to Lothar and ‘rejoiced under so great an imperium’.184 According to the Annalista Saxo, even Roger II declared his readiness to acknowledge the emperor’s lordship after Bari surrendered to Lothar in May 1137: 185

Roger also sent envoys there to seek the emperor’s grace and promised him an unlimited sum of money and his son as a hostage if he would confer the principality of Apulia on his other son. The emperor, however, caring more for the peace of the Church than for money, utterly refused to confer the province on a half-pagan tyrant.

Josef Deér commented on ‘the cynical cunning’ of this alleged request of Roger II: ‘through his recognition of the suzerainty of the empire over southern Italy Roger succeeded in sowing discord between the allies’, Lothar and Innocent II.186 For the papal Curia was in no doubt that ‘Apulia . . . belongs to the jurisdiction of St Peter’.187 In the Vita Innocentii II of Boso, cardinal priest of S. Pudenziana – which is essentially the official biography of Innocent II – ‘the most Christian emperor Lothar, kindled by the zeal of God and of the Christian faith, as the catholic advocatus of the Church’, is portrayed as campaigning in southern Italy to defend the rights of the papacy.188

After Lothar triumphed in Apulia, ‘supported by the merits of blessed Peter’, wrote Boso, ‘the emperor and the pope together appointed Count Rainulf as duke of Apulia’. Boso’s brisk account of the imperial and papal investiture of Rainulf of Alife in Mercato S. Severino at the end of August 1137 carefully omits the conflict between Lothar and Innocent that is emphasised in other narrative sources. Much more is known about this dispute of 1137 than about the raising of the issue of investiture in Liège in 1131 and again in Rome in 1133. In the version of events of the Annalista Saxo pope and emperor ‘disagreed for some time about which of them was to exercise lordship over the newly acquired Apulia. Finally they took counsel and together they entrusted it to Duke Rainulf.’189 The account given by Falco of Benevento differs from all the other versions in placing the incident in Avellino and in recording a month-long dispute. When ‘Pope Innocent set to work to appoint in his own name a duke to defend Apulia’, the emperor sought to make an appointment ‘in his own name . . . against the will of the pope, whence it happened that there was discord between them for almost thirty days’. This discord was ended, however, ‘by the counsel of wise men’ and ‘with the approval of the emperor and all his followers the pope nomine suo . . . elected Count Rainulf . . . as duke in the fidelity of blessed Peter. After his election the pope and emperor in the

185 Annalista Saxo [1137], 608.
186 Deér, Normannen, 226 n. 1024 bis.
187 Boso, Vita Honorii II, in Liber pontificalis ii, 379.
188 Boso, Vita Innocentii II in Liber pontificalis ii, 383.
189 Annalista Saxo [1137], 610.
sight of all men granted him a banner as a sign of the ducal office and confirmed him. Falco suggested, therefore, that Lothar ultimately waived his own claim and accepted both the claim and the candidate of the pope.

Otto of Freising recounted the incident from the point of view of Lothar. 'After he had passed judgement on Roger [II of Sicily] as an enemy [of the empire], the duchy of Apulia was conferred on the courageous and noble Rainulf, to whom he left some of his knights, and so the victorious emperor made plans for his return'. Having thus far placed the investiture of the duke of Apulia in the context of Lothar's triumphant reconquest of southern Italy, Otto paused to reflect on the controversial nature of the investiture.

We do not wish, however, to pass over in silence the fact that in granting the duchy a quarrel almost broke out between [Lothar] and the Roman pontiff, each of them claiming that the duchy of Apulia belonged to his own jurisdiction. This dispute is said to have been finally settled in this manner: namely, that in conferring the banner on the duke, both [emperor and pope] held it.

Otto’s account of the ceremony of investiture – *in dando duci vexillum uterque manum adhiberet* – is corroborated by the well informed and detailed description given in the chronicle of Romuald of Salerno.

The emperor . . . pitched his camp in S. Severino and when he had taken counsel there with the pope and the barons, he decided to appoint Count Rainulf as duke of Apulia. For this reason a great dispute arose between the pope and the emperor. For the pope claimed that the investiture of the duchy of Apulia belonged to the jurisdiction of the Roman pontiff and that this had for a long time been firmly maintained by his predecessors. The emperor declared that on the contrary this belonged to the jurisdiction of the empire and the duchy of Apulia must be conferred by imperial authority. Because they were both in the process of travelling, however, and because both parties lacked documents and proofs, this quarrel could not immediately be brought to a conclusion. By common consent they reached a measure of agreement: that the pope and the emperor should invest Count Rainulf with the duchy of Apulia by means of a banner and afterwards at a convenient place and time when the claims of both parties had been presented and explained, this quarrel would be settled justly. This was done; for they invested Count Rainulf with the duchy of Apulia, the pope holding the upper part of the banner, the emperor the lower part.

Romuald’s is the only version of the events of August 1137 that states that the *magna contentio* of pope and emperor was not actually resolved at Mercato S. Severino. *Annalista Saxo*, Falco of Benevento and Otto of Freising interpreted

190 Falco of Benevento, *Chronicon Beneventanum* [1137], 233.
the investiture of Rainulf of Alife as the candidate of both emperor and pope as a sign of the final resolution of their differences. Falco wrote that it was ‘with the approval of the emperor’ that the pope *nomine suo ad beati Petri fidelitatem comitem Rainulphum . . . in duem elegit*: Rainulf thus became the vassal of St Peter *imperatore favente*. Otto of Freising believed that there was no outright quarrel at Mercato S. Severino – *pene controversia orta fuit* – and that the investiture of Rainulf signified that agreement had been reached between the parties. Otto recorded the curious manner of the investiture – *in dando duci vexillo uterque manum adhiberet* – without any further comment. Romuald alone explained that this investiture did not mark a settlement of the *magna contentio* but was merely a temporary compromise (*ad hunc finem concordie devenirent*).

Once the two parties had the opportunity of producing the evidence for their rival claims (*instrumenta et rationes*), the true lord of Apulia would be identified and he would then enfeoff the new duke in a more conventional ceremony of investiture. It is noteworthy that Otto of Freising minimised the importance of the *controversia* of August 1137, just as he softened his account of the raising of the issue of *investitura ecclesiarum* in Liège in March 1131, attributing to Lothar a modest explanation of his grievances rather than ‘the churlish and wicked demands’ mentioned by Bernard of Clairvaux. Otto was evidently anxious to avoid the suggestion of any hostility between the admired *imperator potentissimus* and the canonically elected pope.

The monarch who had raised the issue of investiture in 1131 and 1133 – the *iracundus atque irascens rex* of Bernard of Clairvaux’s letter – and who had disputed the suzerainty of Apulia with the pope in 1137 was transformed in the writings of the Innocentine party into the exemplary imperial defender of the Roman church. He was the *christianissimus imperator Lotharius zelo Dei et christianae fidei accensus, tanquam catholicus Ecclesie advocatus* of Cardinal Boso’s biography of Innocent II. Lothar’s chancery found it appropriate to adopt similar language in the letter issued on the eve of the imperial coronation to announce the condemnation of the antipope. It had pleased God ‘to appoint us *patronus* and *defensor* of the holy Roman church’. The papal Curia’s best known representation of Lothar’s relations with Innocent II was of course the controversial mural depicting the imperial coronation of Lothar set up in the St Nicholas oratory in the Lateran palace. This was the *pictura* that so displeased Frederick I Barbarossa when he visited Rome for his imperial coronation in 1155 that he obtained from Pope Hadrian IV a promise to remove both it and its polemical *superscriptio*. The author of the *Chronica regia Coloniensis* (whose account may have derived from the circle of Rainald of Dassel, Frederick’s chancellor) explained that ‘Pope Innocent had once caused to be painted on

193 See above p. 57 and nn. 154–5.
194 Cf. Otto of Freising, *Chronica*, vii/20, 339 (‘if death had not prevented him, the crown of the empire would have been brought back to its original dignity by his courage and diligence’); vii/18, 334 (*Innocentio canonice electo*).
196 *Diploma Lotharii III*, no. 48 = *MGH Constitutiones*, i, 167.
197 Rahewin, *Gesta Friderici imperatoris*, iii/12, 177.
a wall in Rome both himself seated on the papal throne and Emperor Lothar in his presence with hands folded, bowing down to receive the crown of the empire.\textsuperscript{198} Frederick I’s biographer, Rahewin, recorded that ‘above the picture was written: “The king arrives before the gates, first swearing to observe the rights of the City. Afterwards he becomes the vassal of the pope and takes the crown that he confers”’.\textsuperscript{199} Scholarly discussions of this lost mural have concentrated on this provocatively feudal interpretation of the relationship of emperor and pope. Surviving sixteenth- or seventeenth-century sketches of the lost mural, however, do not actually show a feudal ceremony.\textsuperscript{200} The superscription reported by Rahewin, which does not tally with the extant representation of the mural, may have been added after Innocent II’s pontificate. It cannot be taken as firm evidence that Innocent believed that at the imperial coronation the emperor elect homo fit pape. Yet even without this feudal gloss the mural is a telling comment on Innocent’s ideas of papal-imperial relations. The pope, enthroned, crowned and wearing the insignia of his office, raises up the uncrowned German king, who humbly kneels before the papal throne. Here Innocent II is truly depicted as his legate, Cardinal Gerard of S. Croce in Gerusalemme, saluted him in 1137: Caesar totiusque orbis dominator.\textsuperscript{201}

\textsuperscript{198} Chronica regia Coloniensis, 93.
\textsuperscript{199} Rahewin, Gesta Friderici, iii/12, 177.
\textsuperscript{201} See above p. 53 and n. 133.
3  *Sicut ex scriptis vestris accepimus*

Innocent II and the *insulae Britanniae et Hiberniae*

Anne J. Duggan

Strong emotional ties bound the *ecclesia anglicana* to the papacy and Rome, not least of which was the cherished memory of Pope Gregory the Great (590–604), who, as it was recorded in Bede’s *Ecclesiastical History of the English People*, sent St Augustine and his companions to the island to bring Christianity to the English in 597. The payment of Peter’s Pence (*de narii beati Petri*) was a later symbol of that link, traceable to the times of Ine of Wessex (725), Offa of Mercia (794) and Cnut (1031), and continued by the Conqueror and his successors. Alexander II described it to William I in 1073 as a pious payment in recognition of that bond (*ad cognitionem religionis*), with the proceeds shared between the pope and the ‘church of St Mary, known as the *Schola Anglo-rum*, a hospice for the care of English pilgrims to the tombs of the Apostles. Although there were countervailing pressures, this sentiment remained strong in the twelfth century.

At the heart of the relationship between Innocent II and the islands of Britain and Ireland, however, lies the paradox of an Anglo-Norman monarchy which sought and in large measure maintained significant control over the form and frequency of contacts between its people – clerical, religious, and lay – and the popes of the time, but which found it necessary to call on papal authority to authorise or recognise decisions taken or judgments made in its territories.

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1 Bede’s *Ecclesiastical History of the English People*, ed. and trans. B. Colgrave and R. A. B. Mynors, OMT (Oxford 1969), 115–68 (i. 23–28). From this source (*ibid.*, 104–7 [i. 29]) was drawn the *constitutum Gregorii*, on the establishment of two ecclesiastical provinces (London and York), which the abps of York used with some effect to defend their independence, although Canterbury used the same evidence to ‘prove’ an effective primacy over York and the islands of Britain and Ireland (*super Eboracensem ecclesiam totamque insulam quam Britanniam vocant necnon et Hiberniam primatus*): F. Delivré, ‘The Foundations of Primatial Claims in the Western Church (eleventh–thirteenth centuries)’, *JEH*, 59 (2008), 383–406, at 393–4.

2 *PL*, cxlvi, 1413 no. 139, *Novit prudentia tua* (fragment), 1067 x 1073. The *schola Saxonum (Angelcynnes scole)* was founded by King Ine on a site close to St Peter’s, where Innocent III later established the hospital of the Holy Spirit, transferring the English hospice to the Via Monserrato. In 1579, the hospice was again transformed into the Collegio Inglese for the training of English catholic priests: P. de Angelis, *Guido di Montpellier, Innocenzo III e la fondazione dell’Ospedale Apostolico di Santo Spirito in Santa Maria in Saxia*, Collana . . . Romani, 22 (Rome, 1962).

as well as to secure papal endorsement of its own position. Many of these approaches required the appointment of papal legates or nuntii who exercised or represented the authority of the papal office, whatever their own personal status in the ecclesiastical hierarchy might be. For the most part, a reasonably good working relationship existed, with give and take between monarchs and popes, as each recognised the position of the other; but the balance of power lay with the kings, who could defy or ignore judgments which displeased them, ensure that legates did not have free rein to travel, summon councils and issue decrees, and deny entry to papal agents of whom they disapproved. Royal–papal relations were always a complex exercise in pressure and persuasion on both sides, and mostly the initiative came from the king.

**Innocent II and the Anglo-Norman kings**

The new Pope Innocent announced his election in a general letter to England on 3 March (1130), accompanied by a mandate to Abbot Hugh of Reading, whom he had recently met in Rome, warning him against the false words of ‘Petrus Leonis’ and instructing him to arrange the dispatch of Peter’s Pence, but the existence of an antipope created a temporary difficulty, which enabled Henry I to defer formal recognition for a short while. Fortunately for Innocent, his cause was effectively promoted by cardinal legates and championed by the powerful voices of Bernard of Clairvaux, Peter the Venerable of Cluny, and Norbert of Xanten, the reforming founder (1120) of the Augustinian

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7 Below, at n. 37.

8 *PUE*, iii, 146, no. 25, *Pro eo quod, Palladium*, 3 March (1130).


10 John of Crema (above, n. 5) explained (1130) that the pope had deferred acting on the Llandaff case because he had not yet fully secured the king’s favour (*LL*, 56), but Innocent confirmed Hugh of Reading’s election to Rouen on 28 March (*PUE*, iii, 147 no. 26) and issued three letters on the Llandaff case, one probably, and two certainly, from Genoa on 12 August 1130, of which one was addressed to Henry: below, n. 133.

Order of Prémontré, who had been appointed archbishop of Magdeburg by Honorius II in 1126. With their support, he swiftly secured the adhesion of France (where he was formally recognised by Louis VI and French clergy at Étampes in May 1130), León-Castile (1130), the Romano-German Empire at Würzburg (October 1130); the Irish and Welsh churches; England and Normandy (1130). Scandinavia remained aloof, despite Cardinal Martin’s mission to Denmark (Dacia) in 1133, in consequence of Innocent’s restoration of Hamburg-Bremen’s primacy over Lund in 1133 (under pressure from Lothar III), but the Danes were quick to regularise relations after Lothar’s death (4 December 1137). Responding to a mission from the new archbishop of Lund (Eskil Christiansen) in 1138, Innocent recognised his metropolitan status, transmitting the pallium by the hands of Eskil’s chaplain, Herman, and in the following year he sent Cardinal Theodwin to Denmark as legate. There, in Lund, Theodwin presided with Archbishop Eskil at the first ever Scandinavian provincial council, attended by five Danish bishops (Børglum, Ribe, Roskilde, Schleswig, Viborg), as well as those of Bergen and Linköping (respectively from Norway and Sweden). This marked a very significant stage


13 Innocent’s letter, sent from Genoa, thanking Abp Diego of Compostela for a gift (2 August 1130: PL, clxxix, 58 no. 7) opened, Pro subjectione et obedientia B. Petro et S. R. E. a fraternitate tua impensa, et xenii nobis a munificentia tua transmissis, dilectioni tuae gratiarum persolvimus actiones, was accompanied by a second letter (no. 8), expressing pleasure that King Alfonso VII (1126–57) had condemned the bad custom of kings prolonging vacancies and seizing the incomes of the church of St James when an abp died, and three (nos 9–11) on the dispute with Paio of Braga.

14 Innocent confirmed Hugh of Reading’s election to Rouen on 28 March (below, n. 38), and King Henry met Innocent and offered material support at Chartres, 13 Jan. 1131: see Innocent’s report to Diego of Compostela, PL, clxxix, 76–7 no. 28.

15 Martin’s mission may be dated either to December–March 1133, returning before 19 March 1133 (JL 7613; PL, clxxix, no. 132), which would be possible if JL 7606 (PL, clxxix, no. 126) were re-dated to January 1134; or after 4 June 1133 (JL 7629; PL, clxxix, no. 142), since he does not appear again in papal privileges until 21 December 1133 (JL 7639; PL, clxxix, no. 149). On Martin (Genoese/French), a monk from Clairvaux, CP of S. Stefano in Celio Monte 1132–42, see Zenker, 133–4; Brixius, 445 no. 32, 92 n. 71.

16 Following Abp Asser of Lund’s failure to appear in his own defence. Innocent’s privilege for Adalbero referred to summonses to Asser and the bps of ‘Dacia’ from Calixtus II (1119–24), Honorius II (1124–30), and himself, either to return to their obedience or to present their arguments to the Apostolic See, but they neither came, nor sent responsales: PL, clxxix, 180–81 no. 137, at 180. Until then, Adalbero had supported Anacletus.


18 Theodwin, a German Benedictine, former abbot of Gorze (1126–34) and another key player in the recognition of Pope Innocent, was inserted into the top echelon of the Curia as CB of S. Rufina and Porto (1134–50), where he became the expert on German affairs, and later played a significant rôle in the election of King Conrad III (1138–52): Zenker, 26–28, although Zenker did not know about Theodwin’s legation to Denmark.
in the restructuring of the independent Scandinavian Church under papal patronage.\(^{19}\)

In contrast, although ‘Anacletus II’\(^{20}\) held Rome, the Patrimony, and some northern Italian cities (including Milan),\(^{21}\) and obtained recognition from Aquitaine (until 1134 or 1135),\(^{22}\) Scotland,\(^{23}\) and the Norman territories in southern Italy and Sicily,\(^{24}\) he failed to secure the allegiance of the dominant powers (Louis VI, Henry I, Lothar III, and Alfonso VII),\(^{25}\) and some Italian cities abandoned him after 1133.\(^{26}\) Meanwhile, Innocent consolidated his success during the extended itineration through France, Burgundy, and Provence (with a brief excursion to Liège), during which he met King Henry twice, at Chartres on 13 January 1131 (arranged by Louis VI), and, more significantly, in Rouen, the capital of Henry’s duchy of Normandy, in May.\(^{27}\) Thereafter, relations with the Anglo-Norman world followed the pattern established under William I,\(^{28}\) in which formal acknowledgement of the special authority of the

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\(^{22}\) He reappointed Bp Gerard of Angoulême as legate on 1 May 1130 and sent Gregory, CD of S. Maria in Aquiro to support him (PL, clxxix, 698–9 and 700, nos. 7 and 8), but they met with considerable resistance: see Vones-Liebenstein, ch. 5.

\(^{23}\) Below, at n. 104.

\(^{24}\) Anacletus II secured Roger II’s adhesion by according him the title of king (27 September 1130) and enthroning him as king of Sicily on Christmas Day 1130: H. Houben, *Roger II of Sicily: A Ruler between East and West* (Cambridge, 2002), 7, 148.

\(^{25}\) This was the perception in France, where Suger of St-Denis, Gesta Ludovici cognomento grossi (PL, clxxxvi, 1330), wrote ‘dominus papa Innocentius cum suis urbem relinquere deliberat, ut orbem terrarum obtinere prevaleat’ and Robert of Torigni recorded the verse, ‘Romam Petrus [Anacletus] habet, totum Gregorius [Innocent] orbem’: *Chronica*, PL, clx, 445. Six popes had visited France in the previous century: Leo IX (1049: about a week); Urban II (1095–6: 11 months); Pascal II (1118–19: about six months); Calixtus II (1118–19: about a month); Calixtus II (1119–20: about 14 months), but Innocent’s was the longest. For the itinerary, see Duggan, ‘Innocent II’s Trans-Alpine Itinerary 1130–1132’; cf. Montaubin, Ch. 4.

\(^{26}\) For a succinct summary, see *Enciclopedia dei papi*, ii, 264–5.

\(^{27}\) *Ecclesiasticae Historiae Libri tredecim. The Ecclesiastical History of Orderic Vitalis* [= *OrdericVitalis*], ed. and trans. M. Chibnall, 6 vols, OMT (Oxford, 1969–1980), vi, 420–1. Innocent’s Rouen visit is confirmed by *Pis uotis*, Rouen, 10 May 1131 (PUE, i, no. 15).

pope in ecclesiastical affairs was combined with royal oversight. Archbishops applied directly to the pope for the pallium, which symbolised the fullness of metropolitan power, without which they could not lawfully consecrate bishops or summon councils,29 and its reception bound the recipient by oath to the pope, whether he received it in person30 or through an intermediary.31 Appeals could pass to the papal court, papal emissaries visited the Anglo–Norman territories, English and Norman prelates attended papal councils, but all, usually, with royal permission.32

Henry I’s attitude to appeals and councils had been expressed unambiguously eleven or so years before Innocent became pope, in the instructions given to the prelates allowed to attend Calixtus II’s council in Reims in 1119. As reported by Orderic Vitalis, ‘he strictly forbade them to bring any kind of suit (querimoniam) against each other’, saying:33

I will do full justice to anyone bringing a plea in my land. Every year I pay the Roman church the dues fixed by my predecessors, and equally I uphold the privileges granted to me in the same way from time immemorial. Go; greet the Lord Pope on my behalf and just listen humbly to the papal precepts, but do not allow unnecessary innovations (superfluous adinventiones) to be introduced into my kingdom.

But the pull of the papal court, especially when it was close at hand in France, could not wholly be resisted, as Henry soon discovered in the very case which he was anxious to keep within his own borders.34

Nevertheless, King Henry had little difficulty doing business with the papacy. His combination of petition and threat in 1128 to prevent Honorius II appointing Hugh d’Amiens, then abbot of Reading,35 to the papal Curia, is a good example of his technique. Supplication (suppliæte uestrah supplicanus paternitatem ut iter eius ad uos . . . nullo modo fieri permittatis) was combined with the threat to keep Reading vacant and withdraw donations already made to

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32 Below, at n. 33.
33 Orderic Vitalis, 252–3 (xii.21).
34 The York vs Canterbury case, which Calixtus II had asked to be referred to him (PL, clxiii, 1117 no. 26, Quaestio quaæ). For Calixtus’s dexterous handling, see below, at n. 96.
the abbey. In the event, Hugh went to Rome in the following year, where he stayed about a month, before being sent back, in deference to Henry’s prayers, with a mandate to collect Peter’s Pence. Diplomatic form was preserved on both sides. Hugh did in fact obey a second papal mandate, but Henry got back a valued prelate, whom he immediately nominated to Rouen (1129). Hugh’s election as archbishop was duly confirmed by Innocent II (28 March 1130), who authorised the Norman bishops to conduct his consecration. Election to Rouen, however, did not prevent Innocent employing Hugh’s talents as papal legate in southern France in 1134 and 1135, where he held legatine councils in Tarascon, Montpellier, Romans, and Valence, before attending Innocent’s own council at Pisa in May 1135. The dying king then successfully obstructed Innocent’s second attempt to lure Hugh to the Curia, but one suspects that Hugh himself was reluctant to go.

For his part, Innocent’s attitude to the powerful Anglo-Norman monarchs was necessarily circumspect. Especially during the French ‘exile’, when the travelling Curia relied on the charity of Henry I, Louis VI, and the French Church, he had perforce to repay Henry in some measure. A striking example of his willingness to accommodate Henry’s wishes occurred in 1132. In response to the king’s complaint that, *contra consuetudinem suam, et aliorum ducum Northmanniae*, the archbishop of Rouen had required abbots of Norman monasteries to make profession of obedience to him in return for abbatial benediction, Innocent instructed Hugh to defer to the king on this point:

> Although Abbot Suger of St-Denis triumphantly recorded Innocent’s celebration of Easter 1131 at the monastery, *more Romano* (in the Roman fashion), he also reported the financial burden: *Vita Ludovici regis VI. qui grossus dictus. PL, clxxxvi, 1331–2* (MGH SS, xxvi, 58; trans. R. Cusimano and J. Moorhead, *Suger. The Deeds of Louis the Fat* [Washington D.C, 1992], 148–9), ‘visiting the churches of the French and supplying his wants from their wealth’. *Orderic Vitalis* (vi, 420–1) had the same view.

> Although it may be just, and was commanded by us in the course of the Reims council (*in concilio Remensi mandatum*), we should (*debeamus*) sometimes turn aside (*condecendere*) from strict justice on account of his [King Henry’s] affection, and, for the time being (*pro tempore*), assent to his wish. For we believe, as we have been told and as we have directed him in our

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letters,\textsuperscript{43} that if you grant him what belongs to the right and honour of the church of Rouen, you will obtain the fullness of his grace in the future. Therefore we request and order your fraternity to acquiesce with his will in respect of those abbots and release [from the oaths of obedience] any you have bound.

No document speaks more eloquently of the delicate balance between king and pope, and the latter’s willingness to make concessions to an English king to whom he owed public recognition and whatever gifts had been given when they met at Chartres and Rouen, with the expectation of more to come.\textsuperscript{44} Further, the letter opened with an equally instructive recognition of the rôle of kings and princes in the protection of Church and people and the deference that should be paid to them: \textsuperscript{45}

Your fraternity knows, we believe, how one should defer to kings and territorial princes (\textit{terrarum principibus}), whose power and justice protects God’s Church and the Christian people.

Innocent was a consummate diplomat, however, accustomed since 1119 to dealing with emperors who constituted a more formidable threat to papal interests than the English king. This concession was made as a personal favour and \textit{pro tempore} to an already aged monarch, and could be revoked when circumstances changed.\textsuperscript{46} His letter to King Henry, indeed, emphatically balanced concession with admonition.\textsuperscript{47} After declaring his affection (‘As we love your person with true affection so are we ready to support whatever touches your honour as far as we can, according to God’), Innocent informed the king that he had instructed Archbishop Hugh to defer to Henry’s will in respect of particular abbots, but added a short lecture on the king’s obligation to remove wicked customs (\textit{pravae consuetudines}) and vices from the kingdom and duchy entrusted to him and, with the Lord’s help, implant good ones. ‘Otherwise’, wrote Innocent, ‘the abbots and the rest of the clergy will not be able to give service pleasing to God or make provision for the salvation of their souls. Instead they will be considered \textit{acephali},\textsuperscript{48} that is without a head, if they are not subject in due humility to their bishops and prelates’. It was the king’s responsibility to prevent such licence leading to the damage of their souls, for which he could be held responsible in the presence of the supreme Judge (\textit{tibi . . . ante conspectum superni judicis imputetur}).

\textsuperscript{43} Below, at n. 47.
\textsuperscript{44} Innocent’s letter reporting his safe return to Rome a year later in 1133, which thanked Henry for his munificence so far (\textit{hactenus}), asked for the king’s continued support, \textit{cum magna incumbit necessitate}: \textit{PUE}, iii, 147–8 no. 27, 1 May (1133), \textit{Lagition omnium}.
\textsuperscript{45} \textit{PL}, clxxix, 150–1.
\textsuperscript{46} In 1136, in fact, Hugh required a written profession from Theobald, the new abbot of Bec, but was persuaded by Peter the Venerable of Cluny to accept a verbal promise.
\textsuperscript{47} Quemadmodum, Cremona, (15) July 1132, to Henry II: \textit{PL}, clxxix, 150 no. 110.
\textsuperscript{48} A monstrous race.
Although, given the uncertainty of his title, Stephen had faute de mieux to be more amenable than his predecessors, his application to Pope Innocent for approval of his assumption of the English crown (1135) was not unprecedented, since two previous kings had turned to the popes for some kind of validation. William the Conqueror had sought papal approval for his proposed invasion of England from Pope Alexander II in 1066, and his son, Henry I, found it necessary to arrange a meeting with Calixtus II between Gisors and Chaumont on the Norman–French border on 23 or 24 November 1119, at which he defended his seizure of Normandy and imprisonment of Duke Robert. Nevertheless, Pope Innocent’s endorsement of Stephen was considered more politically significant, at least by one well-informed contemporary. In Prior Richard of Hexham’s words, Pope Innocent confirmed the position of ‘Stephen king of England’ by apostolic authority, and he set the full text of the papal letter (Rex regnum) as the prelude to the issue of Stephen’s second charter of liberties at the ‘great court’ held at Oxford in early April (1136). In that charter, Stephen proclaimed himself ‘king by God’s grace, chosen (electus) with the assent of the clergy and people, consecrated by William, archbishop of Canterbury and legate of the holy Roman church, and confirmed by Innocent, pontiff of the holy Roman see’. This extended title, which emblazoned

49 Doubts have been raised about the historicity of the banner of St Peter carried before Duke William at Hastings, but David Bates concluded that ‘the combination of William of Poitiers’s statements, later comments by Pope Gregory VII, and the whole apparatus of ritualised penance and crown-wearings which followed the conquest, which must be regarded as a logical consequence of the banner, constitutes convincing testimony’: D. Bates, ‘William I’, ODNB online, consulted 11.11.2013.

50 Orderic Vitalis recorded that Calixtus papa in Neustriam uenit (vi, 282–3), but ‘Neustria’ need not refer exclusively to Normandy. According to Hugh the Chanter (of York), Henry stayed in his great fortress at Gisors and Calixtus in the castle of Chaumont-en-Vexin (i.e. the French Vexin), and that they met in a church midway between the two, so that the pope did not enter Normandy (rather as Thomas Becket did not enter the duchy in 1167, when a meeting was held ‘between Gisors and Trie’): Hugh the Chanter. History of the Church of York, 1066–1127, ed. and trans. C. Johnson, revised M. Brett, C. N. L. Brooke, and M. Winterbottom, NMT (Oxford, 1990), 126; cf. J. Burton, ‘Hugh the Chanter [Hugh the Chanter, Hugh Sottovagina] († c.1140)’, ODNB online, accessed 18.10.2013.

51 According to Orderic Vitalis, in response to the pope’s request to free his brother Robert from prison and restore the duchy of Normandy to him and his son, King Henry claimed that he had laid a legal claim by battle to the just inheritance of our father, ‘which neither his brother nor nephew actually possessed (non frater meus neque nepos sibi possedebat), ‘because villainous bandits and blasphemous scoundrels were utterly wasting it’. Calixtus accepted his version, and also his rebuttal of charges of peace-breaking made by Louis VI of France: Orderic Vitalis, vi, 282–91. This account, very favourable to King Henry, cannot be verified in detail, since the first part did not take place in public, and there is no diplomatic record. Margery Chibnall concluded (ibid., vi, 288 n. 1), ‘but he (Henry I) was a good publicist and Orderic probably states the substance of his case as he made it known’. Orderic’s report of the pope’s address is nevertheless of considerable interest, for its opening sentence, ‘Lex Dei cunctis prouide consulens imperat, ut unusquisque ius suum legitime possideat’. Orderic’s definition of justice (Dig. 1.1.10.pr), ‘Iustitia est constans et perpetua voluntas ius suum cauque tribuendi’.

52 Richard of Hexham, 147–8; PL, clxxix, 301–2 no. 250. The letter is undated, but it must have been issued from Pisa some time in February 1136, for it was received by Stephen before the Oxford court in early April of the same year.

the justification of his claim to the crown, was in stark contrast to the simple
‘Stephanus Dei gratia rex Anglorum’ which had headed the short (first) charter
issued after his coronation in Westminster Abbey (22 December 1135).54

‘Popular’ consent (barons and people of London) and papal confirmation were
important reinforcements of a claim based on close relationship (nephew) to
the dead king. Innocent’s letter, however, was somewhat less definitive than
Richard of Hexham declared and Stephen’s charter assumed.

No doubt echoing the petition presented before the Curia, Innocent empha-
sised the disorder, prout accepimus, which followed King Henry’s death; the
written testimonies of the bishops and archbishops of England and Normandy,
the king of France (Louis VI) and Count Theobald (II of Blois);55  and the asser-
tion of diligent men (industriorum virorum) that Stephen had been elected king
communi voto et unanimi assensu tam procerum quam etiam populi and anointed
by the bishops. It was on these grounds, supported by the assurance that Stephen
had promised obedience and reverence to St Peter on the day of his consecra-
tion, and that he was of close kin to King Henry, that Innocent expressed his
pleasure in what had been done in his regard (quod de te factum est gratum haben-
tes), received him as a special son of St Peter and the holy Roman church and
admitted him to the position of honour and favour occupied by Henry I. For
all its splendid rhetoric, then, Rex regum was not a legal adjudication. The pope
merely accepted the fait accompli as reported to him by the great and the good.

This was an exercise in diplomatic accommodation and it did not commit
Innocent or his successors beyond the factual statements which were depen-
dent on the testimonies, written and oral, presented before the papal audi-
ence. Three years later, when the question of Stephen’s legitimacy was raised
again at the time of the second Lateran Council (1139), Innocent listened both
to the claim of his rival Matilda, presented by Bishop Ulger of Angers, that
Stephen had committed perjury and unlawfully seized the kingdom, and to
Stephen’s defence, presented by the legally learned Arnulf, archdeacon of Sées
(later bishop of Lisieux),56  but then interrupted Ulger’s rebuttal57  and deferred
judgment, sine die, leaving the fait accompli in place. John of Salisbury, writing
his not entirely reliable or objective Historia pontificalis almost thirty years later
(after 1164), when Matilda’s son, Henry II, had been king for at least ten years,
said that the pope had been swayed by Stephen’s gifts and had acted against

54 Stubbs, Select Charters, 142.
55 Stephen’s elder brother, count of Blois 1102–52.
56 Claiming that the oaths were forced and conditional and that Matilda was the daughter of Henry’s
‘incestuous’ marriage with a former nun (from Romsey), and therefore illegitimate: JohnS, Historia
Pontificis, 83.
57 Whose content was almost certainly embroidered by John. Margery Chibnall points out (JohnS,
Historia pontificalis, 85 nn. 2–3) that Matilda had never been crowned empress by Paschal II, nor,
according to W. von Giesebrecht (Geschichte der deutschen Kaiserzeit, 6 vols [Leipzig, 1877–95], iii,
1213) was she ever accorded the imperial title in official German documents; moreover, Gilbert
Foliot, then abbot of Gloucester, who was present, later (1143–4) said that Ulger did not rebut the
charge that Matilda was illegitimate: GFL, 60–66 no. 26, at 65.
the advice of ‘certain cardinals’, including Guido, cardinal priest of S. Marco.\textsuperscript{58} Whatever the truth of John’s claim, Innocent may have judged that it was prudent to leave things as they were in the hope of preventing civil war.

These actions were not intended, nor were they interpreted by the principal players, to recognise anything other than the exercise of moral and spiritual authority by the pope. Neither homage nor tribute were involved. Nevertheless, the reliance by three of the four Anglo-Norman kings on some kind of papal endorsement raised the profile of the papal office, even though the kings largely controlled the conditions of their encounters. Legates and other papal envoys entered their territories and held their councils only with their permission, and often under their scrutiny: Hubert at Winchester in 1072,\textsuperscript{59} John of Crema at Westminster (1125),\textsuperscript{60} and Matthew of Albano at Rouen (1128),\textsuperscript{61} but Henry I did not allow the same Matthew to cross to England,\textsuperscript{62} nor had he allowed Anselm of S. Saba to enter England in 1116\textsuperscript{63} or Cono of Praeneste in 1120–1.\textsuperscript{64} Peter Pierleone was allowed entry in 1121, but he was permitted no freedom of movement, held no council, and was compelled to declare that he had no intention of infringing the ‘customs of the realm’.\textsuperscript{65}

\textbf{A changing world}

Although William the Conqueror’s successors inherited his policy of watch and ward over church and kingdom, they could not wholly insulate their realms from developments affecting the wider Church. Lanfranc himself had opened the door to ‘continental law’ when he brought into England a version of the ninth-century Pseudo-Isidore, combined with extracts from the

\textsuperscript{58} JohnS, \textit{Historia Pontificalis}, 85. If this were indeed so, Guido’s opinion would have been particularly weighty, since he was Master Guido di Castello, one of the legal specialists in the Curia: CD of S. Maria in Via Lata 1128–33, CP of S. Marco 1133–43, Pope Celestine II 1143–4; Brixius, 34–5, 75 n. 17; Zenker, 83–4; Duggan, ‘\textit{Jura sua unicuique tribuat}’ (Ch. 10), at n. 53. John of Salisbury’s claim (\textit{Historia Pontificalis}, 85) that his election as pope was achieved \textit{favore imperatricis}, meaning Matilda, has not been substantiated, but he may have supported her case against Stephen.

\textsuperscript{59} Below, at n. 87.

\textsuperscript{60} A grand and wide-ranging legatine tour, including an important council at Westminster in Henry I’s presence, whose canons, reflecting recent papal decrees including Lateran I, were widely disseminated, and visits to Canterbury, Chichester, Llandaff, Durham, and Roxburgh, where he was received by David I: Brett, \textit{English Church under Henry I}, 42–5; \textit{Councils and Synods}, 1/ii, 733–41.


\textsuperscript{62} \textit{Orderic Vitalis}, vi, 388–91.

\textsuperscript{63} Instead, Henry kept him for three years in Normandy ‘as an honoured but helpless guest’: Z. N. Brooke, \textit{The English Church and the Papacy; from the conquest to the death of John} (Cambridge, 1931), 168; Brett, \textit{English Church under Henry I}, 36–8.

\textsuperscript{64} Brett, \textit{English Church under Henry I}, 40–1.

\textsuperscript{65} Brett, \textit{English Church under Henry I}, 41; \textit{Councils and Synods}, 1/ii, 723–5.
Dionysio–Hadriana, and ensured its circulation. Principally intended to support his assertion of metropolitan authority and primacy, the introduction of the Collectio Lanfranci had significant consequences beyond his own immediate preoccupations. William of St Calais, bishop of Durham, attempted to protect himself against the sequestration of his secular lordship in the court of William II in 1088, using the defence of exceptio spolii, almost certainly based on authorities in the Collectio Lanfranci.

Thirty or so years later, an anonymous compiler in Rochester constructed a short guide to the legal rights of bishops, based on the Lanfranci and on a different version of Pseudo-Isidore, which included some of the authorities for the exceptio spolii later included in Gratian’s Decretum. These Exceptiones ex decretis pontificum: quales accusatores accipientur, et quales non recipiuntur are contained in the first part of the Textus Roffensis, the exceptionally important assembly of Old English Laws in English and Latin, compiled under Bishop Ernulf at Rochester in the early 1120s. ‘More than any other legal manuscript’, wrote Patrick Wormald, ‘it was both memorial to the past and instrument of its


68 Decretum, C.2 q.2 cc.1–3; C.3 q.1, dictum ante c.1 and cc. 1–4, 6 and 8.


adaptation in a new world’, and its purpose, at least in part, was to defend the rights and properties of the cathedral and diocese of Rochester. Not much later, Pseudo-Isidore was also exploited in the so-called *Leges Henrici primi*, whose anonymous compiler had access to Ivo of Chartres’s *Decretum*, as well as to the *Panormia* attributed to him. On Wormald’s estimate, more than 10 per cent of the clauses in the *Leges* drew on ‘sources which had little or nothing to do with English law’. The availability of these works in England (probably from Normandy) — the most up-to-date legal compilations then available — led Wormald to speak of a ‘scholarly fraternity’ linking England with Neustrian schools across the channel. That ‘scholarly fraternity’, moreover, was part of the numerous religious networks, monastic and episcopal, which bound the Latin Church together under the presidency of the pope, creating personal and official bonds across the local borders that divided the political world. An English bishop or abbot, usually of Norman birth, French vernacular, and sometimes French or Norman education, was often as much at home in continental courts, including the papal, as he was in England.

Such is the broad context in which the habit of referring English problems to ‘Rome’ was established from the early years of the twelfth century, but there was another. William of St Calais was one of the first to use an argument from Pseudo-Isidore in an English court; it is not too extravagant to argue that those who brought or sent appeals to the papal audience were also encouraged by Pseudo-Isidorian authorities, authentic and spurious, transmitted in the *Lanfranci*. There they could find statements of the right to transfer *causae maiores* to the Apostolic See, that is, questions beyond the competence of local episcopal or archiepiscopal courts, or cases relating to prelates, well before Innocent II’s instruction to French and German prelates in 1135, that *majores causae ad examinationem sedis apostolicae devolventur, et oppressi omnes intrepide ad eam appellant*. Application to the Curia Romana was driven by the desire to secure recognitions and privileges which only the pope could give, as well as confirmation of properties and settlement of disputes which could not easily be settled in

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75 Duggan, ‘Canon Law in Normandy’. Equally popular were Ivo’s letters. An early copy was listed in the catalogue of Rochester books written in the Textus Roffensis (Rochester, Cathedral Library, Textus Roffensis, fols 227r–230r, at 227r), and there were others (saec. xii) at Cirencester Abbey and Hereford cathedral: Cirencester’s copy is now Hereford Cathedral Library, P.I. 15; Hereford’s is Hereford Cathedral Library, P.I. 15.
76 Wormald, *Making of English Law*, 471–3, at 473. Wormald (ibid., 137–9) also drew attention to William of Malmesbury’s knowledge, not only of the laws of Ine and Alfred, but also of a version of the Breviarium Alarici, the summary of pre-Justinianic Roman law compiled under Alaric II (484–507), Visigothic king (of Toulouse). For the *Panormia*, see C. Rolker, *Canon Law and the Letters of Ivo of Chartres* (Cambridge, 2010), ch. 7, esp. 265–72, ‘De falsa credita Ivonis Panormia’. Early Ivoonian MSS: Lincoln Cathedral Library 193, fols 2–205 (mid-xii); London, BL Royal MS 11 D vii, with numerous nota signs.
78 PL, clxxix, no. 178, at 226 (and no. 295, at 342); cf. Duggan, ‘Jura sua’, at n. 110.
the locality, either because of distrust of the local judicial authority or dissatisfaction with a judgment reached in a local court. Particularly difficult were disputes between powerful ecclesiastical bodies (monasteries, priories, and collegiate churches) or clashes about jurisdiction between bishops and archbishops or privileged monasteries and their diocesan bishops. For all of these major cases, in England as elsewhere in Europe, appeal to the pope offered an alternative to judgment by possibly prejudiced local judges, despite the costs and physical risks of the journeys to and from the papal audience, wherever it happened to be.\(^{79}\) Nor was recourse to the papal court confined to clerics and religious. As the Tresgoz–Sackville case (discussed below) shows, if there were sufficient grounds in canon law, lay people, men and women, could have their marriage cases referred to the papal audience, where they were considered by legal specialists in the Curia.

### Causae maiores

#### i. Canterbury vs York and York vs the ecclesia Scoticana

The wearisome disputes between the archbishops of Canterbury and York over profession of obedience from the latter to the former, the former’s claim to primacy over the latter, and York’s claim to jurisdiction over Scotland, owed their origin to the attempted settlement of the English Church under Lanfranc and William I at the council of Winchester in May 1072, with the formal approval of the papal envoy, Hubert, who witnessed the judgment.\(^{80}\) Although the product of very precise historical circumstances, the disputes had a broader context in the institutional history of the Latin Church at the time, in which archbishops sought to resolve overlapping claims to jurisdiction which had become confused over many centuries. Especially was this so in the Iberian peninsula and France.\(^{81}\) In England, it was generated by William the Conqueror’s desire to unify and pacify his new realm, supported by Lanfranc’s equally strong impulse to define his own authority as archbishop of Canterbury. His pursuit of this goal was underpinned by conceptualisations of primacy derived from the *Collectio Lanfranci*.\(^{82}\) There he found a blueprint for primacy.\(^{83}\) His stinging rebuke to Bishop Herfast of Thetford (1075–84),\(^{84}\) which instructed him to study ‘the decrees of the Roman popes and the sacred canons (*decretisque Romanorum pontificum, sacrisque canonibus*)’,
almost certainly referred to the *Lanfranci*, and from it he quoted four authorities on metropolitan jurisdiction, before concluding that ‘the whole island of Britain constitutes one province (*parochia*) of our single church’.86

The problem, of course, was that York had had an archbishop since Ecbert received a pallium from Gregory III in 735, and no archbishop of York could with equanimity accept subordination to a fellow archbishop. So, when Lanfranc demanded a written profession before consecrating the newly-appointed Thomas (I) of Bayeux in 1070, Thomas at first refused and agreed to an oral submission only under pressure from the king. The question was raised again when the two archbishops went to Rome in 1071 for their *pallia*, and Alexander II referred the question to an English council, sending his own envoy (the *lector*, Hubert) to observe the proceedings. Unsurprisingly, the council held in William I’s presence at Winchester (c.8 April 1072) found for Canterbury,87 and Thomas wrote the required profession, but he bound himself only to obey Lanfranc, reserving his position in respect of his successors.88 For his part, Lanfranc claimed in his report to the pope that the judgment was based on the evidence of Bede, a priest of the church of York (*Eboracensis ecclesiae praesbiter*), who, he argued, showed that his predecessors had exercised primacy (*primatus*) *super Eboracensem ecclesiam, totamque insulam, quam Britanniam vocant, necnon et Hiberniam*.89

Thus was set the stage for a long-running dispute in which each successive archbishop of the northern province appealed to ‘Rome’ as he sought to extricate himself from a judgment which reduced him to the status of a diocesan bishop,90 and the supporters of Canterbury’s claims resorted to forgery to substantiate their case.91 The first stage of the battle, minutely recorded from

85 *Berardus abbatis: PL*, cl, 527–8 no. 23 (wrongly addressed to Herbert of Norwich!), at 527, quoting: Pope Boniface, without naming him [ep. 3 to Hilary of Narbonne]: *Coll. Lanfranci*, 1.132, Ps.-Isidore, 555–6 at 556 (*PL*, cxxx, 748); the first council of Nicaea [c. 4, from a letter of John III to the provinces of Gallia and Germania: *Coll. Lanfranci*, 1.233, Ps.-Isidore, 715–8 at 717 (*PL*, cxxx, 1081–6, at 1084); the first council of Antioch [c. 9, *de metropolitanis episcopis*], *Coll. Lanfranci*: Trinity MS, p. 233, Ps.-Isidore, 271 (*PL*, cxxx, 281); and the eleventh council of Toledo [c. 3]. *Coll. Lanfranci*: Trinity MS, p. 363, Ps.-Isidore, 408 (*PL*, cxxx, 541–2 at 542). For these and further citations, see Richter, *Canterbury Professions*, lxv–lxviii.
86 *PL*, cl, 528, ‘totam hanc, quam vocant Britanniam insulam, unam unius nostrae Ecclesiae constet esse parochiam.’
88 *Canterbury Professions*, 28 no. 34, ‘successoribus uero tuis *conditionaliter* obtemperatum me esse promisi’.
89 *Canterbury Professions*, lxiv; The Letters of Lanfranc Archbishop of Canterbury, ed. and trans. H. Clover and M. Gibson, OMT (Oxford, 1979), 48–57 no. 4, *Meminisse debet*, to Alexander II, at 50–51; cf. n. 4, which points out that Bede’s evidence refers to the period before his death (735); after that, ‘the picture was very different’.
91 Below; at n. 100.
York’s perspective by Hugh the Chanter, was more or less won in spectacular fashion by the redoubtable Thurstan.\(^{92}\) He held out against the southern archbishop (Ralph d’Esures 1114–22) and the king for seven years, in the course of which he obtained letters from Paschal II and Gelasius II ordering consecration without profession, failing which the two archbishops were to come to the papal audience so that, as Gelasius’s letter to the king expressed it, *que inter eos causa jactatur, ante nos, auctore Dei, Apostolice sedis iudicio decidatur*\(^{93}\) Eventually, when the king allowed the two archbishops to attend Calixtus II’s Reims council, Thurstan received consecration from Calixtus on Sunday, 19 October, 1119, the day before the council opened, and the pallium on 30 November,\(^{94}\) both in defiance of Henry I’s order. For these acts of disobedience, Henry confiscated Thurstan’s estates and refused him entry into England until 1121, giving way only when Calixtus II threatened interdict.\(^{95}\) Meanwhile, displaying considerable ingenuity, Calixtus conferred a solemn privilege confirming York’s independence from Canterbury in 1120, without himself issuing a judicial sentence. In Hugh the Chanter’s words, it was ‘the judgment of the curia and many others’, not Pope Calixtus, ‘that the church of York should not make profession to Canterbury and that it should be confirmed by an apostolic privilege’. Moreover, since one of the senior cardinals (Cono, cardinal bishop of Praeneste) was absent when the privilege was drawn up, Lambert of Ostia left a space into which Cono entered his signature when Thurstan met him at Soissons on his return journey.\(^{96}\)

While the York party thus tended to carry all before it, Canterbury suffered a humiliating defeat at the First Lateran Council held by Calixtus II in 1123,
graphically recorded by Hugh the Chanter.97 When Bernard of St Davids,98 presenting Canterbury’s case, claimed that it held ancient papal privileges confirming its primacy, ‘the said privileges were ordered to be read out. They were indeed dignified with the names of Roman pontiffs, but they had no trace of Roman style (stylum Romanum nichil sapiebant).’99 When some of the Romans asked whether the privileges had bulls attached, the Canterbury party replied that they had brought copies; then, ‘because privileges and charters are not valid evidence unless they have bulls or seals attached’, they were asked to swear that they possessed exemplaria bullata. Unable so to to swear, they explained that the bulls had either perished or were lost, at which point ‘some of the hearers laughed out loud, saying that it was a marvel (mirum) for lead to perish and parchment to survive’.100 While Archbishop William of Canterbury stalled any attempt to reach a definitive judgment, citing the need for Henry I’s permission, Thurstan obtained another independence privilege from Honorius II in 1128, which repeated Antiquam Eboracensis, the core section of Caritatis bonum.101 All that was left for Innocent II was to grant yet another privilege in 1131, following the precedents of Calixtus II and Honorius II, but adding his own distinctive flourish, an echo of Ulpian’s definition of justice, to the end of the new arenga.102

The parallel dispute between York and the Scottish Church and kingdom was another consequence of the post-Conquest coup. In asserting York’s subordination the Winchester council opened a further avenue for conflict, with the declaration that ‘the metropolitan of Canterbury conceded (concessit) that jurisdiction over Durham and the all the regions from the borders of Lichfield diocese and the great river Humber ad extremos Scotie fines should forever belong to the archbishop of York and his successors.’103 Intended as mitigation of Canterbury’s overall primacy, this clause was an affront both to the Scottish king and to the Scottish bishops, neither of whom were represented at the council. Successive kings and bishops consequently pursued the goal of

98 Below, n. 139.
99 *Hugh the Chanter*, 192–3. Note that there is no justification for the word ‘chancery’ in the translation given here (193).
100 *Hugh the Chanter*, 194–5; *ibid.*, ‘Introduction’, xxxvii–xlv.
an independent Scottish archbishopric, preferably at St Andrews, accompanied by a corresponding drive to extend royal authority south, at least as far as the Humber, while successive archbishops of York obtained papal confirmations, supported by mandates for the Scottish bishops to recognise their jurisdiction.

The consequence was that for the greater part of his pontificate Innocent II’s authority was not recognised in Scotland, for David I (1125–53) and his bishops acknowledged the antipope, probably in the hope of reversing the judgments in favour of York. Following Anacletus II’s death at the end of January 1138, however, the situation was immediately regularised in spectacular fashion with the appointment of Cardinal Alberic as legate for Scotland and England. As cardinal bishop of Ostia he was the highest-ranking curialist to be charged with such a mission to these regions. The king of Scots received him at Carlisle (then in his hands), and the Scottish mission was discharged expeditiously in three days (26–29 September 1138), during which Alberic held a legatine council where he issued decrees probably similar to those issued three months later at the Westminster council in December. Although no statement was made about the ecclesia Scotica, the holding of a legatine council for Scotland was an important symbolic gesture, acknowledging its independence from York (and Canterbury), which was no doubt gratifying to King David and the bishops. And so matters rested for the remainder of Innocent’s pontificate. Thereafter, submission to York was regularly ordered in response to York’s requests through the 1150s and early 1160s, but it remained a dead letter


105 David’s choice of location was a demonstration of his territorial gains, despite his defeat in the battle of the Standard (22 August 1138). It was there also that he received John Paparo 12 years later in 1152, when King Stephen denied the cardinal legate access to England when he travelled to Ireland to discharge the important legation which established the constitutional structure of the ecclesia Hibernica (see n. 222).

106 Ferguson, Papal Representatives, 22, 36–7; cf. Richard of Hexham, 170–1; John of Hexham, ii, 297–9; Councils and Synods, 1/ii, 766–79.

107 Cf. Scotia Pontificia. Papal Letters to Scotland before the Pontificate of Innocent III, ed. R. Somerville (Oxford, 1982), 38 no. 29, JL – : Eclesia Eboracensis, Ferentino, 16 June 1151, Eugenius III to David king of the Scots, on the repeated complaint of the church of York about the bps in his land, orders him to compel them to obey that church (York) as their metropolis, accompanied by ibid., 38–9 no. 30, JL – : Venientem ad apostolic, 16 June 1151, addressed to the bps of Durham, Whithorn, Orkney, Glasgow and all bps of Scotland, ‘suffragans of the church of York’, commanding them to show AB Henry of York due obedience as their metropolitan (tanquam metropolitam nostram), issued on the personal petition of AB Henry; ibid., 40 no. 33, JL – : Quibus a Domino, Lateran, 29 January 1154, Anastasius IV to all bps in Scotland, following Eugenius III’s (no. 30), orders them to obey AB G(uillelmus) tanquam metropolitano vestro; 40–2, no. 34, St Peter’s, Rome, 27 February 1155, Quotiens in aliqua, JL 10000, Hadrian IV to ten named Scottish bps, having received AB Roger of York and bestowed the pallium, mandates them to show him obedience (a mandate repeated almost verbatim by Alexander III, ibid., 51–3 no. 46, Déols, 21 Sept. 1162, Quotiens in aliqua); 47–8 no. 40, JL – : Intra cetera iustitie, Lateran, 13 March 1157x59, Hadrian IV to Robert of St Andrews, the bp of Glasgow, and all Scottish bps, confirming that due obedience should be paid to Roger of York: if they have reasons why they should not obey, they should appear before him (the pope) before next Letare Sunday. King David may have raised the question with Cardinal John Paparo at Carlisle in 1152, but there is no secure evidence that he did: Ferguson, Papal Representatives, 39.
until 1192, when, eleven decades after the question was first raised, Celestine III declared the ecclesia Scotica a filia specialis of the Apostolic See, subject only to its jurisdiction. No one from outside the kingdom could exercise legatine office there, except legati a latere sent by the pope; no dispute about ecclesiastical possessions could be appealed outside the kingdom, except to the Roman church.  

ii. Llandaff vs St Davids and Hereford

Less extended but equally intensive was the great cause of Urban (Gwrgan) of Llandaff (1107–34), which had nearly run its course when Innocent was elected in 1130. From 1119 until his death in Rome in 1134, Urban conducted an arduous campaign to recover what he claimed were sizeable segments of his diocese, occupied by his equally energetic episcopal neighbours in Hereford and St Davids, in addition to lesser depredations by Marcher lords. Establishing the validity of Urban’s claims is not an easy matter, since Welsh dioceses ‘fluctuated with the momentary power of their royal patrons’ and the seat of the bishopric varied accordingly.  

Generations of historians have, understandably, been bemused as much by Urban’s creativity as by his persistence. David Crouch described his claims as ‘a tangled skein of distortions’, although he allowed that ‘there is reason to think that what he claimed was indeed his church’s due’. Wendy Davies came to a similar conclusion after detailed investigation of the Liber Landavensis, the compilation of charters and other materials which Urban assembled to support his claims and record the ultimately failed attempt to defend them: ‘there must be a high probability that the collections which lie behind Liber Landavensis are in fact episcopal collections; and the centres at which they were collected episcopal houses’. Davies traced the establishment of Llandaff as the episcopal centre for Gwent to Bishop Joseph, consecrated c.1020, under whom it appropriated the episcopal traditions of the ‘house of Teilo’. In his day it probably included at least two of the territories

108 Cum universi, Lateran, 13 March 1192, to William, king of the Scots: JL 16836; PL, ccvi, 921–22 no. 64, at 921; Howden, Chronica, iii, 173–4. Cf. Scotia Pontificia, 142–4 no. 156. The ecclesia Scotica was defined as the sees of St Andrews, Glasgow, Dunkeld, Dunblane, Brechin, Aberdeen, Moray, Ross, and Caithness.


110 Crouch, ‘Urban: first bishop of Llandaff’, 5. I owe Professor Crouch warm thanks for guiding me through the Welsh minefield.


115 Davies, An Early Welsh Microcosm, 155.
in dispute, Gower to the West and the ‘Golden Valley’ of the River Dore (Herefordshire) to the East. 116 The problem was that Urban constructed a largely fictitious Life for St Teilo, called ‘archbishop of Llandaff’, which claimed that Llandaff had privileges going back to Pope Eleutherius (c.174–89), and modified authentic documents to support the designation ‘bishop of Llandaff’, even though he himself used the title bishop-elect of Glamorgan (Clamorgatensis) when he made his profession to Archbishop Anselm in 1109. 117

Urban’s first démarche was to secure a privilege and other letters from Calixtus II at Soissons and Reims (the council) in 1119. These were not judgments, for King Henry had forbidden the prelates attending the council to bring their suits to the pope, 118 but a privilege receiving the church at Llandaff into the protection (tutela) of the Apostolic See, and listing its properties, accompanied by letters commending Urban to the king’s protection and mandates to Ralph of Canterbury (who was to render justice), Walter FitzRichard and others (who were to desist), and the clergy and people of Llandaff. 119 Eight years later, he lodged a legal claim for restitution of five named localities before William of Canterbury’s legatine council at Westminster (May 1127). 120 Failing to make any headway there, he appealed his adversaries to Honorius II, taking his case to Rome in April 1128, where he obtained In eminenti sedis apostolicae specula, a splendid privilege which took the church of Llandaff under the protection of the Apostolic See (apostolice sedis tutelam) and confirmed a long list of properties, but excluded the five contested ones. 121 This was followed, 10 days later, by a further five letters to interested parties, 122 the most noteworthy of which laid out for William of Canterbury and the English bishops the grounds and progress of Urban’s appeal, which was based on his inability to obtain justice at the Westminster council, because of abuse of legal process. 123 Instead of answering his complaints, his two adversaries had reversed the proper judicial order (ordine transposito), ‘contrary to the sacred canons’, and charged him over other matters. Both parties were summoned to Rome for mid-Lent (1 April) 1128, but only Urban appeared, with witnesses, prepared to litigate. His adversaries neither came nor sent legal representatives (responsales). So, having heard Llandaff’s two
witnesses and taken the advice of the cardinals, Honorius followed the standard procedure to protect the integrity of disputed claims (causa rei servanda) until the question of right could be determined: he invested (investivimus) Urban with possession of the parochia about which the complaint had been made, saving the right of the churches of Hereford and St Davids (salva justitia ecclesiarum Herfortensis et Sancti Deui), and summoned the parties back to Rome for the following mid-Lent (1129). Meanwhile, Archbishop William was not to allow the bishops of Hereford and St Davids to enter and occupy the contested lands.

Thus the stage was set for another trial before Pope Honorius in Rome, but whereas Urban duly appeared with his written evidence and his witnesses, his adversaries again neither came nor sent responsales. This time, Honorius accepted the sworn evidence of six witnesses, of whom two (a priest and a layman) swore that the contested parochia (naming the five districts) was contained within the bishopric of Llandaff, and that they had seen Urban’s predecessor (Herewald) hold them in peace for 40 years without interruption. Another four (Robert and John, priests; Geoffrey and Adam, deacons) swore that their fathers, who were too old to come to the Apostolic See, had so sworn, and ordered them so to swear. On this basis, following the ‘collective deliberation of our brother bishops and cardinals’ (ex communi fratrum nostrorum episcoporum et cardinalium deliberatione), Honorius declared that the said parochia was to be held and possessed by Urban and his successors without disturbance from the churches of Hereford and St Davids. It may be significant that there is no mention of Urban’s documentary proofs. This judgment, too, was accompanied by a batch of supporting letters. One ordered William of Canterbury to cause quod judicatum est a sancta Romana ecclesia to be observed; another said the same to Henry I; a third conveyed the judgment to the clergy and people of the five districts and ordered obedience; and a fourth was a splendid privilege, In eminenti apostolice sedis specula, granting protection and exemption ab omni secularis servitii gravamine, and confirming all properties, beginning with the five contested districts. As with the earlier version of the privilege, the scribe of the Liber Landavensis carefully recorded the rota, Benevalet monogram, papal subscription, and the ‘great date’. Urban’s envoys were back again in Rome when Honorius died, for on 25 February 1130 they obtained a mandate from Innocent just two days after his consecration, which referred to Honorius’s scripta and ordered the inhabitants of the five districts to obey Urban as their bishop. With these, Urban was able to exercise some authority in the disputed areas.

124 Ergyng, Ystradyw, Gower, Kidwelly, Cantref Buchan.
125 LL, 44–4, Fratribus nostris, Lateran, 4 April 1129.
126 LL, 45–6, Fratribus nostris, Lateran, 4 April 1129. The mandatory clause, addressing the king ‘fraternitati tue’, usually reserved for bps, is suspicious.
127 LL, 46, Nos, ex canonica censura, Lateran, 4 April 1129.
128 Above, at n. 121.
129 LL, 41–44, Lateran, 5 April 1129.
130 Above, n. 127.
131 LL, 53–4, Quemadmodum, Palladium, 25 February 1130.
But not for long. The wily Bernard of St Davids had meanwhile launched his own counter appeal to Honorius, and Urban found himself summoned to appear before the papal audience on St Luke’s day (18 October 1130) to answer Bernard’s claims. Now old and ill, Urban notified the Curia that he was unable to travel, and the new pope (Innocent) – probably from Genoa in August 1130 – deferred the hearing until mid-Lent three years later.\(^{133}\) Notwithstanding this, Bernard brought his own appeal to Innocent, by then in France, who summoned the parties to the Council at Reims for the following St Luke’s Day (1131), there finally to settle the dispute.\(^{134}\) On this occasion, Bernard obeyed the summons and turned up with a substantial following, but Urban again excused himself. In the absence of one of the parties, Innocent did not proceed to judgment; instead he commissioned the case to the three most eminent prelates in Henry I’s dominions (the archbishops of Canterbury, Rouen, and York), before whom the parties were to appear on Good Shepherd Sunday (17 April 1132).\(^{135}\) The panel duly met and rejected Urban’s case. Urban went yet again to Rome (1134), where he died.\(^{136}\) No successor was appointed to Llandaff for six years (1134–40), during which time his adversaries consolidated their control of the contested areas,\(^{137}\) and his successor, Uhtred (1140–8), the former archdeacon of Llandaff, did not pursue the matter further.

Setting aside the validity of his case, Urban of Llandaff was at a considerable disadvantage.\(^{138}\) He was opposed by Bernard of St Davids (1115–48), who not only had very close ties to the royal household, perambulating with King Henry, witnessing charters, and conducting missions,\(^{139}\) but was also on excellent terms with the archbishops of Canterbury (Ralph 1114–22 and William 1123–36). It was he who conducted William’s case against Thurstan, elect of York at the Lateran in 1123, in which, ironically, he argued on the basis of Canterbury’s forged charters.\(^{140}\) The Brut y tywysogyon claimed that Henry I ‘made him bishop in Menevia in contempt of the clerics of the Britons’, and Gerald of Wales later described him as the first bishop translated to St Davids by royal authority. Gerald may have exaggerated somewhat, but there is no

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133  *LL*, 54, *Venerabilis frater*, Genoa, 12 August 1130. Two further mandates were issued from Genoa on 12 August 1130: *Aequitati et justitiae* ordered William of Canterbury not to communicate with persons excommunicated by Urban (*LL*, 55) and *Honor Dei* exhorted King Henry to protect Urban from injury and harm (*LL*, 55; repeated 57–8).


139  Probably of French birth, Bernard had been chaplain and chancellor to Henry’s daughter Matilda before election at Westminster in September 1115, and consecration, also in Westminster, by Abp Ralph d’Escures. His written profession to Ralph, *totius Britanniae primas* (19 September 1115), still survives: *Canterbury Professions*, 37–8 no. 64.

doubt that Bernard had powerful patronage as well as legal experience. He also had developed metropolitan ambitions of his own. Although Julia Barrow, perhaps rightly, doubts the authenticity of the appeal sent by the conventus of St Davids to Honorius II between 1124 and 1130 laying out its claims to metropolitan dignity, Bernard certainly strove to obtain a pallium from c.1135 onwards, but without success.\footnote{St Davids Episcopal Acta 1085–1280, ed. J. Barrow, South Wales Record Society, 23 (Cardiff, 1998), 2–4. For the alleged letter to Honorius II, see Episcopal Acts and Cognate Documents Relating to Welsh Dioceses, 1066–1272, 2 vols, ed. J. Conway Davies (Cardiff, 1946–48), i, 249–50 no. D.80. For Bernard’s appeal (c.Nov. 1136 x Jan. 1139) to Innocent II, see Episcopal Acts, i, 259 no. D.121, calendared in St Davids Episcopal Acta, 47 no. 18. Lucius II deferred a decision on Bernard’s then long-standing (longo elapso tempore) claims in May 1144, promising a legate (JL 8607; PL, clxxix, 874–5 no. 39), following which Theobald of Canterbury assembled a dossier of letters in Canterbury’s defence, addressed by five English bishops to Eugenius III (1145 x 1146), but they may not have been sent, since they are still in the Canterbury archives: English Episcopal Acta \(=\) EEA, xi, Exeter 1046–1184 (Oxford, 1966), ed. F. Barlow, 30–1 no. 21, and n. Like Urban of Llandaff, Bernard died disappointed (April 1148).}

Martin Brett argued that Urban’s ability to carry his appeals to ‘Rome’ without royal interference suggests that Henry I was not interested in restricting appeals \textit{per se}, but only when they concerned his own interests, but it can equally be argued that the king relied on Bernard’s ability to steer the process to the desired conclusion of adjudication by local prelates in England. Bernard’s strategy was simple: he ignored two hearings in the Curia, ensuring that he could always claim that his side had not been heard, only appearing when he knew that Urban was too ill to travel, and then obtaining the referral to more congenial judges at home. Urban of Llandaff was in a predicament, but he might have stood a better chance if he had concentrated on recovering the losses to his diocese instead of striving for an archiepiscopal status to which he had no valid claim. Nevertheless, his endeavours were far from fruitless. To him is owed the stabilisation of the diocese of Llandaff, the building of a fine Romanesque cathedral (then the largest stone building in Wales), and the \textit{Liber Landavensis} which, with all its uncertainties, has enabled historians to reconstruct much of the early history of south Wales.\footnote{Davies, \textit{An Early Welsh Microcosm}, 151–5; Crouch, ‘Urban: first bishop of Llandaff’, 12–3, 14–5.} More than anything else, however, the Llandaff affair shows how far papal judgments were dependent on the willingness of all parties to accept and execute them.

\textbf{iii. St Augustine’s vs Theobald}

The disputes about the subjectio of the ancient abbey of St Augustine to archiepiscopal jurisdiction was another aftermath of the Norman settlement, in which Archbishop Lanfranc (1070–89), supported by William I, sought to clarify the jurisdiction belonging to his see, but it was also a symptom of the broader movement towards monastic exemption which had its roots in the pre-conquest period.\footnote{For the background, see D. Knowles, ‘Essays in Monastic History, IV. The Growth of Exemption’, Downside Review, 1 (1932), 396–436, at 401–15.} Seizing the opportunity of a canon against simony issued by Cardinal Alberic as papal legate at Westminster in 1138 (although there was nothing new
about it),\textsuperscript{144} the monks complained to Innocent of various oppressions inflicted on their monastery by Archbishop Theobald, especially the payment of dues of 50s and 7d a year, which Theobald said was an ancient due and the monks claimed was payment for chrism and oils on Maundy Thursday.\textsuperscript{145} Underlying their resentment was their conviction that the payment of this \textit{census} was a mark of submission to the archbishop’s jurisdiction, against which they claimed the protection of ancient as well as recent papal privileges.\textsuperscript{146} The case was appealed to Innocent in late 1141, and he summoned the parties to appear before him on the octave of the following St Martin (18 November 1142).\textsuperscript{147} The monastic envoys, as the plaintiffs, spoke first, complaining that charges were being imposed for chrism and oil; Theobald’s envoys replied that there was no case to answer until the money had been paid (\textit{exceptio spolii}); the monks responded that they were not obliged to pay, since the legate had forbidden such payments, as indeed had the pope,\textsuperscript{148} adding that the money was handed over at the same time and in the same place as they received the chrism and oil. Theobald’s envoys answered that the payment was an ancient custom, which could be proved by witnesses in England. Since the archbishop was not present in person and the cited witnesses could not be produced, Innocent referred the case to Henry of Winchester and Robert of Hereford.\textsuperscript{149} Both parties were then summoned before Henry’s council at Winchester (c.18–30 November 1143). After finding no just ground (\textit{nullam honestam causam}) for the archbishop’s claim, Henry nevertheless secured a compromise in which the monks assigned their prebend in St Martin’s Dover and two mills near Dover to the archbishop, and he renounced all claim to the \textit{census}. That amicable settlement (\textit{amicabilis compositio}) was finalised in an assembly in London on 30 November and then confirmed by Lucius II on 17 April 1144, when a further assignment of 3s worth of land was made as compensation for previous payments for bread and drink and rams.\textsuperscript{150}

\textsuperscript{144} Councils and Synods, 1/ii, 768–79, at 774, c.1. Alberic’s decree forbidding the exaction of payments for chrism, oil, baptism, penance, visitation of the sick, the espousal or blessing of women, communion and burial largely repeated Westminster (1125), c.2.

\textsuperscript{145} William Thorne’s Chronicle of St Augustine’s Abbey Canterbury, trans. A. H. Davis, with a preface by A. Hamilton Thompson (Oxford, 1934), 70–81 (x.6). Thorne, writing in the fourteenth century, seems to have relied on an earlier chronicle by Thomas Sprott, which had terminated in 1220:


\textsuperscript{147} On such ancient privileges, see Knowles, Monastic Order, 576–7, and the authorities there cited; for the ambivalent establishment of exemptions (Bury St Edmunds, St Albans, Battle, Glastonbury, Ely, St Augustine’s) between 1066 and 1100, \textit{ibid}, 580–3; and for the attempt to clarify different categories of papal protection after 1100, \textit{ibid}, 583–5. It should be noted that the momentum was driven, not from ‘Rome’, but from the local monastic institutions, and Knowles’s concept of papal \textit{Eigenkloster} (\textit{ibid}, 583) now seems misplaced.

\textsuperscript{148} PUE, i, 248 no. 23, \textit{Quoniam abiectis pompis}, Lateran, 14 December (1141). For fuller discussion of the legal significance, see Duggan, ‘\textit{Jura sua}’, below, chapter 10.


\textsuperscript{150} \textit{PL}, clxxix, 925–6 no. 80; PUE, ii, no. 34. Cf. JL 8581, where dated 21 April. For the Latin text of Henry of Winchester’s summary of the case and his judgment (both rehearsed in Thorne’s account), see Councils and Synods, 1/ii, 804–10, at 807–10.
In this case, all parties complied with the papal instructions. The delegation mandate was scrupulously observed and Theobald deferred to the settlement, which was probably reasonable in the circumstances. For St Augustine’s, although the cost was substantial, the removal of the offensive census, with its implication of subordination, marked a stage in its establishment of exempt status as a filia S. Petri, although there were many battles ahead.\(^\text{151}\)

**iv. Episcopal elections**

Conflicts of jurisdiction and border disputes certainly fuelled appeals to the Curia, but episcopal elections were an equally fertile field, especially when royal interests were involved, as in York, Durham, and Canterbury. At York, Archbishop Thurstan’s death in 1140 set the scene for an extraordinary case which was not finally resolved until the death in suspicious circumstances of William FitzHerbert in early 1154, which produced another of the causes célèbres of the century.\(^\text{152}\) William was clearly not a popular candidate. Although he held important offices (treasurer of York and archdeacon of the East Riding), his election in January 1142 followed two abortive elections (in one of which Innocent had refused to allow Henry de Sully, the king’s original candidate, to hold the see in plurality with Fécamp Abbey in Normandy\(^\text{153}\)) and was certainly influenced by King Stephen. The archdeacon of York (Master Walter of London), supported by the Cistercian abbots of Rievaulx (William) and Fountains (Richard), the priors of the Augustinian houses of Kirkham (Waltheof) and Guisborough (Cuthbert), and the Master of St Leonard’s Hospital (Robert), appealed to Innocent II, charging intrusion, incontinence, and simony, and all were summoned for 7 March 1143 to present their evidence.\(^\text{154}\)

Unable to reach a verdict because the appellants’ witnesses did not agree about when and how the king’s wishes were intimated to the electors, Innocent referred the case to the legate, Henry of Winchester (who was to act with Robert of Hereford and others), with instructions to allow the election to stand if the dean of York (William of Ste-Barbe) and two or three suitable persons from that church (meaning the chapter) were prepared to swear that he had been elected by the ‘better and wiser part of the chapter, without special


\(^{152}\) In early June 1154, William’s clerk Symphorian, archdeacon of Richmond (Yorks) accused Osbert de Bayeux, a nephew of AB Thurstan, of poisoning AB William’s chalice at Mass. For the case and aftermath, see *The Correspondence of Archbishop Thomas Becket*, ed. and trans. A. J. Duggan, 2 vols, OMT (Oxford, 2000), ii, Appendix I, s.v. Osbert de Bayeux.

\(^{153}\) Crouch, *King Stephen*, 309. On Stephen’s ‘election policy’, Crouch concluded (*ibid.*, 303), ‘Many elections simply happened, or were allowed to happen quickly, providing that the communities were willing to pay a fine for the privilege. The election in 1152 to the see of London of Richard de Beaumeis (Belmeis) II . . . cost the chapter 500li’.

mandate and nomination from the king’. Furthermore, if anyone was prepared to bring charges for the rumoured incontinence and simony, they were to hear and settle the case according to canonical order (canonico ordine), failing which, he should purge himself by oath on the Gospels, supported by four clerics of equivalent rank (that is, archdeacons). The dean refused to take the required oath, but William managed to exonerate himself. He was consecrated by Henry of Winchester on 26 September 1143, two days after Innocent’s death (24 September 1143). The opposition did not subside.

At the heart of this disturbing and acrimonious dispute lay deep fissures in the clerical hierarchy in York, exacerbated by fierce ambition and King Stephen’s attempt to secure the election of a man favourable to himself. Innocent’s court was faced by witnesses for the prosecution who could not get their story straight, supported by local religious leaders who transmitted rumours about the archbishop-elect’s reputation. Innocent and his legal team would have needed more than the wisdom of Solomon to reach a just judgment in the circumstances. The only recourse, short of calling them all back to Rome again, was to refer the case to experienced prelates with very precise instructions, reiterating the principle of free election: ‘According to the statutes of the holy fathers, episcopal elections should be free and without any domination by lay power (absque ulla laicalis potestatis dominatione).’

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156 His continued refusal caused Eugenius III to suspend the abp-elect in February 1146: PUE, ii, 204 no. 50, Willehms dictus, Trastevere, 21 February (1146), to the clergy and people of York, reported that Willehms dictus uester archiepiscopus had come to the Apostolic See for the pallium, but, on the basis of the letter(s) of his predecessor (Innocent II), he had learned that ‘nequiter et maliciose contra formam iudicii prefati predecessoris nostri consecratus est. . . . Decanus uero, nunc Dunelmensis episcopus, nequaquam iurauit’.

157 Councils and Synods, 1/ii, 804. It was alleged that he presented a forged papal mandate which allowed another witness to be substituted for the dean: J. Burton, ‘William of York’, ODNB online, accessed 25.10.2013.


159 Above, at n. 155.
The election crisis which blew up almost simultaneously in Durham, following the death of Geoffrey Rufus in May 1141, resulted from the attempt of the Scottish king (David I) to consolidate his control of Northumberland, despite defeat in the battle of the Standard (1138), by imposing his chancellor, William Cumin, on a reluctant Durham. If any actions were ‘heavy-handed’, they were the Scottish king’s, not the entirely lawful response of Innocent, to whom the archdeacon of Durham and the cathedral chapter appealed when the king forcibly intruded Cumin into the city, having prevented the burial of his predecessor until he was accepted. With Scottish backing, William seized Durham castle and the episcopal estates. Pope Innocent’s response to the appeal by Prior Roger (and the monks), Archdeacon Ranulf and the clergy of Durham was to order them, within 40 days of receipt of the mandate, to elect as their bishop a suitable, religious and discrete person, who could restore whatever had been seized, *occasione huius discordie*. If they could not conduct the election in their own church, they were to hold it in another. Simultaneously, letters were issued both to Henry of Winchester (as legate in England), to ratify the election, do justice to Archdeacon Ralph (of Durham) in respect of his attackers (*malefactoribus*) and the damages done to him, and cause the sentence issued against William Cumin and his supporters to be firmly observed; and to King David, informing him of the excommunication of William Cumin and his *complices* and ordering the king to have no [communion] with him or them as long as they persisted in their malefic, urging him to support whoever was elected by ‘the brethren of that church’. Armed with these instructions, the Prior and monks held the election in the safety of York on 14 March 1143, where they chose the dean of York, William of Ste–Barbe, as their bishop. Meanwhile, Cumin was excommunicated by the legatine council held by Henry of Winchester in London, although Cumin did not abandon his claim for another year. In this case, papal authority had helped to facilitate a valid electoral process in the face of naked aggression.

163 *PUE*, ii, 174 no. 29, *Diutina pastoris destitutione*, Lateran, 6 December [1142].
165 *PUE*, ii, 175–6 no. 31, *Nobilitatem tuam*, Lateran, 6 December [1142].
167 *Councils and Synods*, 1/ii, 797.
168 But he managed to secure patronage in England, where Abp Theobald (c.1152) pressed Eugenius III for his absolution, and he recovered his Worcester archdeaconry in 1156–7: Young, ‘Cumin [Comyn], William († c.1160)’. 

163 *PUE*, ii, 174 no. 29, *Diutina pastoris destitutione*, Lateran, 6 December [1142].
165 *PUE*, ii, 175–6 no. 31, *Nobilitatem tuam*, Lateran, 6 December [1142].
167 *Councils and Synods*, 1/ii, 797.
168 But he managed to secure patronage in England, where Abp Theobald (c.1152) pressed Eugenius III for his absolution, and he recovered his Worcester archdeaconry in 1156–7: Young, ‘Cumin [Comyn], William († c.1160)’.
Emphasis on valid process also informed the treatment of the Canterbury election in 1138, where Cardinal Alberic steered the election of a successor for William de Corbeil (†1136) to a conclusion acceptable to all parties (the Canterbury monks, the bishops of the province, and the king), except, perhaps Henry of Winchester who certainly had ambitions in that regard. Abbot Theobald of Bec’s election was a textbook example of the correct canonical form. The mandate to the prior (Jeremiah) and convent, the archdeacon Helewise, and the clergy, ‘nobles’, and people of Canterbury (Jeremie priori totique conventui, H(elewiso) archidiacono, clero, nobilibus, papulo Cantuarie), which announced the summons of a council at Westminster on Gaudete Sunday (13 Dec. 1138) to consider the Canterbury election (de ordinatione ecclesie Cantuariensis), and other ecclesiastical and papal business, ordered the prior and archdeacon to have the letter read out to all the clergy and people on the first Sunday of Advent (29 November 1138), and laid out the requisite criteria. The man elected by the monks should be approved by the bishops and acceptable to the king (Stephen), so that he should have no just cause to refuse assent (qui dominus vester rex nec possit nec debat assensum sum iuste denegare). The legitimate rights of all parties (monks, bishops, clergy and people, and king) were formally recognised. It is hard not to see a direct connexion between Cardinal Alberic’s instruction and the episcopal privileges obtained less than a year later for Roger of Salisbury and Alexander of Lincoln on 26 and 28 April 1139. Both contained important statements of the electoral rights of their chapters, all the more significant because these two bishops had been at the heart of Henry I’s administration and were still prominent in Stephen’s, although they were soon to fall. Roger’s privilege declared:

On the death of you, now bishop of the same place, or of any of your successors, let no one be elected to the church of Salisbury by any kind of subtle contrivance or violence, but only he whom the clergy by common consent or the part of sounder counsel shall decide to elect for the church’s benefit in accordance with the fear of God and the canonical decrees.

Alexander’s, issued two days later, said much the same, but it was reinforced with a direct reference to Stephen’s concession that on a bishop’s death the properties of the bishopric should remain in the free charge and power of clerks for the use of the future bishop.

v. The Tresgoz–Sackville marriage

No less significant in legal and historical terms was the marriage case referred to the pope from the court of Henry of Winchester between c.1138–9 and

169 Councils and Synods, 1/ii, 772–3 (from Gervase, i, 106); Weiss, Die Urkunden der päpstlichen Legaten, 133 no. 1.
171 PUE, ii, 160–1 no. 20, Que ad perpetuan, at 161.
172 PL, clxxix, col. 466–8 no. 404, at 467–8.
1141. Albereda de Tresgoz had been married, she believed, to William de Sackville, who had immediately departed on pilgrimage, following which he fell in love with another lady (Adelicia) and married her publicly in church, despite Albereda's protests. Some time later, Albereda brought her plea to Henry, who consulted Pope Innocent on whether a marriage contracted by exchange of vows, but not followed by consummation, constituted a valid marriage. Innocent's reply contained what became the classic statement of the principle that marriage was made by the free consent of the parties alone, expressed reciprocally in the present tense. \textsuperscript{173} The judgment in this English case not only had long-term resonances in England, where, twenty or so years later, it constituted the crucial evidence supporting the claim of William de Sackville's nephew (Richard de Anstey) to inherit his uncle's estates on the ground that his cousin, Mabel de Francheville, William's daughter by Adelicia, was illegitimate, being the product of an invalid marriage. Richard won when his arguments were accepted by judges delegate in 1161, confirmed by Alexander III in 1162, and executed in respect of the inheritance by Henry II's court in 1163; and Innocent's consilium entered the canonical tradition. \textsuperscript{174} Such cases were to become an important segment of papal jurisdiction in the course of the twelfth century.

**Protection and privilege**

Independently of cases like the Tresgoz-Sackville marriage and great causes like the Scottish church vs York, or York vs Canterbury, monastic and religious houses, ancient and newly-established, sought papal protection. Already before the Conquest, eight Benedictine abbeys enjoyed extensive royal immunities (St Albans, St Augustine's, Bury St Edmunds, Crowland, \textsuperscript{175} Ely, Evesham, Glastonbury and Ramsey), and five (Bury St Edmunds, Crowland, Ely, \textsuperscript{176} Glastonbury and Ramsey) exercised exempt jurisdiction over the region surrounding the monastery (later known as banleuca), where even the bishop had no jurisdiction. Westminster and I's foundation at Battle enjoyed protected status as royal foundations. In addition, six houses (St Albans, St Augustine's, Chertsey, Ely, Evesham, and Malmesbury) also had ancient (some very ancient) papal privileges granting various forms of papal protection, and Westminster had joined the élite band just before the Conquest. \textsuperscript{177}

Innocent II's pontificate saw a major expansion in the number of houses taken into the protection of St Peter. Walther Holtzmann's three-volume *Papsturkunden in England* contains fifteen Innocentian privileges for English monasteries


\textsuperscript{174} *Super eo quod*: JL 8274; 1 Comp. 4.1.10.

\textsuperscript{175} Often spelled 'Croyland'.

\textsuperscript{176} It became the seat of a bprie in 1109, with Hervey (†1131), bp Bangor, as the first bp.

\textsuperscript{177} Knowles, *Monastic Order*, 578, 582; *ibid.*, 585–6, for exemption.
and there is a Scottish example in the Register of Newbattle (O.Cist.).\textsuperscript{178} Every one involved a mission to the papal Curia, and five were granted on the application of laymen or bishops. That granted to the Cluniac priory at Monkton Farleigh (f. 1120 x 23), for example, was given at the request of its founder, Humphrey de Bohun II, who had probably sought the confirmation in person, since it was issued during Innocent’s visit to Rouen in 1131;\textsuperscript{179} one for St John’s Lanthony (OSA; f. c.1118 by Hugh de Lacy) was issued at Troyes (1131), \textit{per interventum} of Bishop Robert of Hereford;\textsuperscript{180} two were secured for Cirencester (OSA; f. 1117) by the same Robert in 1136 and 1142;\textsuperscript{181} and one, modelled on an earlier grant by Honorius II, was obtained for Kenilworth (OSA; f. c.1125) in 1139 by Bishop Robert of Coventry.\textsuperscript{182}

These grants marked the emergence of a trend in which new foundations routinely sought privileges. The recently-founded (1133) abbey of Missenden,\textsuperscript{183} for example, obtained not only confirmation of its properties, but approval of its adoption of the customs of Arrouaise, and with them, freedom of election, at the request of its first abbot in 1137.\textsuperscript{184} Simultaneously, an increasing number of houses received explicit statements of papal protection: \textit{apostolice sedis patrocinio} (Llanthony); \textit{beati Petri atque apostolice sedis patrocinio} (Reading); \textit{sub beati Petri et nostra tutela} (Kenilworth); \textit{sub beati Petri et nostra protectione} (Cirencester, St Frideswide’s, Old Wardon); \textit{sub apostolice sedis tutela et protectione} (Thame). Most impressive of all was the full privilege granted to Abbot Gervase\textsuperscript{185} of Westminster just after the Second Lateran Council in 1139, which confirmed the abbey’s rights and properties as granted by King Edward and his successors. More importantly, after declaring that Westminster belonged especially

\textsuperscript{178} \textit{PUE}, i: no. 15 (Farleigh: at n. 179), no. 16 (Llanthony: at n. 180), no. 18 (Missenden: at n. 184), no. 20 (Westminster: at n. 187), no. 21 (Westminster bis: at n. 186), no. 26 (Llanthony bis: 180). \textit{PUE}, iii: no. 28 (Reading: at n. 189); no. 29, \textit{Quisquis}, 1130–35, iii, 150 (Reading bis); no. 30: Cirencester: n. 181); no. 33 (Kenilworth: at n. 182); iii, 156 no. 34, \textit{Hoc nimirum} (frag.), 15 September 1140 (Warter); iii, 156–8 no. 35, \textit{Desiderium quod}, Lateran, 8 January 1141 (St Frideswide, Oxford); iii, 158–9 no. 36, \textit{Desiderium quod}, Lateran, 11 March 1141 (Thame, O. Cist.); iii, 160–1 no. 37 (Cirencester bis, n. 181); iii, 163–4 no. 41, \textit{Desiderium quod}, 1135–43 (Old Wardon, O. Cist.: S. Maria de Sartis). \textit{Registrum S. Marie de Neubotle: abbacie cisterciensis Beate Virginis de Neubotle chartarium vetus: accedit appendix cartarum originalium, 1140–1528}, ed. C. Innes (Edinburgh, 1846), 221–2 no 263, \textit{Quotiens illud}, Lateran, 24 September 1143 (Newbattle).

\textsuperscript{179} \textit{PUE}, i, 238–9 no. 15, \textit{Pis uotis}, Rouen, 10 May 1131. The original survives.

\textsuperscript{180} \textit{PUE}, i, 239–40 no. 16, \textit{Religiosis desideriis}, Troyes, 18 November 1131. A further privilege was secured at the request of Bp Robert in 1142, which included concessions by Robert himself and Bp Bernard of St Davids: i, 251–3, no. 26, \textit{Ad hoc universalis}, Lateran, 30 April 1142.

\textsuperscript{181} \textit{PUE}, iii, 150–3 no. 30, \textit{Si proximorum nostrorum}, Pisa, 21 December 1136; \textit{ibid.}, iii, 160–1 no. 37, \textit{Commisse nobis}, Lateran, 30 April 1142.


\textsuperscript{183} \textit{A History of the County of Buckingham}, ed. W. Page, 5 vols, Victoria County History (London, 1905–28), i, 369–76. The Arrouaisian canons regular were part of the popular Augustinian reform movement directed at priests rather than monks, but although they shared liturgical and disciplinary customs, they never formed an order like the Premonstratensians.

\textsuperscript{184} \textit{PUE}, i, 242–3 no. 18, \textit{Pie postulatio}, Pisa, 27 January 1137.

\textsuperscript{185} King Stephen’s illegitimate son, 1138–c.1157.
to the *ius et proprietatem beati Petri apostolorum principis*, Innocent received it *sub nostra protectione*, following the example of his predecessors, Nicholas (II, 1058–61) and Leo (IX, 1048–51).\(^\text{186}\) This was accompanied by a privilege issued at the request of Bishop H(enry of Winchester), ‘who asked us to confirm with the protections of the Roman church (*Romane ecclesie tuitionibus muniremus*) the possessions which Gilbert of Hendon . . . holds from your church’.\(^\text{187}\) The acquisition of this privilege was almost certainly linked to the crisis which faced Westminster at the beginning of Abbot Gervase’s abbacy.\(^\text{188}\)

Equally important was the grant of special exemptions: Llanthony and Old Wardon were permitted to celebrate divine service behind closed doors during general interdicts; Cirencester was relieved from the burden of attending diocesan synods; and Thame was exempted from paying tithes on lands cultivated by itself or on the fodder for its animals: *decimas laborum vestrorum, quos propriis manibus aut sumptibus excolitius uel de nutrimentis animalium*. This privilege became characteristic of Cistercian houses across Europe, and some Carthusian and Augustinian foundations, becoming the centrepiece in an array of exemptions – from attending synods, from obeying an interdict, from various aspects of episcopal jurisdiction – which themselves produced repeated appeals to the papacy in their defence as the century wore on.

At the same time, monasteries sought papal confirmation of royal acts: for the foundation of Reading Abbey, for example, following an earlier privilege of Honorius II,\(^\text{189}\) for Henry I’s grant of St Martin of Dover to Canterbury,\(^\text{190}\) and in an unusual case, Prior Osbert (de Clare) of Westminster\(^\text{191}\) petitioned Innocent to ask the king of Scots to confirm his grant of land yielding three shillings a year for the anniversary of his sister Matilda’s death, lest

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\(^\text{186}\) *PUE*, i, 245–6 no. 21, *Licet omnibus*, Lateran, 22 April (1139). Holtzmann (*ibid.*, 245) remarked that this is the first undoubtedly authentic papal privilege that survives for Westminster.

\(^\text{187}\) *PUE*, i, 244–5 no. 20, *Iustis desideriis*, Lateran, 22 April (1139). The printed text reads the bp’s initial as ‘G.’, but Holtzmann noted (244) that Gilbert the Universal had died in 1134, and the diocese was vacant following Innocent’s quashing of Anselm of S. Saba’s election as bp of London (because he insisted on combining his abbacy of Bury St Edmunds with the bpric). Henry of Winchester, administrator of the diocese, presented the petition.

\(^\text{188}\) *Below*, at n. 197.


\(^\text{191}\) On his chequered career, see F. Barlow, ‘Osbert of Clare’, *ODNB online*, accessed 22.11.2013. He oversaw the compilation of a dossier of royal privileges from King Offa of Mercia onwards, many faked or doctored to defend Westminster’s rights and properties; and he was a prime mover in the campaign for Edward the Confessor’s canonisation. He presented the proposal to Cardinal Alberic at the council of Westminster (1138), and took it to Innocent II in Rome (1139–42). Cf. *The Letters of Osbert de Clare, prior of Westminster*, ed. E.W. Williamson (London, 1929), 17–19, 80–3 no. 14 (to Cardinal Alberic), 83–5 no. 15 (to Henry of Winchester). Osbert carried letters to the pope from Henry of Winchester, King Stephen, and the chapter of St Paul’s, *ibid.*, 85–7 nos 16–8.
the donation be lost if he died before confirming it. Prior Osbert secured this letter on 9 December 1139 while conducting a much more important embassy, to secure papal canonisation of Edward the Confessor, whose cult he was assiduously promoting. His petition was rejected, however, because it was not supported by any substantial religious leaders outside Westminster. ‘If we had had in our hands sufficient testimonies from bishops and abbots’, wrote Innocent to Abbot Gervase and the brethren, ‘he [Osbert] would have reported that your king was already canonised by the Roman Curia in the catalogue of the saints (in catalogo sanctorum) . . . Therefore it lies in your hands, if you wish to seek appropriate testimony and present it before us by suitably instructed dignitaries (personae) from your monastery’. 

That rejection was softened somewhat by two additional letters. One instructed Henry of Winchester, ‘who possesses vices nostras in terra illa’, to ‘do full justice’ in respect of those unlawfully (injuste) holding goods and properties belonging to the abbey; another ordered Abbot Gervase not only to reclaim the lands and incomes which belonged to Westminster, but also to recover the churches and tithes male distracte without the monks’ consent. Moreover, he was to associate with the professed members of the house, exclude outsiders (extraneos monachos) from his intimate counsel (a consilio tuo secreta familiaritate), ‘keep armed forces and gatherings of laymen away from monastic precincts’, and make himself ‘worthy of the name and office of abbot’. Although the second mandate reads like a fierce rebuke obtained by a hostile Prior Osbert, it should be read as an attempt to strengthen the hand of the young Gervase in confronting the crisis facing his abbey. A one-, two- or three-year vacancy (1117/8 to 1121) had preceded the abbacy of Herbert (1121 to 1136/8), and another (1136–8) may have preceded his own, during both of which unscrupulous royal agents (custodes) granted monastic properties to clients and local nobles had encroached on its churches and tithes. Already by 1130 the cost to the monastery of seeking redress from King Henry had grown to a thousand silver marks (£666 13s 4d) for the restitution of goods unjustly dispersed. Into this critical situation the young Gervase (1138–c.1157), an illegitimate son of King Stephen, was more or less thrust in 1138, and recent scholars have done much to rehabilitate his reputation.
English monasteries thus turned increasingly to the pope for letters of protection for their properties and rights, all laboriously listed, with place names which in many cases cannot have meant much to the chancery scribes who copied them out so carefully. Frequently renewed, they were often secured in tandem with solemn royal charters doing much the same thing. The more the merrier and the more recent the better, since kings and popes referred to, copied, and corroborated the acts of their predecessors. These processes built up chains of written evidence for use in litigation. Simultaneously, bishops also armed themselves with privileges for themselves and their episcopal churches: Robert of Hereford, Henry of Winchester, Nigel of Ely, Roger of Coventry, Roger of Salisbury, Nigel of Ely (bis), Everard of Norwich, and Henry of Winchester obtained a privilege for his foundation of the hospital of Holy Cross outside Winchester.

During the civil war, the need for protection became more acute. In April 1142, for example, the Augustinian abbey of Cirencester, whose location in Gloucestershire made it particularly vulnerable, obtained a letter advising neighbouring bishops (Henry of Winchester, Simon of Worcester, Alexander of Lincoln, Robert of Bath, and Jocelin of Salisbury) that Innocent had taken Cirencester and all its properties sub beati Petri et nostra protectione. The recipients were asked to protect the monastery and prevent the canons being summoned before secular iudicia in respect of their properties. If anyone had a grievance against them, ‘the case should be heard and decided before the diocesan bishop or a legate of the Apostolic See’. Further, the bishops who received their complaints were authorised to take action against anyone who attacked the abbey in retaliation. More striking still was the case of Bishop Nigel of Ely, caught up in the Beaumont conspiracy, in which he had only just escaped imprisonment when Bishops Roger of Salisbury and Alexander of Lincoln were arrested at the royal court at Oxford (24 June 1139) on suspicion of treason. Bishop Nigel secured three letters in his defence. One ordered Henry of Winchester (as legate) and the English bishops to enforce Nigel’s sentence against those who had seized his property, another ordered King Stephen to maintain the privileges granted to Ely by kings, including himself, and confirmed by Pope Victor (II: 1054–7 or III: 1086–7) and to assist Nigel to recover his property, and a third, issued when the pope heard (October 1140) that Nigel had been expelled and despoiled absque iustitia et ratione, mandated Archbishop Theobald and his suffragans to advise Nigel on the recovery of his see, excommunicate

198 PUE, ii, 150–2 no. 14, In eminenti namque (Troyes?), 20 Dec. 1131 (Hereford); ibid., 153–5 no. 16, Officii nostri, Viterbo, 8 April 1137 (Winchester); ibid., 155–6 no. 17, Pie postulatio, Lateran, 5 December 1138 (Ely); ibid., 159–60 no. 19, Officii nostri, Lateran, 21 April 1139 (Coventry); ibid., 160–1 no. 20, Que ad perpetuum, Lateran, 26 April 1139 (Salisbury); ibid., 162–5 no. 21, In eminenti apostolice sedis specula, Lateran, 27 April 1139 (Ely, bis); ibid., 172–3 no. 28, Pie postulatio, Corcolle, 23 June 1142 (Norwich).
199 PUE, iii, 153–4 no. 31, Venerabilium locorum, Lateran, 10 March 1138, to Bp Henry.
200 PUE, iii, 161–2, no. 38. Dilectioniuestre, Lateran, 30 April (1142).
201 For an excellent summary of the tangled tale, see J. Hudson, ‘Nigel, bishop of Ely’, ODNB online, accessed 15.11.2013.
202 PUE, ii, 165–7 no. 22, Scriptura sacra, Lateran, 29 April 1139 (to Henry and the bps); ibid., 167–8 no. 23, St omnipotens Deus, Lateran, 29 April 1139 (to King Stephen).
anyone who refused to restore what he had wrongly taken, and bind with anathema the clerics and monks who rebelled against him, until they made satisfaction. Eventually Nigel went in person to Lucius II in 1144, carrying testimonial letters from Archbishop Theobald and Gilbert Foliot, abbot of Gloucester, and received a dossier of supporting letters, but he still had to pay a fine of £200 for King Stephen’s peace. After such intense engagement with the papal Curia, it is not surprising to find the Ely monks involved in the spectacular Stetchworth case (1150–53), so well recorded in the Liber Eliensis.

The Insula Hiberniae

The ecclesiastical history of Ireland suffers from chronic scarcity of written records, but recent research has revealed not only the continuing links with the Schottenklöster, Irish monastic foundations in Continental Europe, but an openness to the new religious orders (Cistercian, Augustinian) and the reforming influences which they brought, accompanied by a readiness to appeal to papal authority. Nineteen years before Innocent became pope, a major step had been taken by the synod of Ráith Bressail (1111), which had delineated the boundaries of Irish dioceses, defined episcopal rights, and established two archiepiscopal sees (Armagh and Cashel), with Armagh designated as primate, each of which was to preside over twelve bishops. The synod had been summoned by the bishop of Limerick, Gilbert/Gille/Gillebert (1106–40; †1145), papal legate from c.1111 until his resignation in 1140. In all probability, the

203 PUE, ii, 171–2 no. 27, Sicut quando, Trastevere, 5 October 1140.
204 During that visit, together with Henry of Winchester and Philip of Bayeux and many others, he participated in the judgment subordinating Dol to Tours: PL, clxxix, 875–7 no. 40 (Lateran, 15 May 1144), at 876.
208 Smith, Colonisation and Conquest, 10–25, esp. 15–17, 18 (map), 24–5.
209 Flanagan, Transformation, 34–91, esp. 34–6, 56–8, 112–13; S. Duffy, ‘Gilbert [Gille, Gilli, Gillebertus; called Gilla Espaic] (†1145), ODNB online, accessed 21.10.13. Possibly of Hiberno–Norse stock, he may have been educated in Rouen, for he knew Anselm and attended the consecration of Bernard of St Davids by Ralph d’Esures at Westminster in September 1115. The circumstances of his appointment as legate (by Paschal II) are frustratingly obscure, but must have involved direct contact and discussion of the regulations to be issued at Ráith Bressail.
strictly hierarchical diocesan structure devised by Gilbert had been informed by Pseudo-Isidore, either directly\(^{210}\) or through Lanfranc’s *Collectio*, as well as by the example of the English Church, with which he was familiar,\(^{211}\) but there is no hint of acknowledgement of Canterbury’s metropolitan claims,\(^{212}\) even though Patrick (1140–48), his immediate successor at Limerick, was consecrated by and made profession to Theobald, *totius Britanniae primas*, in 1140.\(^{213}\)

Unlike Scotland and Wales, then, Ireland had two archbishops, of whom one was primate, as well as a legate-bishop, at the beginning of Innocent’s pontificate, and the treatise on ecclesiastical organisation which Gille of Limerick had composed for the instruction of the Irish clergy expressed firm adhesion ’to the supreme Roman pontiff, the one pope acknowledged by the whole Church . . . since only to Peter was it said, “Thou art Peter” (*uni et summo Romano pontifici papae cujus Ecclesia subscribitur generalis . . . Soli tamen Petro dictum est: Tu es Petrus*).\(^{214}\) There are some indications that the learned bishop’s views had practical expression. The compiler of a now lost episcopal register from Clogher\(^{215}\) claimed that he had seen in a Clogher Pontifical, also subsequently lost in a fire, that Pope Innocent II had confirmed that a quarter of the tithes from the diocese of Airgialla (Clogher/Louth), should be paid to its bishop. This points to a consultation from the bishop, Gilla Crist (Christianus) Ua Morgair (1135–38), whose long-lived successor, Áed Ua Cáellaide, supported by the king (Donnchad Ua Cerbailla), presided over what Brendan Smith described as ‘a time [1140s] of almost frantic activity in the life of the church in Louth’, which saw the foundation of three reformed religious houses in short order.\(^{216}\)

This is the background to the career of Malachy (†1148), the much better known brother of Gilla Crist.\(^{217}\) Educated in Armagh and Lismore, he was an energetic promoter of reform in Ireland: he re-founded (1123) the ancient

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\(^{210}\) From Normandy? He had met Anselm of Canterbury in Rouen as early as 1106: Flanagan, *Transformation*, 50. Their letters are: *PL*, clix, 244 no. iv. 86 (Gilbert sends a gift: 30 pearls); 173–5, no. iii. 143.


\(^{212}\) This, perhaps, was a silent repudiation of Anselm’s attempt to establish Canterbury’s primacy there, as in Wales: Vaughn, *Anselm of Canterbury*, 159–60, although Professor Vaughn exaggerates the number of Irish professions of obedience.

\(^{213}\) *Canterbury Professions*, 42 no. 81. On Canterbury’s ‘claims’, see Watt, *Church and Two Nations*, 217–25, but I count only four (not five) bishops of Dublin.


monastery of Bangor (co. Down), becoming its first abbot, then bishop of Connor 1124 and archbishop of Armagh (1132–4 to 1136), when he resigned to become bishop of Down. In 1139 he set out for Rome to obtain *pallia* for the two archbishops (Armagh and Cashel), travelling via Scotland (where he met King David), York, where he met Prior Waltheof of Kirkham (OSA), Arrouaise (OSA) in Artois, where he acquired a copy of the rule and liturgical customs which he introduced into the cathedral church and priory of St Mary’s Abbey (Louth) in 1142, and Clairvaux, where he made a lasting friendship with St Bernard, and finally to Rome. There, at the Lateran, he met Pope Innocent and discussed the needs of the Irish church. Appraised of the volatile situation in Ireland, Innocent refused the *pallia*, but appointed him papal legate so that he could summon a consultative council which could make the necessary request.  

The *generale concilium* which was eventually held nine years later (1148) on Inis Pátraic (Island of St Patrick), produced a very different blueprint for the Irish Church. After much wrangling to reconcile the conflicting claims of regional kings, the ancient primacy of Armagh as St Patrick’s see was preserved, while Dublin and Tuam were proposed as new metropolitans.  

Malachy immediately set out once more for the Curia, where the Cistercian Eugenius III was now pope (1145–53). But he was to be disappointed. Traveling south by way of Clairvaux, where he met Gilbert of Sempringham, he was taken ill and died in St Bernard’s arms on 1 or 2 November 1148.  

The petition nevertheless reached Eugenius, who appointed John Paparo, cardinal deacon of S. Adriano, to supervise its implementation. John, the somewhat reluctant legate, set out in 1150, but turned back when he was refused permission to travel through England. Only in response to a second ‘mission from the princes and Church of the Irish (*delegati regolorum et ecclesie Hibernorum*)’ did Eugenius commission Paparo again, insisting that he accept priest’s orders to lend greater dignity to his legatine office (31 March 1151). This time John bypassed England, travelling from Flanders via Tynemouth and Northumberland to Carlisle, where he was received by the Scottish king (David), and thence to Ireland, bearing not two but four pallia (for Armagh, as primate, Cashel, Tuam, and Dublin). Under his presidency, the constitutional structure of the Irish Church, independent of Canterbury, was established in the council of Kells–Mellifont (March 1152), neatly accommodating the ambitions

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222 Tuam and Dublin were new creations: Watt, *Church and Two Nations*, 28–31, Map 2.
of the kings of Leinster (Diarmait Mac Murchada 1126–71) and Connaught (Turlough Mór O’Connor 1106–56), in whose territories the two additional metropolitan sees (Dublin and Tuam) were situated, as well as the increasingly important Hiberno-Norse city of Dublin. Eugenius tends to receive the accolade for the Irish settlement, but he was merely completing what had been begun by Malachy of Armagh on advice from Innocent II, who had discussed Irish affairs with him, appointed him legate, and taken the mitre from his own head and placed it on Malachy’s as a sign of special dignity.

Conclusion

The circumstances of the Norman Conquest had drawn Innocent’s predecessors into English and Norman affairs at a time when the Norman world was itself becoming more international in its outlook, education, and politics, and ready to use whatever instruments were available to assist the task of stable government. Thus, three of the four Anglo-Norman kings found it helpful to bolster their own legitimacy with the dignity of papal ratification. Beginning with William the Conqueror, it was the kings who had made quite a show of their deference to papal authority, when it suited them, and invited papal legates into England. Three legates were present for the deposition of Stigand and others in 1070, and a personal papal envoy attended the Winchester council (1072) to organise and reform the Old English Church. What the king did for his own convenience, or what he permitted in order to stabilise a new ecclesiastical order, established precedents which led inevitably to less exalted persons and institutions seeking to employ the same device for themselves. Although the kings were more or less able to control the activities of legates, they were less able to resist the pressure from their own prelates, and others, to apply to the papacy for privileges and judgments. Not all such applications, of course, were important to the king, but Henry I’s failure to prevent Thurstan of York’s acquisition of a quasi-judgment in his favour, as well as consecration and the pallium from Calixtus II in 1119–20, was an indication of what a determined and courageous prelate could achieve, when the stakes were high enough. During Innocent II’s pontificate there was no year when envoys from at least one of the regions discussed above were not doing business in the Curia. Indeed, the history of Innocent II’s relations with the islands of Britain and Ireland is one of increasing involvement in their ecclesiastical affairs, in some of which, like the Tresgoz–Sackville marriage, his actions had long-term consequences. For the ecclesia Hibernica, especially, his encouragement and advice to Malachy (1139) was to bear important fruit at Kells–Mellifont in 1152, probably just in the nick of time, before Henry II’s invasion changed the political map of Ireland forever. By the end of his difficult pontificate, such contacts were becoming a normal part of the management of ecclesiastical affairs in the islands of Britain and Ireland.

223 JohnS, Historia Pontificalis, 70–2.
224 Bernard of Clairvaux, Vita Malachiae, 1095.
Innocent II’s Trans-Alpine Itinerary 1130–1132
Anne J. Duggan

Since this itinerary is based principally on surviving dated acta, some gaps and uncertainties remain.

OUTWARD JOURNEY 1130–31

GENOA 2–12 Aug.
   Travelled to St-Gilles by boat
ST-GILLES-DU-GARD 11–?22 Sept.
ARLES Sept. [Orderic Vitalis, vi, 418.]
VIVIERS Sept.–Oct.
CLUNY 24 Oct.–3 Nov.
ROANNE 4–5 Nov.
CLERMONT-FERRAND 18 Nov.–7 Dec.
ST-POURÇAIN 11 Dec.
DECIZE 19 Dec.
AUTUN 25.–28 Dec.

LIÈGE 22 Mar.–2 April
COMPIÈGNE 7 April
LAON 12–13 April
ST-DENIS 15–20 April
   Probably stayed at St-Denis, with
   visits to Paris on 18th and 19th April
PARIS 18 April
ST-DENIS 19 April
PARIS 19 April
ST-DENIS 20 April
PARIS 26–27 April
MONTMORENCY 4 May
PONTOISE 5 May
GISORS 6 May
ROUEN 9–10 May
PERRIERS-SUR-ANDELLE 11 May
BEAUVAS 19–20 May
COMPIÈGNE 26 May – 24 June
CRÉPY-EN-VALOIS 27 June
CLAIRVAUX probably in July
AUXERRE 9 July
VÉZELAY 22 July
AUXERRE 26 July–24 Sept.
ORLÉANS 30 Sept.
TOURS Oct.
BLOIS 6 Oct.
ÉTAMPES Oct.
PARIS Oct.
SOISSONS, St-Médard 15–16 Oct
REIMS 18 Oct.–5 Nov.
CHÂLONS-SUR-MARNE 9–12 Nov.
TROYES 18–23 Nov.
AUXERRE 28 Nov.–7 Jan.

1131

VÉZELAY 1 Jan.
FLEURY (St-Benoît-sur-Loire) Jan.
ORLÉANS Jan.
CHARTRES 13–18 Jan.
   Stayed at Morigny, with a short
   visit to Étampes (only 3km away)
ÉTAMPES 20 Jan.
MORIGNY 21 Jan.
PROVINS 27 Jan.–?? Feb.
CHÂLONS-SUR-MARNE 14–16 Feb.
REBAIS 20–22 Feb.
JOUARRE 25 Feb.
ST-QUENTIN 14 Mar.
CAMBRAY 16 Mar.
LOBBES March
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**4 Innocent II and Capetian France**

*Pascal Montaubin*

**Introduction**

At the beginning of the twelfth century, the Capetian realm lacked political and cultural unity within the frontiers set in 843 because of the divisions caused by the feudal crisis of the tenth and eleventh centuries. King Louis VI (1108–37) succeeded in establishing control over the castellans of the royal demesne, which slowly expanded, and he left a much stronger kingdom to his son Louis VII (1137–80). While Louis VI had sought to reimpose royal authority on the magnates and establish peace throughout his kingdom, those lords, such as Henry I, duke of Normandy and king of England, remained very powerful in their own lands and also challenged royal power. This political set-up had consequences for ecclesiastical affairs, particularly during the schism of 1130, where each pope had to deal not only with the Capetian king but also the leading magnates. So, for instance, while the duke of Burgundy, Hugh II Borel (1102–42), immediately supported Innocent II, the duke of Aquitaine, William X (1126–37), preferred to recognise Anacletus II.

It should be said at the outset that, in spite of its internal divisions, the French kingdom was of primordial importance to all sides in the schism, not only because of its dynamic demographic growth and economic development, but also because of its spiritual and intellectual vitality, which were evident most particularly in the strength of its traditional and new religious institutions. Louis VI in large measure co-operated with the papal reform movement and the reforming trends within his own realms. France, indeed, had become the traditional refuge of the papacy in its struggles with the empire and regular papal visits had certainly greatly aided the spread of apostolic universality. Therefore papal journeys to France, such as those of Urban II in 1095–6, Paschal II in 1107, Gelasius II in 1119, and Calixtus II in 1119–20, were not only a means of securing necessary allies but also a way of affirming Roman

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1 F. Mazel, *Féodalités (888–1180)* (Paris, 2010). For Aquitaine and Provence, see the chapter by U. Vones-Liebenstein, and for the Anglo-Norman world, see the chapter by A. Duggan in this volume.
superiority and spreading the reform movement. The ties between the papal Curia and French society were strengthened by the popes themselves but likewise by the Roman families who sent their sons to French schools, above all in Paris, hoping by this means to build them careers in the Church. Moreover, many cardinals and members of the papal Curia developed personal ties with Cluniacs, Cistercians, and Victorines, while the weight of France’s influence in papal history in the period 1049–1198 is best attested by the fact that a third of preserved papal records deal with France.

In case this picture might appear too idyllic, we should remember that the relationship between the papacy and the French kingdom was undermined by two contradictory streams: the dynamics of papal centralisation and the strengthening of royal power. While the tensions between the two were played down under Louis VI, the crisis would break out anew under Louis VII, in spite of Innocent’s triumph over Anacletus.

The French refuge of Innocent II (1130–2)

Both popes elected in 1130 had lived in France at some time. Anacletus had studied there, and had met the future Louis VI, who was also a friend of his father. He had entered Cluny as a monk, before Paschal II created him cardinal deacon of SS. Cosma e Damiano in 1115/6. He had followed Gelasius II into exile in France in 1119 and favoured the election of Guy of Vienne (Calixtus II). The latter sent him as a legate to France and England in 1121 alongside the future Innocent II. Innocent, having been promoted cardinal deacon of S. Angelo by Paschal II in 1116, followed Calixtus II into his exile in France


9 La Chronique de Morigny, 51; Arnulf of Lisieux, Invectivis, 94; Simonis hystieniam, MGH SS, xiii, 660; PL, clxxix, 696–8; JL 8376; The Letters of Peter the Venerable, ed. G. Constable, 2 vols (Cambridge, Mass., 1967), i, 109–13 no. 34.
in 1119–20 and was sent with Anacletus as legate to Northern France in 1121. In September 1123, Calixtus II wrote to Louis VI that he had entrusted both cardinals with a new legation to France. They shared the same itinerary and we can follow their journey from early 1124 through Sées, Chartres, Morigny, Châlons, Reims, Noyon, Beauvais and Saint-Denis, until their return to the Lateran before 4 May 1125. Together, they had settled disputes, reformed churches, and met many of the main prelates and princes of the kingdom, with whom they kept in touch later on. Contemporary sources make no reference to differences between the two legates or between the legates and the people of France.

The point here is that the two popes who were elected in 1130 both knew France well. As a former Cluniac and old acquaintance of Louis VI, Anacletus might have had the advantage over Innocent in the Capetian kingdom, but the building of alliances greatly depended on the activity of cardinals and their networks. Whatever the reasons behind the schism, both parties reacted swiftly to gain support in France. On 25 February 1130, Anacletus warned the French bishops against the excommunicated cardinals of the other party. We do not know exactly when Innocent first informed the French of his election—because the bulls have not been preserved, but they were likely written during the fortnight after his election. As it needed about one month to carry letters between Rome and Paris, we can deduce from a letter published by Timothy

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11 Arnulf of Lisieux (Invectiva, 94–5) accused Cardinal Peter of cupidity and other misconduct during the legation, but this late and polemical charge is unreliable.


14 Palumbo, Lo Scisma, 650 no. 4; JL 8372.

15 The bulls to the Germans are dated 18 February 1130 (PL, clxxix, 53–4) and those for the English clergy 3 March 1130 (JL 7407). Several messengers and bulls of Innocent to the bishops and the king of France were sent later, but the precise date is unknown: W. Janssen, Die päpstlichen Legaten in Frankreich vom Tode Coelestins III. (1130–1198) (Cologne–Graz, 1961), 15–6; Suger, Vie de Louis le Gros, ed. H. Waquelet (Paris, 1964), 258, c. 32; Sancti Bernardi abbatis Clarar-Vallensis Vita et Res gestae libris septem comprehensae. Liber secundus. Auctore Ernaldo abbatte Bonae–Vallis, in agro Carnutensi, PL, clxxxv, 267–302, at 270, says that messengers were sent to France before Innocent left Rome (mid-May 1130). Therefore, Innocent did not wait until he was in Arles (September 1130) to send legates to France, as might be deduced from Oderic Vitalis, Historia Ecclesiastica. The Ecclesiastical History of Oderic Vitalis, ed. and trans. M. Chibnall, 6 vols (Oxford, 1980–92), vi, 418.
Reuter in 1983 that Louis VI of France supported Innocent II from a very early stage. So it was probably during April or at the beginning of May that the king assured Innocent's supporters among the cardinals (John of Ostia, Matthew of Albano, William of Palestrina, Conrad of Sabina, Guido of Tivoli and Aimeric) that he had received their letter concerning Innocent’s election and declared that, following the advice of the archbishop of Reims and other members of the royal court, he acknowledged Innocent II as the pope and announced that he had convoked a council (conventum sollemnem) in octavis pentecostes, that is to say on 1 June 1130, in order to confirm this obedience with the advice of his faithful; he also authorised Innocent and his legates to enter his kingdom.

Such strong support from Louis for Innocent may surprise us, especially given his old acquaintance with Peter Pierleoni. But two royal advisors were decisive in his choice. The only one known by name was Archbishop Renaud of Reims (1124–39), who was a close friend of Louis VI. He was a reformer who had protected both Cistercians and regular canons, and had developed a strong relationship with the Roman Curia where he went under Honorius II and to which he had set off on another journey (for a dispute with the abbey of Saint-Bertin) which he abandoned when he heard that the schism had broken out.

The other counsellor was most likely Suger (1081–1151), from 1122 abbot of the important Benedictine monastery of Saint-Denis near Paris. A fixture at the royal court, he was not only one of the most influential advisers of Louis VI and Louis VII, but he had also developed a close relationship with the papacy from the early twelfth century, especially in order to enhance the position of his abbey as 'the French Rome'. From 1129 to 1131, the relationship between Suger and the papacy developed further and he played a major part in the French sojourn of Innocent II, whom he met on a number of occasions.
We may also surmise that the letter-bearer sent by the cardinals to the court of France was likewise involved in the enterprise of persuasion. That messenger, Imar, was probably the French Cluniac monk who entered the priory of Saint-Martin-des-Champs near Paris and then the abbey of Cluny, before becoming prior of La Charité-sur-Loire. Imar was later appointed abbot of Montierneuf (from 1140) and was promoted to cardinal in 1142, dying in 1161/2.22

But in 1130, the two main propagators of Innocent’s influence in France were the two French cardinals, Matthew and Aimeric, who had built a huge network of acquaintances at the royal court and in the *Ecclesia gallica*, while Anacletus could only rely on a single French cardinal, Gilo of Tusculum.23

Born about 1085, Matthew24 was firstly a clerk in Laon and then a canon in Reims before becoming a Cluniac monk (c.1110), prior of Saint-Martin-des-Champs (1117) and then grand prior of Cluny in 1122–3 where he was a close associate of Peter the Venerable.25 In 1126, Matthew went to the Curia to defend Peter’s case against Pons of Melgueil in the struggle for the abbacy of Cluny, and Honorius II appointed him cardinal bishop of Albano in late 1126. An old friend of Louis VI and Henry I of England, Matthew was sent as legate to France from late 1127 to 1129, and improved relations with the French prelates, especially the reformers whom he met while travelling and at various councils. It was in significant measure through Matthew’s wide friendship network that Innocent II quickly found supporters in Capetian France and the Anglo-Norman world in 1130–1.

Cardinal Aimeric26 was also at the centre of an extensive network across Christendom but above all in France. Coming from Burgundy, Aimeric studied in Bologna and was promoted to cardinal deacon of S. Maria Nuova in 1123 by Calixtus II. At about the same time, he became chancellor of the Roman Church, which meant he oversaw the production of papal letters (for which he invented new kinds of arenga) and played a major part in administrative and political affairs under Honorius II and Innocent II during the


25 Peter and Matthew remained friends for many years and the cardinal was useful for Cluny at the Curia. See *Letters of Peter the Venerable*, i, 5–6 no. 2; 131–4 no. 39; 142–5 no. 46–7; ii, 96–8, 126, 128–130. According to *Petri venerabilis Cluniacensis abbatis noni de minaculis libri duo* (PL, clxxxix, 928), Cardinal Matthew played a major part in the triumph of Innocent.

of nearly two decades, as is evidenced by letters he received from the French kings, Bernard of Clairvaux,\textsuperscript{27} Abbot Guiges of Chartreuse, Peter the Venerable,\textsuperscript{28} and Geoffrey of Lèves. Aimeric used his influence in the papal elections of 1124 and 1130, and was therefore hated by Anacletus and his followers.\textsuperscript{29}

Louis VI and his circle almost immediately took Innocent’s side, and they were joined by a group of reformers, including Archbishops Renaud of Reims, Henry of Sens (1122–42), and Hugh of Rouen (1130–64), as well as Bishops Geoffrey of Chartres (1115–49),\textsuperscript{30} Jocelin of Soissons (1126–52),\textsuperscript{31} Stephen of Paris (1123–40), Bartholomew of Laon (1113–51),\textsuperscript{32} and Abbots Suger of Saint-Denis, Peter the Venerable of Cluny, Bernard of Clairvaux,\textsuperscript{33} Hugh of Saint-Germain-des-Prés, Guigo of Chartreuse and Norbert of Xanten, former abbot of Prémontré and archbishop of Magdeburg (1126–34). It was a formidable line-up and we should here note that this network also helped secure obedience to Innocent in the Latin East, especially of the Cluniacs and also the Templars who were close to Bernard of Clairvaux and Matthew of Albano.\textsuperscript{34}

From his stronghold in Rome, Anacletus II also tried to gain supporters in France. After initially sending letters and messengers in February 1130, he launched a major but perhaps belated propaganda campaign in early May. On

\textsuperscript{27} Schmale, \textit{Studien zum Schisma}, 123–6, 130–3, 167–8 and \textit{ad indicem}; E. Vacandard, \textit{Vie de Saint Bernard, abbé de Clairvaux} (Paris, 1910), i, 278–9; S. Teubner-Schoebel, \textit{Bernhard von Clairvaux als Vermittler an der Kurie. Eine Auswertung seiner Briefsammlung} (Bonn, 1993), 314–15; Dinzelbacher, \textit{Bernhard von Clairvaux}, 133–4. Examples of Bernard’s letters to Aimeric: S. Bernardi Opera, ed. J. Leclercq, H. M. Rochais, 9 vols in 10 (Rome, 1957–98), vii, 64 no. 15; 70 no. 20; 137–40 no. 48; 143 no. 51; 146 no. 54; 364 no. 157; 369 no. 160; 371 no. 162; viii, 1 no. 181; 101–3 no. 230; 104 no. 232; 249 no. 316; 277–8 no. 338; see also vii, 344–6 no. 144.

\textsuperscript{28} Schmale, \textit{Studien zum Schisma}, 96–168, 188–9; \textit{Letters of Peter the Venerable}, i, 6–7 no. 3; 109–13 no. 34; 221 no. 84.

\textsuperscript{29} On the role of Aimeric in the election of 1130, see Schmale, \textit{Studien zum Schisma}, 145–61. The bulls of Anacletus were to the Cluniacs (\textit{PL}, clxxix, 696–8, at 697; \textit{JL} 8376; Palumbo, \textit{Lo Scisma}, 652–3 no. 8), to a friend of his father (\textit{PL}, clxxix, 699–700 no. 9; \textit{JL} 8379; Palumbo, \textit{Lo Scisma}, 654 no. 11), and to Abp Norbert of Magdeburg (\textit{JL} 8409; Palumbo, \textit{Lo Scisma}, 664–5 no. 42). See also the letters of Anacletus’s electors to Abp Diego of Compostela (\textit{PL}, clx, 1885–8) and to Lothar III (\textit{Pontificum Romanorum . . . vitae}, ed. J. M. Watterich [Leipzig, 1882], ii, 186).


1 May, he addressed Louis directly, recalling the sympathy that the king had shown him since his childhood, assuring him of his love for him, his son Philip and Queen Adelaide, announcing the sending of a legate, Otto, bishop of Todi, who would explain to him all the details of his election by cardinals and suburbicarian bishops, with the unanimous assent of the clergy and the people, and warning the king not to listen to a small group of cardinals acting in bad faith. On the same day, Anaclitus wrote to Bishop Gerard of Angoulême and to the other bishops of Aquitaine to recommend the legate he sent to them: Gregory, cardinal deacon of S. Maria in Aquiru. Another letter was written to Peter the Venerable and the monks of Cluny to inform them of the arrival of the legate, while explaining the nature of the schism and denouncing the intrigues of Aimeric. Yet another bull was sent to an old friend of Pietro di Leone, Anaclitus’s father, and the recipient was possibly Bishop Hugh of Grenoble. All the addressees were presumed to be a priori for Anaclitus for personal reasons, but the reality proved somewhat different.

The meeting on 1 June 1130 took place on Louis VI’s initiative, at Étampes, in the heart of the Capetian demesne. The contemporary Chronicle of Morigny (a Benedictine abbey in the neighbourhood, and well informed on royal matters) mentions the participation of the archbishops of Bourges (Vulgrien), Sens (Henry), and Tours (Hildebert, who may have hesitated), as well as other bishops and lay magnates. Louis VI had already chosen the obedience of Innocent II, but he seems to have left the French prelates to decide freely, according to Suger, the Chronicle of Morigny and Arnulf of Lisieux. Few details

35 PL, clxxix, 700–1; JL 8380; Recueil des actes de Louis VI, ii, 470–2 no. 17; Palumbo, Lo Scisma, 654–5 no. 12; RHGF, xv, 363 no. 4; Luchaire, Louis VI, no. 454. The addressee of the bull (PL, clxxix, 701–2; JL 8381; Palumbo, Lo Scisma, 655 no. 13; RHGF, xv, 363 no. 6) was not Prince Philip, Louis’ son, but Henry I Beauclerc, according to Janssen (Die päpstlichen Legaten, 2, n. 4).

36 Palumbo, Lo Scisma, 326–8; Janssen, Die päpstlichen Legaten, 1–4. Anaclitus warmly recommended his legate to Abbot Suger of Saint-Denis, the bishops and the magnates: PL, clxxix, 702–5; JL 8382–6; Palumbo, Lo Scisma, 656–6 nos. 14–18.

37 PL, clxxix, 698–9 nos. 7–8; JL 8377–8; Palumbo, Lo Scisma, 653 nos. 9–10; Janssen, Die päpstlichen Legaten, 2–3, 6, 11; Maleczek, ‘Das Kardinalskollegium’, 74–5.

38 Former monk of Cluny and probably the former primicerius of the Schola cantorum (Palumbo, Lo Scisma, 326).

39 PL, clxxix, 696–8; JL 8376; Palumbo, Lo Scisma, 652 no. 8.

40 PL, clxxix, 699–700; JL 8379; Palumbo, Lo Scisma, 654 no. 11 (and 331–2 for the identification of the addressee).

41 Suger, Vie de Louis le Gros, 258, 260, c. 32; La Chronique de Morigny, 52–3; Ernald, PL, clxxxv, 270; Arnulf of Lisieux, Invoctiva, 100; Rudolphi monachus Cluniacensis, Vita Petri Venerabilis abbatis Cluniacensis, PL, clxxxix, 20; Chronica regum Francorum, RHGF, xii, 212; Reuter, ‘Zur Anerkennung’, 401–3; O. Pontal, Les conciles de la France capétienne jusqu’en 1215 (Paris, 1995), 305–8; Hefele-Leclercq, Histoire des conciles, V/1, 681–3; Luchaire, Louis VI, no. 460; Mansi, xxi, 441–4.


43 In an act of 13 July 1130, Abp Henry (1122–42) referred to Innocent II in the dating clause, which was proof that he acknowledged him (Cartulaire général de l’Yonne, ed. M. Quantin (Auxerre, 1854), i, 274–5 no. 155).

44 Palumbo, Lo Scisma, 382, incorrectly wrote that Hildebert did not attend the meeting of Étampes. See Grabois, ‘Le schisme de 1130’, 601–2; Schmid, Studien zum Schisma, 228–9; Foulon, Église et réforme, ad indicem.
of the meeting itself are known. The Cluniac historiography insists on the decisive part played by Peter the Venerable, and whatever actually happened in Étampes, Cluny proved one of the first and best supporters of Innocent II, a point stressed by Orderic Vitalis, particularly as Anacletus was a former Cluniac monk. For the Cistercian Ernald of Bonneval, the leader in Étampes was Bernard of Clairvaux and even if he exaggerated Bernard’s role there (Suger makes no mention of it), it is obvious that the Cistercians were among the major Innocentian supporters too.

At Étampes, we know that the prelates preferred to consider the quality of the electors and the personal merits of those elected rather than the legality of the electoral process (because the Roman mobs frequently caused so much disorder, according to Suger). Like everybody else at that time, in the middle of contradictory propaganda, they would have been unsure concerning all the details of the elections. Though a supporter of Innocent II, Suger recognised that the Ecclesie Romane majores et sapientiores had first planned to gather in S. Marco of Rome, but that those closest to Honorius II had changed their minds, fearing Roman revolts. In the years that followed, Bernard of Clairvaux gave some explanations on his choice: Innocent II had been elected by the sanior pars (the cardinals bishops) and approved by the majority of cardinals; he had been consecrated by the cardinal bishop of Ostia according to the Roman custom; any later election was illegal and, above all, the moral virtues of Innocent II were greater and that was the point to keep in mind in a disputed election. For the Chronicle of Morigny, Innocent led a holier life, had a better reputation and was more properly elected than Anacletus.

After Étampes, the news of the French approval for Innocent was broadcast to the whole of Christendom, but it did not mean that everybody within the French realm was automatically then on Innocent’s side. Henry I, duke of Normandy and king of England, still hesitated a little, while William X, duke of Aquitaine, would support Anacletus for five years.


46 Orderic Vitalis, vi, 420. The biographer of the Vita Petri Venerabilis (PL, clxxxix, 20) stressed the astonishment of contemporaries because Cluny did not support ‘monachus suus’ Anacletus. See also The Letters of Peter the Venerable, i, 109–13 no. 34.


48 Suger, Vie de Louis le Gros, 258, 260.


50 Suger, Vie de Louis le Gros, 256.

51 S. Bernardi Opera, vii, 305–7 no. 124 (to Abp Hildebert of Tours, 1131); 307–8 no. 125 (to Master Geoffrey of Lauroux, 1131/2); 309–19 no. 126 (to bishops in Aquitaine, 1131/2). Some arguments were also developed in Arnulf of Lisieux, Invectiva, 100–1.

52 La Chronique de Morigny, 52.

53 See the chapters of A. Duggan and U. Vones-Liebenstein in this volume. Abbot John of Saint-Bertin is the only one north of the Loire valley known to have supported Anacletus before he was compelled to flee in 1131: PL, clxxix, 717–8 no. 40; JL 8413; Palumbo, Lo Scisma, 666 no. 44; Simonis Gesta abbatum sancti Bertini, MGH SS, xiii, 660–1; PL, clxxix, 715.
The French stay of Innocent II

Innocent II had been granted the option of seeking refuge in France in May 1130 and the success of the meeting at Étampes confirmed the feasibility of that option. As the Frangipani could no longer protect him in a Rome mastered by Anacletus, Innocent developed a strategy to win Christendom rather than Rome, and to gather princes and prelates to his obedience during his exile, which paradoxically became the path to his universality. Many of his supporters remarked on this, such as Suger and Bernard of Clairvaux, who underlined the point to convince Archbishop Hildebert of Tours: rejected by Rome, Innocent II was received by the world. Robert of Torigni recorded the verse: ‘Romam Petrus [Anacletus] habet, totum Gregorius [Innocent] orbem.’

After a stop in Pisa (mid-May–end of July) and another in Genoa (end July–August), Innocent arrived in the kingdom of France by boat and was already in Saint-Gilles-du-Gard by 11 September 1130, beginning what was to be the longest stay of a pope in France until that time, lasting until February 1132. During the summer, a council had been held at Le Puy, at the instigation of the local bishop, Humbert, and of Hugh of Grenoble, who did not hesitate to excommunicate his former friend Anacletus. Innocent was joined by the cardinals of his obedience, as we can ascertain from the lists of subscriptions on papal privileges and other records. Without Italian revenues, Innocent’s Curia faced a heavy economic burden and he had to find subsidies and bed and board for perhaps 200 people. The system of the procuratio canonica for the benefit of the pope as visiting inspector of all churches was only set up during Alexander III’s stay in France in 1162–5, which meant that Innocent was reliant on the charity of local churches, appealing among others to

54 On this point, Boso was perceptive when he wrote that Innocent decided to leave Rome in order to reach France: Boso, Vita Innocentii, 381.
55 ‘dominus papa Innocentius cum suis urbem relinquere deliberat, ut orbem terrarum obtineat prevaleat’: Suger, Vie de Louis le Gros, 258.
57 Chronic, in PL, clx, 445.
58 Vita Petri Venerabilis, PL, clxxix, 20; Suger, Vie de Louis le Gros, 258, c. 32; Ernald, PL, clxxv, 271; Anselmi Gemblacensis continuatio, MGH SS, vi, 383 (1130); Petri venerabilis . . . minaculis, PL, clxxix, 928.
61 Pontal, Les conciles, 308–9; Mansi, xxi, 435–8; Guigo, prior of La Chartreuse, Vita Sancti Hugonis episcopi Gratianopolitani, PL, clii, 779.
64 Suger, Vie de Louis le Gros, 264 (‘Galliarum ecclesias visitando et de earum copia inopia sue defectum supplendo’), 266, c. 32.
the acquaintances developed by Matthew of Albano when he was legate in 1128–9.\textsuperscript{65} He was also helped financially by the Cluniacs, Henry I of England, and even the Jews when he visited Normandy in May 1131.\textsuperscript{66} Writing about 1133, the chronicler of Saint-André of Le Cateau-Cambrésis remembered how the stay of Innocent II in Cambrai on his way to Liège in April 1131 had been a financial burden for his monastery.\textsuperscript{67} At the same time, the \textit{Chronicle of Morigny} proudly related the stop of the papal Curia in that monastery on 19–20 January 1131, even though the unexpected arrival of so many people threw the place into turmoil.\textsuperscript{68} According to Ernald of Bonneval, every French church wanted to welcome the pope.\textsuperscript{69}

Moving from Saint-Gilles north-eastward to Arles, Innocent was overtaken by messengers from Cluny who gave him supplies for his journey to their abbey,\textsuperscript{70} where he stayed from 24 October to 3 November and where an embassy composed of Abbots Suger of Saint-Denis and Hugh of Saint-Germain-des-Prés of Paris brought confirmation of the support of the French king.\textsuperscript{71} Conscious of his predecessors, and particularly Urban II, he dedicated the new church of Cluny on the same day (25 October) as Urban II had done 35 years before.\textsuperscript{72} And he convoked his first council for the 18 November at Clermont in Auvergne exactly 35 years after Urban II had held his crusading council there.

It was this council in Clermont which provided the first great triumph of Innocent II, who was now acknowledged by the king of France and one of the kings of Germany.\textsuperscript{73} It assembled many prelates from the southern half of France: including Archbishops Vulgrin of Bourges, Arnold of Narbonne and William of Auch and many others from the kingdom of Burgundy in the Empire such as Renaud of Lyon, Stephen of Vienne, Peter of Tarentaise, Fulcher of Aix and Bernard of Arles. There were also many bishops, including Humbert of Le Puy, and many abbots attended including those of Cluny,

\begin{itemize}
\item \textsuperscript{65} Maleczek, ‘Das Kardinalskollegium’, 36.
\item \textsuperscript{69} Orderic Vitalis, \textit{vi, 420}; \textit{La Chronique de Morigny}, 53.
\item \textsuperscript{70} Orderic Vitalis, \textit{vi, 420}; \textit{La Chronique de Morigny}, 53.
\item \textsuperscript{71} Orderic Vitalis, \textit{vi, 420}; \textit{La Chronique de Morigny}, 53.
\item \textsuperscript{72} Orderic Vitalis, \textit{vi, 420}; \textit{La Chronique de Morigny}, 53.
\item \textsuperscript{73} Orderic Vitalis, \textit{vi, 420}; \textit{La Chronique de Morigny}, 53.
\end{itemize}
La Chaise-Dieu, and Déols. Archbishops Oleguer of Tarragona and Conrad of Salzburg were also there, as were Bishop Ekbert of Münster and Abbot Theodwin of Gorze (cardinal bishop of Porto from 1134).

After Clermont, in early January 1131 at Fleury (Saint-Benoit-sur-Loire), Innocent met Louis VI, Queen Adelaide and their sons Philip and Louis. The king prostrated himself before the pope and assured him of his help. Then the royal family accompanied the papal Curia as far as Orléans, as the pope looked to his next political target, Henry I of England. There the main intermediaries were Louis, Theobald of Blois-Champagne, Geoffrey of Lèves, Bernard of Clairvaux and Hugh, a Cluniac who had been elected archbishop of Rouen in 1129 thanks to the influence of his cousin Matthew of Albano, an election which Innocent swiftly confirmed on 28 March 1130. Hugh, of course, proved a great supporter of Innocent against Anacletus. On 13 January 1131 in Chartres, Henry I acknowledged obedience to Innocent by prostrating himself before him and offered material support. A second meeting between Innocent and Henry was organised on 9/10 May 1131 at Rouen, by which time the pope had energetically moved to his next target, the king of the Romans, Lothar, in Liège (22 March–2 April), before returning to his French refuge for Easter at Saint-Denis (15–20 April). He then remained a month in Compiègne (26 May–24 June), while from July to October, he toured, with stops in Auxerre (where he remained two months), Orléans, Tours (where he met Count Geoffrey Plantagenet in early October), Blois, Étampes, Paris (where he was received by Louis VI), and Soissons.

The next major event was Reims and the council which was to mark the apogee of Innocent’s French stay and demonstrated his triumph in the countries north of the Alps. The meeting had been called on 19 May and took place from 18 to 29 October 1131. It gathered a crowd of prelates from many countries (France, England, Germany, Aragon, Castile), who acknowledged Innocent as the legitimate pope but, aside from the council, a tragedy led to

74 Suger, Vie de Louis le Gros, 260, c. 32; bull to Diego of Compostela: PL, clxxix, 76–7; La Chronique de Morigny, 53; Ermald, PL, clxxxv, 274; Boso, Vita Innocentii, 381.
76 Ernald, PL, clxxxv, 271.
77 PUE, iii, 147 no. 26; PUF, NS, iv, 111–12 no. 44 (with the date 29 March 1130); R. P. Freeburn, Hugh of Amiens and the Twelfth-Century Renaissance (Farnham, 2011); Stroll, Jewish Pope, 163–4.
78 Innocent insisted on the point in the privilege which he delivered to Hugh on 6 October 1131 (PL, clxxix, 102–4).
79 Bull to Diego of Compostela, PL, clxxix, 76–7; Orderic Vitalis, vi, 420; Suger, Vie de Louis le Gros, 260, c. 32; William of Malmesbury, Historia Novella, 18 (i, 7); Boso, Vita Innocentii, 381; Ernald, PL, clxxxv, 271; La Chronique de Morigny, 53.
80 William of Malmesbury, Historia Novella, 18 (i, 7). The pope’s visit is confirmed by a bull of 10 May 1131 (PUE, i, no. 15).
81 See the chapter of I. S. Robinson in this volume.
82 La Chronique de Morigny, 55; Chronica regum Francorum, RHGF, xii, 212.
83 See the chapter of M. Brett and R. Somerville in this volume.
84 PL, clxxix, 96 (summons to the abp of Compostela). There was a later summons on 22 June 1131 (PUF, NS, i, 211 no. 27).
the Capetian coronation in Reims after Prince Philip, heir of Louis VI, was accidentally killed when his horse tripped over a runaway pig in the streets of Paris on 13 October. It is hard to know whether it was Innocent (who sent Cardinal Matthew of Albano and Bishop Geoffrey of Châlons to the king) or Louis VI who first had the idea of the coronation of Prince Louis. It held advantages for both sides. Advised by his household (according to Suger, who was among them and was worried about the poor health of the obese king), Louis VI and his dynasty could draw on the prestige of papal coronation, thus reflecting the imperial model of Charlemagne, as well as denying the barons and prelates who sought to exploit the unfortunate situation. The Roman Curia meanwhile could hope that the future Louis VII would feel indebted to the papacy and would be more obedient than his father and especially his grandfather Philip I.

Louis VI and a huge retinue of barons arrived in Reims on 24 October 1131, five days after the opening of the council. The king entered the room where the fathers were gathered, went up the platform, and prostrated himself before the pope and then sat near him on a throne. The unfortunate father expressed his grief and Innocent tried to comfort him, assuring him that the young and innocent Philip had reached the celestial Jerusalem; thanks to God, just like King David, Louis had another heir (this was not only a reference to the Old Testament but also to Charlemagne, who was often compared to King David, and who had one surviving son named Louis). Then the pope, standing up, prayed for the dead prince and invited those in attendance to come back the next day in festive garb.

On 25 October, early in the morning, Innocent and his Curia left the archbishop’s palace where they were staying and went with the prelates of the council to the monastery of Saint-Remi in the suburbs where the royal family was staying and where the Holy Ampulla was kept. The monks welcomed them honourably. Wearing all the pontifical insignia, the pope accompanied the ten-year-old Prince Louis in the cavalcade with the king, the queen, the

85 Y. Sassier, Louis VII (Paris, 1991), 15–23; Suger, Vie de Louis le Gros, 266, 268; La Chronique de Morigny, 56–60; Ernald, PL, clxxxv, 271; Orderic Vitalis, vi, 420, 422; Anselmi Gemblacensis continuatio, MGH SS, vi, 384 (1131); Annales Remenses et Colonienues, MGH SS, xvi, 732; Annales Blandinienses, MGH SS, v, 28; Historia Francorum, RHGF, xii, 116; Ex chronico Turonensi auctore ecclesiae S. Martini canonico, RHGF, xii, 472.
86 Grant, Abbot Suger, 136–7.
87 Suger, Vie de Louis le Gros, 268. According to Orderic Vitalis (vi, 422) the rapidity of the ceremony in Reims disappointed barons who expected to exploit the death of Louis VI in order to increase their power and goods, and prelates who wanted to control the election and coronation process. Associative monarchy was a way of strengthening the Capetian dynasty and avoiding a return to the elective monarchy of 987: A. W. Lewis, Royal succession in Capetian France: Studies in familial Order and the State (Cambridge Mass., 1981), 56–7.
88 La Chronique de Morigny, 57–9 (including the long speech that Innocent II is supposed to have made to Louis VI, 58–9).
French magnates and all the prelates, as they moved from the abbey to the cathedral in the city, just by the episcopal palace. In spite of his privilege to do so (and Archbishop Raoul of Reims had crowned Prince Philip in 1119), Renaud of Reims left the pope to perform the ceremony at the main altar. So Innocent consecrated Louis and crowned him while the crowd cheered the new king. The *Chronicle of Morigny* pointed out that the anointing was made with oil from the Holy Ampulla for the very first time, but the story of this ampoule brought from heaven to Bishop Saint Remi for the baptism of Clovis (about 498) dated back to Archbishop Hincmar (845–82). Other customary rites for a royal coronation (such as the king’s oath, the reception of royal ornaments, and the homage of the vassals) should have been performed too but the sources do not talk about them and prefer to stress the international attendance, which gave an unprecedented splendour to the coronation. Louis is shown as the most Christian king, chosen by God, while the participation of the pope lent a universal nature to the ceremony and highlighted the *imperium* of the Capetian king, as the *Chronicle of Morigny* emphasised.\(^91\) This theme of the imperial kingship of France had been developing since the tenth century but it should be noted that Suger, in his narrative, played down Innocent’s part in the ceremony: he recalls the blessing of Louis by the prelates, but he does not mention the anointing by Innocent, presumably because he did not wish to suggest that the king of France was a subject of the pope. Louis himself, of course, could argue that he held *imperium* as the successor of Charlemagne and as the protector of the Apostolic See.\(^92\)

Innocent, now clearly supported by nearly all the princes and prelates north of the Alps, could prepare his journey back to Italy. After Reims, he remained more than a month in Auxerre (28 November 1131–7 January 1132) and then moved southward, stopping at Cluny (1–12 February), from where he sent a bull to Louis VI to bless him and to thank the queen for her gifts; he also informed the king that Patriarch William of Jerusalem and Bishop Anselm of Bethlehem had now rallied to his obedience.\(^93\) In Lyon, on 17 February, Innocent left the kingdom of France. He travelled along the Rhone Valley until the end of March, with just a quick stop in Saint-Gilles-du-Gard, and, in early April, he crossed the Alps and remained in Italy until the end of his life.

**The true pope**

Until the death of his rival in 1138, Innocent always sought to demonstrate that he was the true pope and this was crucial in 1130–1 when he had to convince princes and prelates to rally to his obedience, and to fight against the propaganda of Anacletus and his followers who held Rome, the fount of

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91 Innocent II is supposed to have said to Louis VI: ‘Rex obtime, qui super nobilissimam Francorum gentem tenes imperium’ (*La Chronique de Morigny*, 58).


93 PL, clxxix, 119; JL 7531; *RHGF*, xv, 374; Luchaire, *Louis VI*, no. 490; *Recueil des actes de Louis VI*, ii, 473–4 no. 19 (2 February 1132).
legitimacy, with the tomb of St Peter from where the pallia were taken which were granted to archbishops.\(^94\) When he was later established in Rome, Innocent, in order to argue his case, could use art and architecture,\(^95\) but before, with fewer resources, he insisted on ceremonies which particularly demonstrated his majesty. Within a year, he had gathered large crowds of prelates and princes in the councils of Clermont, Liège and Reims, besides numerous smaller meetings. This, of course, was the traditional manner by which popes and their legates spread ecclesiastical reform and persuaded local churches to accept papal supremacy. For Innocent, however, these councils were all the more important as a means of emphasising the extent and unity of his obedience. Neither Anacletus nor his legates were able to organise such meetings north of the Alps or even in Italy.

Following in the footsteps of his predecessors in France,\(^96\) Innocent consecrated some churches which were newly rebuilt: the remarkable monastic church of Cluny on 25 October 1130, the cathedral of Autun on 28 December 1130,\(^97\) the altar of St Laurent before the crucifix in the monastery of Morigny on 20 January 1130,\(^98\) the altar of Saint-Germain of Auxerre in July and September 1131\(^99\) and the abbey church of Saint-Médard of Soissons on 15 October 1131.\(^100\) These ceremonies demonstrated that Innocent was the universal bishop of the Roman Church who could celebrate in every church; as did the blessing of exempt abbots such as Eudes of Saint-Médard of Soissons on 30 September 1131 in Orléans. On that occasion, the liturgy was performed despite the reticence of the abbot who feared the wrath of Bishop Jocelin of Soissons.\(^101\)

Papal ceremonial outside of Rome was performed as if it was in Rome.\(^102\) The reception of Innocent in Cluny on 24 October 1130 was likely an *adventus*,\(^103\) as was his arrival in Morigny on 19 January 1130,\(^104\) in Lobbes in March 1131\(^105\)
and his entrance in Paris and his exit from the city around 12 October 1131. A crowned feast is recorded in Autun for Christmas 1130. Kings prostrated themselves before him in 1130–1: Louis VI of France in Fleury, Henry I of England in Chartres, Lothar III of Germany in Liège.

Suger paid a great deal of attention to papal ceremonial, above all crowned feasts which he had viewed on many occasions in Italy, Liège and France. He put Innocent up in Saint-Denis from 15 to 20 April 1130 and offers some details on the liturgical cycle of Easter in his narrative, which was constructed to show that his abbey (keeper of the shrine of the apostle of Gaul) was a new Rome. He recalled the visits of popes, successors of the chief apostle, to his monastery: Paschal II, Calixtus II, Innocent in 1131 and Eugenius III in 1147 for Easter ceremonies. The accounts of Innocent’s stay are in the Vita Ludovici. Suger welcomed the pope solemnly with an adventus on Wednesday 15 April 1131 in the exempt abbey that the pontiff had chosen ‘tamquam speciali filia’. The day after, Innocent celebrated the Last Supper and distributed sumptuous gifts ‘more romano’. He celebrated the liturgy on Good Friday and during the Easter Vigil. Early on Easter morning, Innocent and his colleagues, dressed in fine vestments, slipped away to the church of Saint-Denis-de-l’Estrée. There, magnificently attired and on horseback, with the pope himself crowned with the frigium and riding a white horse covered by a white cloth, led by the barons and castellans of Saint-Denis (acting as papal grooms in recognition of the imperial tradition), the procession forced its way to the abbey through the crowd lining the decorated streets. Those to the fore threw money in order to make the mob move apart. The Jews of Paris presented the pope with a ceremonial copy of the Mosaic Law. Then the pope celebrated Mass at the high altar, after which everyone repaired to the cloister to a feast where they ate while lying on beds (like ancient Romans). The day after, on Easter Monday, a new procession started from the church of Saint-Rémy to the main church of the abbey. All these details show that Innocent’s Curia consciously attempted to replicate the usual papal ceremonial as it was performed in Rome. This practice was not new for a pope visiting France, but the significance was greater during a period of schism.

It should be noted here, by way of contrast, that Ernald of Bonneval exalted the value of Cistercian poverty and simplicity in his narrative of Innocent’s visit to Clairvaux, which was probably in July 1131: no gold, no silk, no purple, no noisy music but plain singing, simple cooking, poor monks in habits with evangelical joy, behind a wooden cross, and bare buildings.

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106 La Chronique de Morigny, 56: ‘Ingredienti tota civitas obviam ruit. . . . egredienti ab urbe, honorabiter educitur’.
107 Annalium Sancti Germani continuatio, MGH SS, iv, 4.
109 Suger, Vie de Louis VI, 262–4, c. 32. There are other references in Chronica regum Francorum (RHGF, xii, 212) and Annalium Sancti Germani continuatio (MGH SS, iv, 4). Grant, Abbot Suger, 194–5.
110 Ernald, PL, clxxxv, 272–3. In contrast to the luxurious adventus of the pope in Pisa in June 1130: ibid., 269–70.
The French church and papal centralisation

The twists and turns of the schism did not stop the trend of administrative and political centralisation that had been launched inside the Latin Church by the Gregorian reform to the benefit of the papacy. On the contrary, it intensified relations between the Roman Church and the French churches, especially during Innocent’s sojourn in the Capetian kingdom. In Gregorian ecclesiology, the pope was the pastor of the faith, the fount of grace, and the supreme judge. With more personal ties, the Roman Curia became ever more a port of call for French clerks and the number of legal cases greatly increased.

French cardinals

In order to face his rival during the schism, each pope had to rely on the cardinals of his obedience and to try to poach those on the other side. Therefore, the political importance of the Sacred College increased. During his stay in France, Innocent closely associated his cardinals in the government of the Church and thus demonstrated the unity between him and them.

The prosopography of the cardinals in 1130–43 remains poor because of the scarcity of evidence (some are known only through their subscriptions on papal privileges). Out of about 50 cardinals who lived during the period, nine were French. On the Anacletan side, out of the 14 cardinals who voted for him and the eight who rallied to him in 1130, just one cardinal was a native of France, Bishop Gilo of Tusculum; seven cardinals were later promoted by him but none of them came from the Capetian kingdom: an indication of the fact that Anacletus was reliant on Italy. Innocent, however, to some extent developed the politics launched by Leo IX (1049–54) in appointing cardinals from different countries in order to have a Roman Curia which was more representative of the whole Church. In 1130, two out of the 20 cardinals who elected or rallied to Innocent were French: Matthew of Albano and Aimeric. But after his stay in France, Innocent promoted six other French cardinals, developing the ties with the Ecclesia gallicana, though they always constituted a minority, as the average number of his Sacred College was 23.6 cardinals at one time. Drogo, cardinal bishop of Ostia (1134–8), came from the region of Reims and had been Benedictine prior of Saint-Nicaise of Reims and then abbot of Saint-Jean of Laon from 1128; his theological works were...
Innocent II and Capetian France

influenced by the ideas of Bernard of Clairvaux. Ivo, former regular canon of Saint-Victor of Paris, was cardinal deacon of S. Maria in Aquiro from 1136 and then cardinal priest of S. Lorenzo (1138–42). Alberic, born in Beauvais, had been a distinguished Cluniac (subprior of Cluny, abbot of Saint-Martin-des-Champs in Paris and then abbot of Vézelay with the support of Innocent), before he became cardinal bishop of Ostia (1138–48), and was sent as legate to England and Scotland in 1138. Stephen, cardinal bishop of Palestrina (1139–44), came from Champagne; he was firstly archdeacon of Châlons and then entered the Cistercian monastery of Clairvaux; Abbot Bernard remained in touch with him but he did not play a significant role at the Curia. Cardinal Bishop Imar (1142 to 1161/2) also came from Châlons but was a Cluniac, protected by Matthew of Albano, and he was likely the messenger sent to Louis VI in spring 1130. Hugh, former Benedictine abbot of Hom blières in Picardy, was likely an adviser of Innocent before he was promoted cardinal bishop of Albano (1143). We can also add two Italians who spent some time in France as monks of Clairvaux before their curial careers: Martin, from Genoa, was cardinal priest of S. Stefano in Celio Monte (1132–42); Baldwin, from Pisa, became cardinal priest of S. Maria in Trastevere (1137–8) and archbishop of Pisa (1137–45). Other cardinals had ties with French prelates, such as Adenulf, the Italian abbot of Farfa, friend of Bernard of Clairvaux and the only Cluniac cardinal after 1139.

**Papal legates**

The sending of legates as a means of developing contacts between the Roman See and local churches dated back to Christian Antiquity. From the second half of the eleventh century, reforming popes increased legation in order to act in religious and political affairs, spread Roman norms and subordinate local churches to papal primacy. As Innocent went to France, he did not need to appoint a legate. But even when he was back in Italy from 1132, he did not send a legate to the Capetian demesne (where his obedience was unchallenged) before 1142, when the French supporters of the papacy needed backing in the crisis with Louis VII. On the other hand, Innocent appointed legates in other

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119 Maleczek, ‘Das Kardinals kollegium’, 57, n. 117; S. Bernardi Opera, viii, 80–2 no. 219; 91–3 no. 224; 101–4 no. 230–2; 269–70 no. 331.
121 Zenker, 133–4.
122 Maleczek, ‘Das Kardinals kollegium’, 57, n. 117.
123 K. Rennie, Die Entwicklung des auswärtigen Kardinalats im hohen Mittelalter (Tübingen, 1963), 81–3.
principalties inside the French realm but outside of direct royal rule. Most of them had to fight against schismatics in order to strengthen Innocent’s position. The hardest work was accomplished by Geoffrey of Lèves, bishop of Chartres and legate in the western third of France (from Brittany and Maine to the Pyrenees) in 1132–43. Others were sent to Languedoc and the Rhone Valley such as Hugh of Amiens,125 archbishop of Rouen: his mission of legate a latere126 dealt with Languedoc and Dauphiné (in the Empire) and lasted from September 1134 to April 1135; he held councils in Tarascon, Montpellier (3 November 1134), Romans and Valence, before he attended the council of Pisa in May 1135.

Innocent also granted the title of legate to some local archbishops in the tradition of what canonists would later call legati nati. It was above all a way to thank them for their loyalty and to honour their church.127 Archbishops William of Auch (1130–59)128 and Peter of Lyon (1131–9),129 who seems to have exercised his authority over the province of Bourges, were legates in this respect.130 Arnold of Lévezou,131 archbishop of Narbonne (1121–49), was first appointed legate in his ecclesiastical province by Pope Honorius II in 1128. Sometime in autumn 1130, Innocent must have confirmed Arnold’s legatine power, which was a sign that the prelate followed his obedience. But when it became evident that the archbishop pursued his own objectives, the pope sent legates a latere (Archbishop Hugh of Rouen in 1134–5; Cardinal Guido in 1139) to impose his policy in the area, and Arnold lost the legatine title after 1142. Innocent, however, did not appoint archbishop legates in northern France. There he respected the traditional papal reasoning of the first half of the twelfth century not to reduce local ecclesiastical power.132

Prior to the end of the twelfth century, canonists did not distinguish clearly between categories of papal legate. Some were appointed from among the cardinals and others were chosen from local prelates, but they were all considered to represent the very person of the pope and were hierarchically greater than any other local prelate. Innocent sent very few cardinal legates to France.133 Guido, cardinal deacon of SS Cosmas and Damian,134 went

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126 The expression was not yet reserved to cardinals: JL 7726; PL, cxcii, 1132–3.


130 In 1136, Legate Peter confirmed an agreement between the chapter of Brioude and Count Robert of Auvergne: Gallia christiana, ii, 492; iv, 116.

131 Janssen, Die päpstlichen Legaten, 157–8. See also the contribution of U. Vones-Libenstein in this volume concerning Septimania.


133 We should mention Cardinal John of Crema, who, on his way for a legation in Germany, made a stop at Langres at the end of 1131 and settled a dispute between the abbeys of Luxeuil and Bèze (Janssen, Die päpstlichen Legaten, 17–8).

through Languedoc for his legation to Spain (summer 1133–autumn 1134); he fulfilled another mission in Languedoc between June and October 1139 and was likely already sent to deal with Cluniac affairs in May of that year. The most remarkable political act was Innocent’s sending of a cardinal legate to the Capetian demesne early in 1142 in response to the dispute with Louis VII over episcopal elections and the divorce of Count Ralph of Vermandois, the latter being against canon law and against the interests of Count Theobald of Champagne–Blois, who was allied to the reforming wing of the French clergy, and who asked for a legate from the pope. The French Cardinal Ivo left the Roman Curia on 15 January 1142 and died on his way back in Trier on 20 June 1142.

The activities of the legates are generally not known. It is reasonable to think that many letters and messages were exchanged between the pope and his legates who were a sign of the papal presence, an indicator of his power, and very active in the reform of the Church, above all in the numerous councils which they called. But we must emphasise the absence of Innocent’s legates in the Capetian demesne, which appears to indicate that after the pope’s return to Italy in 1132, Louis VI and Louis VII did not want any legates on their lands; however, they had no means to prevent legates in Aquitaine, Languedoc and the Rhone Valley. Louis VII, of course, did not call for the mission of Cardinal Ivo in 1142 and the cardinal did not dwell in royal lands.

**French prelates and the papal Curia**

As papal legates were scarce in France, it was all the more important for French clerics to develop direct relations with the central government of the Latin Church. Innocent’s stay in France during a year and a half gave them an easy opportunity to meet the pope. After February 1132, the journey to the Curia in Italy required at least two months there and back, cost a lot of money and could be dangerous. In June 1135, on the way back from the council of Pisa, several prelates were attacked near Pontremoli in the Appenine Mountains by brigands or more likely supporters of Anacletus; Peter the Venerable asked the pope to punish the guilty. The climate and the food did not suit all French tastes, including those of the abbot of Cluny himself, who recalled his illness during the council of Pisa in 1135 and asked to be excused from going to Italy in 1137 on grounds of poor health.

Most of the time, instead of performing the journey in person, the prelates preferred to exchange letters and messengers with the pope. The correspondence

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135 PL, clxxix, 632.
136 See below at note 296.
137 51 councils out of the 179 listed by Pontal, *Les conciles*, were chaired by legates (Grosse, ‘*La fille aînée de l’Église*’, 317).
138 *Letters of Peter the Venerable*, i, 50–2 no. 27 (ii, 113–5).
139 *Letters of Peter the Venerable*, i, 4–5 no. 1 (ii, 95–6); 6–7 no. 3 (ii, 98–9). There was a sympathetic response from Innocent on 20 July 1137: *ibid.*, i, 191–2 no. 62 (ii, 139–140); PL, clxxix, 330.
of Abbots Peter of Cluny\textsuperscript{140} and Bernard of Clairvaux\textsuperscript{141} offer many examples. Peter used several kinds of messenger. In 1134, he sent Brothers Peter and Berald to inform the Curia about violence against Spanish Cluniac priories. In 1141, Master Nicholas, chaplain of Bishop Atto of Troyes, worked at the Curia for his bishop and for Peter. In 1143, the abbot used Natalis, former abbot of Rebais. But the journeys were not always easy: on 11 November 1137, Peter’s envoy (for a dispute between the priory of La Charité and Bishop Hugh of Auxerre) could not reach the papal Curia because of the troubles in Italy and came back to Cluny on 6/12 March 1138, his mission having been delegated to a monk who was a chaplain of the late Cardinal Matthew of Albano and from whom Peter expected news by Easter (10 April) 1138.\textsuperscript{142}

As the Curia became the central government of Christendom, it was important to keep in touch not only with the pope, but also with the Sacred College which played an increasing part in political and juridical affairs. From the time of Calixtus II (1119–24),\textsuperscript{143} Bernard of Clairvaux had built contacts with many of the cardinals: Aimeric, who was ‘like a mother’ to him, Luke, Chrysogonus and Ivo ‘who have acted for [him] as if they were [his] blood brothers’,\textsuperscript{144} Guido di Castello (the future Pope Celestine II), Gerard of S. Croce (the future Pope Lucius II), Alberic of Ostia, Imar of Tusculum, Stephen of Palestrina, and Guido Pisanus. Peter the Venerable on several occasions called on the interpersonal skills of his old friends Matthew of Albano and Aimeric.

It became crucial to inform the Curia about one’s enemies, who would, of course, try to deceive papal justice. In 1134/5, Peter the Venerable warned Matthew of Albano against the arrival at the Curia in Pisa of a priest named Constantine, an enemy of the Cluniacs.\textsuperscript{145} After the council of Troyes in 1141, Bernard of Clairvaux wrote to the pope and several cardinals about Peter Abelard. However, Bernard’s activism sometimes upset Innocent who thought that the Cistercian was too greatly involved in secular affairs, for which reason in 1142/3 the abbot of Clairvaux did not write to him directly, but appealed to some cardinals as intercessors.\textsuperscript{146}

For people going to Rome, it was useful to be recommended by well-connected prelates. Peter the Venerable wrote to Innocent in favour of Archbishop Peter

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\textsuperscript{140} Letters of Peter the Venerable, i, 4–5 no. 1 (early 1137); 17–8 no. 11 (1136/7); 24–5 no. 17 (1133/4); 42 no. 21 (1138); 43–4 no. 23 (1132/6); 50–2 no. 27 (1135); 107–9 no. 33 (1135/7); 131–1 no. 39 (1133); 142–4 no. 46 (1133); 192–3 no. 63 (1137); 206 no. 72 (1138); 233–4 no. 92 (1141/2); 257–8 no. 97 (1141/2); 259–60 no. 99 (1143/43); 261–2 no. 101 (1141); 265–6 no. 103 (1143); 266–7 no. 104 (1133/43). Innocent continued to answer the abbot of Cluny from Italy: PL, clxxix, 178 (23 May 1133).
\textsuperscript{141} For example, Bernard recommended the monk Nicholas: S. Bernardi Opera, viii, 12–6 no. 189 (1141); 277–8 no. 338 (1141); 414–5 no. 434–6 (1138/43).
\textsuperscript{142} Letters of Peter the Venerable, i, 199–201 no. 69. Other examples of envoys to the Curia: Ibid., i, 5–6 no. 2; 107–9 no. 33; 202–3 no. 70; 222 no. 85; 227 no. 87; 233–4 no. 92; 259–60 no. 99; 265–6 no. 103; Vita Petri Venerabilis, PL, clxxxix, 25–6.
\textsuperscript{143} Teubner-Schoebel, Bernhard von Clairvaux, 314–23.
\textsuperscript{144} S. Bernardi Opera, vii, 344–6 no. 144.
\textsuperscript{145} Letters of Peter the Venerable, i, 5–6 no. 2 (ii, 98–9).
\textsuperscript{146} Teubner-Schoebel, Berhnard von Clairvaux, 317; S. Bernardi Opera, viii, 101–3 no. 230.
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of Lyon (1131–9), considered a friend of Cluny, in 1138, and in favour of his own brother Heraclius, canon of Lyon in 1139/43. Bernard of Clairvaux did the same many times and for many people. This was all the more important in the context of legal process. It was probably because of the disputed episcopal election at Langres in 1138 that Peter the Venerable wrote to Innocent in favour of Robert, dean of Langres and son of the duke of Burgundy. The path of Abbot Hariulf of Oudenburg at the Curia in 1141 was prepared by letters from Bishop Simon of Noyon and Bernard of Clairvaux, which Hariulf showed to the pope at their first meeting, but before that, following the advice of Simon, he had met with Aimeric who became his mentor at the papal court.

The Roman Curia had a reputation for being greedy and corrupt. This had become a cliché of satirical literature from the end of the eleventh century. Some complaints are known from French clerks who ascribed the failure of their cases to corruption. In 1138–9, Gerard, dean of Saint-Yrieix, went to Rome twice in order to be acknowledged as the bishop of Limoges against his rival Amblard, abbot of Saint-Martial of Limoges, who stopped his journey at Cluny; Gerard was said to have succeeded by offering a great feast to distinguished members of the Curia and a golden cup full of coins to the pope. Bishop Ulger of Angers, the lawyer for Matilda against Stephen of Blois in 1139, complained that Innocent decided in favour of Stephen having accepted a gift from him: Peter's house was given over to money changers! In 1142, the envoys of the clergy of Tournai tried to get their elected bishop confirmed by the pope, but Bishop Simon of Noyon dissuaded Innocent and the Curia from favouring an autonomous bishopric in Tournai by handing over 500 silver marks. It is hard to gauge the veracity of these accusations, but the practice of giving gifts to members of the Curia seems to have been widespread. However, according to Abbot Hariulf, who went to Rome in 1141, this corruption was fought against by Innocent and Cardinal Aimeric who forbade him to give anything to anybody in the papal palace, including gifts to the pope, under

147 Letters of Peter the Venerable, i, 42 no. 21.
148 Letters of Peter the Venerable, i, 259–60 no. 99 (ii, 165).
149 S. Bernardi Opera, vii, 332 no. 136; 382 no. 169; viii, 74 no. 214; 75 no. 215; 281 no. 340; 293 no. 349; 294 no. 350; 294–5 no 351.
150 Letters of Peter the Venerable, i, 206 no. 72 (ii, 146–7).
155 Herman of Tournai, Liber de restauracione Sancti Martini Tornacensis continuatio, MGH SS, xiv, 326; Idem, Historiae Tornacenses, ibidem, 344.
pain of losing his support; now indeed, we must no longer say ‘omnia venalia Rome’ but ‘omnia justitia Rome’!

Attending general councils also gave opportunities to French prelates to meet with the pope and curialists. After Clermont and Reims in 1130–1, Pisa in 1135 and the Lateran in 1139 welcomed many prelates from the Capetian kingdom. Following Innocent’s call for a council at Pisa for Pentecost 1135, Louis VI had at first prevented the prelates of his kingdom from attending, but he let Bernard of Clairvaux persuade him. The council, held from 30 May to 6 June 1135, included 122 bishops from the whole of Christendom. Most of them were Italians, but many French prelates have been identified. Invited prelates who did not come were placed under interdict. Some French affairs were dealt with, such as the condemnation for heresy of Peter of Bruys and Henry of Lausanne, former monk of Cluny. The council of the Lateran from 3–8 April 1139 brought together hundreds of bishops and abbots from all Christendom and marked the complete triumph of Innocent II. The evidence does not allow us to identify too many French prelates: the bishops of Nîmes and Uzès, Abbots Peter of Cluny, Leon of Saint-Bertin, and Thomas of Morigny. The presence of others is hypothetical.

156 Müller, ‘Der Bericht des Abtes Hariulf’, 102. On 7 August 1134/6, Innocent thanked the monastery of Le Bec for the manuscript which it had offered to him, but we do not know the reason for the gift (PL, clxxix, 258). This is also the case with the manuscript of the De civitate Dei of Saint Augustine which the abbey of Prémontré had sent to the pope in 1141 (Müller, ‘Der Bericht des Abtes Hariulf’, 115).

157 PL, clxxix, 210–1; JL 7660. This bull, sent to the clergy of the province of Dol, was carried by John, monk and papal chaplain (Janssen, Die päpstlichen Legaten, 34).

158 S. Bernardi Opera, viii, 161–2 no. 255.

159 Hefele-Leclercq, Histoire des conciles, V/1, 161–2 no. 255. See the chapter of M. Brett and R. Somerville in this volume.


161 Bp Alwise of Arras interceded successfully on behalf of the abbots of Hasnon and Montreuil and of Archdeacon No.; Innocent moreover allowed Alwise to intercede on behalf of other prelates who could not come; excepting Sydrac: PL, clxxix, 272 (29 March 1136).


164 PL, clxxxii, 471–2; JL 8001.

165 PL, clxxxiv, 459–62; Mansi, xxi, 539–42.

166 La Chronique de Morigny, 75.

167 G. Tangl, Die Teilnehmer an den allgemeinen Konzilien des Mittelalters (Weimar, 1922), 196–210, especially 207–9; Dinzelbacher, Bernhard von Clairvaux, 207–8.
Papal grants and jurisdiction

The most tangible link between the papacy and French churches lay in the numerous letters sent by Innocent, as the supreme judge in Christendom, to grant them privileges and to settle disputes. Innocent did not initiate the trend, but he increased it thanks to the efficient management of his chancery by Cardinal Aimeric. During the schism, it proved a means of strengthening obedience and after 1138 it was merely the normal way of exercising papal supremacy.

A trip to the Curia or to a council offered the opportunity to obtain privileges and it was of course easier during the papal stay in France in 1130–2. As ambassadors of Louis VI welcoming Innocent at Cluny in October–November 1130, Abbots Suger of Saint-Denis and Hugh of Saint-Germain-des-Prés seized the opportunity to obtain papal privileges for their monasteries. The abbot of Lobbes took advantage of the pope’s visit to his monastery on the way to Liege, to ask him to solve a problem concerning the cemetery of the monks. The pope was eager to consecrate the burial place inside the monastic enclosure but the cardinals disagreed on the basis of an old privilege of a Pope John. However, Innocent confirmed the list of the abbey’s properties a little later (when he was in Paris on 26 April 1130), a privilege which was renewed and strengthened on 12 May 1135 in Pisa. French supporters of Innocent during the schism, such as Suger and Geoffrey of Lèves and even Cluny, were rewarded with privileges, but this was on a small scale (sometimes because they already had major privileges from earlier popes). On the other hand, Innocent showed himself very generous in favour of the young Cistercian order.

As the papacy was now clearly the highest authority in the Church, many French churches, driven by the desire to secure recognitions and privileges, applied to Innocent. Dozens of bulls, originals or copies, confirming the rights and properties of chapters, monasteries, churches or prelates have been preserved until today. For example, on a parchment of about half a metre square (770/780 × 540/550 mm), Innocent assented to the petition of Provost
Otger and the canons of the collegiate church of Saint-Omer in the diocese of Thérouanne and confirmed their goods, revenues and rights, which were enumerated precisely on 27 February 1140.\(^{175}\) In many cases, Innocent’s intervention was a mere confirmation of older acts delivered to local churches by his predecessors,\(^{176}\) princes, lords and other prelates.\(^{177}\) When he stopped in Lyon on 26 February 1132, he confirmed to the cathedral chapter of Autun the property of the lands which Duke Henry II of Burgundy had granted to it, as well as all its other churches and domains.\(^{178}\) The succession of popes and the increase of properties prompted local institutions to turn to the next pope in order to update their protection. On 22 February in Lyon, Innocent guaranteed to the nearby priory of Beaulieu (in Riorges near Roanne, order of Fontevrault) its properties, which had already been approved by Calixtus II on 23 January 1120.\(^{179}\) The papacy was also accustomed to grant its protection to churches\(^{180}\) and even to lay people\(^{181}\) which or who could eventually call on papal justice and expect the spiritual condemnation of their enemies.\(^{182}\)

\(^{175}\) Arch. dép. Pas-de-Calais (dépôt de Saint-Omer), 5 G 59; PUF, NS, iii, 65–9 no. 22; PL, clxxix, 623–4; J.-Ch. Bédague, ‘Enquête sur les origines du temporel de la collégiale de Saint-Omer (VIIe–XIIe siècle),’ Histoire et archéologie du Pas-de-Calais, 29 (2011), 35–57, at 51–7.

\(^{176}\) The names of earlier popes are not systematically listed but see for example a privilege for the monastery of Quimperlé (17 April 1139), which recalls bulls of Gregory VII, Urban II, Paschal II (PUF, NS, v, 121–2 no. 50).

\(^{177}\) There are very many of these but see for example the donations to the abp of Auch (30 January 1132/7; PUF, Series 1, 765–6; PUF, NS, vii, 55–6 no. 19), the monastery of Saint-Germain of Auxerre (24 March 1139: JL 7958), the cathedral chapter of Laon (17 April 1138/43; PUF, NS, iv, 126–8 no. 40), the collegiate chapter of Meung-sur-Loire (2 May 1132: PUF, NS, vi, 101–2 no. 45; JL 7568), the priory Saint-Martin-des-Champs of Paris (7 February 1132: PUF, NS, vi, 101–2 no. 45; JL 7568). Examples of the confirmation of sentences or agreements are: Bp John of Sées (8 April 1137: PUF, NS, ii, 67–9 no. 12), the monastery of Saint-Bertin of Saint-Omer (29 December 1138/42: PUF, NS, iii, 69–70 no. 23; JL 8174).

\(^{178}\) Cartulaire de l'Église d'Autun, ed. A. de Charmasse (Paris–Autun, 1865), i, 5–7 no. 4.

\(^{179}\) PUF, Series 1, 267–9; PUF, NS, ii, 23–5 no. 3; U. Robert, Bullaire du pape Calixte II (Paris, 1891), i, 191–2 no. 131.

\(^{180}\) Apostolic protection was often given with the confirmation of properties. Many examples could be listed but see for bishops and cathedral churches: Angers (29 October 1131: PL, clxxix, 109–10); secular collegiate churches: Notre-Dame-de-Montemoyen of Bourges (6 March 1140: PUF, Series 1, 455–6; PUF, NS, v, 37–8 no. 11; Arch. dép. Cher, G); hospitals and leper houses: Hospital of Falaise (9 May 1131: PL, clxxix, 95–6 no. 45); Benedictine monasteries: Aniane (29 November 1130, JL 7432); Cistercian monasteries: Arborel (23 February 1138/9: PUF, Series 1, 729; PUF, NS, vii, 19 no. 1). Other monastic houses: Charterhouse of Villeneuve-lès-Avignon (15 April 1143: PUF, Series 1, 330–4; PUF, NS, iv, 84–8 no. 20). Fontevrault, property of the Holy See (20 January 1131: PL, clxxix, 72–4; 28 February 1137: PL, clxxix, 320). Premonstratensian houses: Saint-Jean of Amiens (30 January 1137: PL, clxxix, 308–9). Other houses of regular canons: Airvault (8 January 1135: PL, clxxix, 215–7).

\(^{181}\) William, lord of Montpellier, and his properties (24 March 1132: PL, clxxix, 133–4). Innocent showed concern for William (13 April 1132: PL, clxxix, 136; 21 September 1137: PL, clxxix, 331; 5 October 1141: PL, clxxix, 553) and ordered spiritual sanctions against his enemies, the inhabitants of Montpellier, supported by Count Alphonse of Toulouse (1 January 1142: PL, clxxix, 571–2; JL 8187; 3 March 1142: PL, clxxix, 582; 1 January 1143: PL, clxxix, 637).

\(^{182}\) For example, Innocent forbade the abp of Dol and the bps of Paris and Rennes from imposing priests in the churches which belonged to the exempt monastery of Saumur (1 February 1143: PUF, NS, v, 131–2 no. 56). The bps of Auxerre, Langres and Autun were appointed to enforce the
several occasions the papal grant was the result of a petition sent by a French bishop who did not consider the Holy See as a competing power but as a help in defending local churches.

In fact, there were many degrees from mere papal protection to full exemption from the ordinary jurisdiction of the bishop and archbishop, sometimes with the payment of an annual census to show that the house had become a property of the Holy See. On a visit to the priory of Choisy-au-Bac near Compiègne between 26 May and 18 June 1131, Innocent celebrated Mass, blessed the people and insisted in his sermon on the freedom of this house (a dependency of the exempt monastery of Saint-Médard of Soissons), a special daughter of Saint-Peter, from the bishop of Soissons. He also showed himself sympathetic to churches which had been destroyed by fire or which needed money and he promised indulgences for those who would give alms to them.

Innocent is also the pope who introduced papal provisions. It was an original sign of his power over all churches. Two letters of Peter the Venerable of March 1138 allude to what can be considered the first evidence of papal provision in a French Church: Innocent had previously given a mandate to Bishop Atto of Troyes that a vacant prebend or the next one to be vacant in his cathedral was to be conferred to Garin, brother of Gebuin, archdeacon of Troyes (both of whom were sent by their bishop to the Curia in March 1138 in the Langres affairs); other prebends had already been attributed by the pope to Cluny and to a certain Odo.

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183 L. Falkenstein, La papauté et les abbayes françaises aux XIe et XIIe siècles: exemption et protection apostolique (Paris, 1997). For example: papal confirmation of properties and privileges to exempt houses: the collegiate church of Saint-Martin of Tours (28 October 1131: PL, clxxix, 106–7); Benedictine monastery of Fécamp (18 February 1140: PUF, NS, ii, 69–70 no. 13; JL 8077). Special privileges to some exempt Benedictine monasteries: Corbie (Abbot Nicholas was allowed to wear a dalmatic and sandals at major liturgical feasts, 23 December 1142: PUF, NS, iv, 123–4 no. 35); Saint-Médard of Soissons (the abbot could excommunicate those who attacked the properties of his abbey, 17 March 1139: PUF, NS, vii, 296–7 no. 49).


185 PUF, NS, vii, 280–1 no. 38.

186 For the rebuilding of the cathedral and episcopal palace of Noyon (27 June 1131: PL, clxix, 98–9; JL 7481; PUF, NS, vii, 284 no. 40; JL 7482), the cathedral of Évreux (24 February 1140/3: PUF, NS, ii, 79 no. 18). For the monastery of Fontevraud (17 December 1131: PL, clxix, 116–7). For the hermitage of Aybert near Tournai (21 October 1131: PL, clxix, 104–5).

187 The first bull was directed on 10 March 1137 to Abp Diego of Compostela to grant a prebend to the clerk Arias (PL, clxix, 323; JL 7831). See the article of D. Smith in this volume.

188 Letters of Peter the Venerable, i, 199–203 no. 69–70 (ii, 142–5) and the answer of Bp Atto of Troyes who reserved a prebend for Garin: ibid., i, 203–6 no. 71 (ii, 145–6).
Papal justice

Innocent’s pontificate also saw the development of papal justice. As the head of the Latin Church, he claimed to be the exclusive judge of causae mai-ores. He was the only one who could grant special exemptions from canonical irregularities. According to the petitions of the cathedral chapter of Reims, of Bishop Alvise of Arras and others, he agreed on 1 June 1136 to the election of Dean Nicholas as bishop of Cambrai though he was a minor cleric. But he refused the wish of Abbess Petronille to resign her responsibility as the head of Fontevrault on 5 January 1133/7. Innocent had to examine all the elections of archbishops and possibly to confirm them. For the see of Tours in 1133, he acknowledged Hugh, on the basis of a decision by judge delegate Bernard of Clairvaux, against Philip, who had been elected by the minority and had sought confirmation from Anacletus in Rome. In his letters to the pope and to cardinals, Bernard of Clairvaux supported the election of Dean Fulcher as archbishop of Lyon in 1139, and he was eventually confirmed.

The pope also held the exclusive right to change ecclesiastical boundaries and jurisdictional limits. Since the sixth century, the see of Tournai had been united to Noyon, which was the seat of the bishop. Following the separation of the bishoprics of Cambrai and Arras in 1093–4 by Urban II, the clergy of Tournai appealed to the Apostolic See for their own bishop, but this ran counter to the interests of the king. On 30 December 1141, at a time when Louis VII was on bad terms with the papacy, Innocent allowed the local clergy to elect a bishop of Tournai who would have to be confirmed by the archbishop of Reims. But fearing Louis VII and Count Ralph of Vermandois (the brother of Bishop Simon of Noyon-Tournai), Archbishop Samson refused to consecrate Absalon, abbot of Saint-Amand, who died soon after his election. In 1142, the clergy of Tournai turned once more to Innocent, sending to him Herman, a monk of Saint-Martin of Tournai. The pope first of all dismissed the petition brought before him by Bishop Simon of Noyon (who was suspended for having quashed the marriage of his brother to Eleanor). But it was said that corruption changed the attitude of the Roman Curia which subsequently preserved the interests of Bishop Simon. The case dragged on after Innocent’s death and it was only on 15 March 1146 that Eugenius III appointed a bishop in Tournai.

The question of primacy was also reserved to papal jurisdiction. The case of the primacy of Tours was one such. From the mid-ninth century, the Bretons claimed an autonomous ecclesiastical province under the supervision of the archbishop of Dol. Gregory VII had granted the pallium to Archbishop Even, but the see of Dol gradually lost control of the bishoprics of Quimper, Vannes, Alet (1120) and Léon (1130), as Count Conon III favoured the archbishop of Tours. The prelate of Dol appealed to the legate Geoffrey of Lèves who was eager to deal with the case and then called on Innocent who summoned Archbishop Hugh of Tours to the Curia. 196 The quarrel again dragged on beyond Innocent's death as Hugh did not respond to the summons and Celestine II extended the time limit to 1 May 1144; on 15 May 1144, Lucius II submitted all Breton dioceses to the jurisdiction of Tours; during the second half of the twelfth century, the prelates of Dol kept their pallium but Innocent III put an end to their pretensions to be archbishops. 197

The pope was also considered as the supreme fount of justice by all clergy in whichever case they might be involved. It was an alternative to the arbitrary nature of local power and to the judgement of possibly prejudiced local judges, despite the costs and physical risks of the journeys to and from the papal audience. Administrative centralisation in the context of renewed legal studies in Western Europe helped the Roman Curia to improve the technical nature of judicial processes based on witnesses, written evidence and debates. 198 This is the reason why hundreds of cases came by appeal to Innocent's court. In the context of the schism, the development of judicial activity by Innocent was a means by which he was considered as the true pope, as well as strengthening the long term trends in the construction of papal monarchy. And throughout his pontificate, he was jealous to preserve his jurisdiction. On 15 January 1136, he suspended Archbishop Henry of Sens who did not respect the appeal to Rome made in Pithiviers during the marriage case between Archibald of Sully and the daughter of Ralph of Beaugency: 'sedes apostolica est omnium ecclesiarum caput et cardo, mater atque magistra, ad quam profecto libere licet omnibus appellare'. 199 In 1130/8, he reminded the prelates of the provinces of Reims, Tours and Sens: 'Inde est etiam generali lege Ecclesiae promulgatum ut majores causae ad examinationem sedis apostolicae devolvantur, et ut oppressiones intrepide ad eam appelent, privilegium sibi in hoc appellandi sancta Romana reservavit Ecclesia'. 200

When a party lodged a complaint before the pope, the accused party was often summoned to the Curia, although Abbot Hariulf of Oudenbourg

196 PL, clxxix, 618–9; JL 8263. Mention in GC, viii, 1138 (dated 1144).
197 PL, clxxix, 783; JL 8609–10, 8613; H. Waquet, 'Dol', in Dictionnaire d'Histoire et de Géographie Ecclésiastique, xiv, 567–74 at 570.
198 See the chapter of A. Duggan in this book.
199 PL, clxxix, 264–5; JL 7754.
200 PL, clxxix, 342–3. In 1134, aware of the fact, Bp Stephen of Paris warned a legate not to judge his dispute with the master of schools Galon because the case had been appealed to the pope: PL, clxxiii, 1419–20.
201 On 1 November 1131, Bp Ulger of Angers was ordered to come before the pope on 2 February 1132 (the dispute with the abbey of Vendôme) (JL 7501). On 20 June 1142, Innocent summoned
lamented that Innocent had deposed him solely on the basis of false charges brought against him by the monks of Saint-Médard of Soissons and without having heard him at all. Nevertheless, cases were studied at the papal Curia and sentences were imposed by the pope himself, often with the advice of the cardinals, for example in a quarrel between Bishop Brice of Nantes and the abbey of Marmoutier concerning the property of several churches (22 April 1134), and in the dispute between the monasteries of Cluny and Saint-Bertin in Saint-Omer, the autonomy of which was acknowledged on 26 April 1139 after the examination of its ancient privileges, produced by its abbot (in a consistory parallel to the Lateran council a few weeks before), which quashed the newer privilege of 30 March 1132 in which Innocent had given Saint-Bertin to Cluny when the Flemish monks had failed to respond to a papal summons.

The account of the abbot of Oudenbourg offers a great deal of information concerning legal process and the sociological habits of the papal Curia. Introduced to the pope by Chancellor Aimeric, Hariulf was first received in public consistory several times before he was heard in private consistory (Innocent and the cardinals) in the pope’s chamber. During a vivid dialogue with the pontiff, Hariulf dared to complain that Innocent had sent a bull commanding him to leave his position as abbot without having checked the arguments of the monks of Saint-Médard. The pope and the cardinals deliberated and on the following day decided to delegate the case to three French judges. The speech of Bishop Ulger of Angers in defense of the canons regular of La Roë in early 1136 against the monastery of Vendôme concerning the church of Saint-Nicolas of Craon demonstrated the rhetorical talent and juridical skill of the bishop-orator, but he did not succeed in convincing Innocent of his case.

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the abbot of Saumur and the abbess of Nyoiseau for the 18 November 1142 (PUF, NS, v, 124 no. 53). But Bernard of Clairvaux wrote to many cardinals to defend the abbot and the pope dropped all charges (S. Bernardi Opera, viii, 101–3 no. 230; Teubner-Schoebel, Bernhard von Clairvaux, 113–7). In April 1142/February 1143, the abbot of Lagny had to come before the pope because he was accused of having ill-treated papal messengers and wasting the goods of his monastery (PL, clxxix, 621; JL 8270). The bp of Clermont was summoned for 18 October 1143, but he seized the opportunity of Innocent's death not to come (bull of Celestine II, 6 November 1143: PL, clxxix, 766–7).

203 ‘ex deliberato igitur fratrum nostrorum episcoporum et cardinalium et aliorum sapientium qui nobiscum erant consilio’ (18 June 1131, concerning a dispute between the bp of Beauvais and his vicar: PUF, NS, vii, 282–3 no. 39; JL 7480a). Other examples: Herman of Tournai, Liber de restaura
tione Sancti Martini Tornacensis, 325–6 and Idem, Historiae Tornacenses, 344 (concerning the election at Tournai, 1142); PUF, NS, v, 124–6 no. 54; JL 8343 (the church of Bois-Herbaud was ascribed to the abbey of Saumur, 1 February 1143); JL 8302 (a dispute between the abbey of Saumur and the bp of Saintes, 1133/9).

204 PL, clxxix, 201–3; JL 7649.
206 PL, clxxix, 135–6; JL 7561–2.
Innocent’s voyage through France allowed more convenient opportunities for local churches to appeal to papal justice. Staying in Laon on 12–13 April 1131, the pope heard the petition of Abbot Anselm of Laon against Milesende, widow of Thomas of Marle, lord of Coucy, and their son Enguerrand II whom Anselm accused of holding domains which belonged to his abbey. As he did not have time to pass a sentence before he left, Innocent delegated the case to Bishop Bartholomew of Laon who had to order Milesende and Enguerrand to restore the goods within 40 days under the threat of excommunication and interdict, and this threat proved successful. On the same day, Count Hugh Cholet of Roucy came to Laon to be absolved by the pope, having promised to cease his demanding exactions on the inhabitants of Trigny who were dependents of the abbey of Saint-Thierry; the bishop of Laon, who was there, was appointed to supervise negotiations and excommunicate Hugh again if necessary. On 10 November 1131, the pope again ordered Bartholomew of Laon to excommunicate Hugh Cholet if he again devastated the lands of the Church of Reims. During the council of Pisa, the excommunication against Hugh and his son Guermond was renewed and on 19 June 1135, Innocent asked the archbishop of Reims and the bishops of Soissons, Laon and Châlons to see that it was observed.

Councils also brought with them opportunities to judge disputes. The monasteries of Saint-Denis (for its priory of Salonnes) and Saint-Mihiel-sur-Meuse contended for rights to water; Matthew of Albano and some prelates dealt with the case and made an award in favour of Saint-Denis which was to receive a tax of five marks sterling each year; Innocent confirmed this on 2 November 1131. About the same time, the dispute between the monasteries of Marmoutier and Saint-Jacut concerning fishing rights was entrusted by the pope to a commission of cardinals, bishops and abbots who had to define a sentence that the pope and the cardinals could ratify.

Because he was overwhelmed by the number of cases and did not always have sufficient information about them, Innocent appointed other people to hear the parties and to sentence on his behalf. Considered as the very person of the...
pope, legates had wide judicial powers. At the council of Poitiers in 1137/40, Geoffrey of Lèves heard a dispute between the abbeys of Fontevrault and Sau- mur, and a peaceful solution was found by arbitration. During the council of Lagny in early 1142, Cardinal legate Ivo dealt with the dispute between the monastery of Marchiennes and Bishop Alvise of Arras (1131–48). The latter wanted the abbey of Anchin, where he had previously been abbot (1111–31) to reform Marchiennes and refused in 1141 to acknowledge Eudes, prior of Saint-Martin-des-Champs, as the new abbot of Marchiennes, even though he had been elected by the monks; he forbade another election and put the house under interdict. The monks argued that they were autonomous and sent Brothers Andrew and John to appeal to the pope. On 1 November 1141, Innocent lifted the interdict and confirmed Marchiennes’ right of free election, which had already been granted by Calixtus II. He summoned the bishop of Arras to appear before him on 3 May 1142. Meanwhile, Alvise sent his archdeacon to the Curia with a letter from Bernard of Clairvaux in his favour and against the lies (as he saw it) of the monks. The dispute was not judged in Rome but by the legate Ivo. The monks showed their papal privilege to him and he allowed them to choose their abbot. According to the story of the miracles of Saint Rictrude, Ivo was happy at the outcome and Abbot Bernard and Bishop Alvise repented. The monks again elected Eudes as their new abbot.

Innocent’s pontificate also marked a new stage in the development of the system of judges delegate. They were to relieve the burdens on the papal court, but also spared the contesting parties the long journey to Rome. The practice had already appeared in the fourth century, but increased during the Gregorian Reform.

The account of Hariulf of Oudenbourg showed the difficulty in choosing judges delegate. After having heard the plaintiff, the pope and the cardinals decided to transfer the case to three French judges in order to spare the parties a new trip to

217 Pontal, Les conciles, 318; RHGF, xiv, 311–2. Other examples with legates: Cartulaire noir de la cathédrale d’Angers, ed. Ch. Urseau (Paris-Angers, 1908), 312–4 no. 211; PUF, NS, ix, 158–60 no. 41; PUF, NF, v, 122 no. 51; JL, 8319–20; PUF, series 1, 167–9; PUF, ii, 21–3 no. 3; PL, clxxix, 665–6.
the Curia. Hariulf agreed provided that he would not get unsympathetic judges such as Bishops Geoffrey of Châlons and Alvise of Arras. He asked for Bishops Milon of Thérouanne, Geoffrey of Chartres, Bartholomew of Laon, Jocelin of Soissons, as well as Abbots Bernard of Clairvaux, Eudes of Saint-Remi of Reims or Renaud of Citeaux, but Cardinal Aimeric challenged each of them for varying reasons. Though Hariulf tried to bargain, Innocent imposed as judges the abbot of Prémontré and the bishops of Thérouanne and Arras.\textsuperscript{220}

Innocent mainly delegated to bishops and abbots\textsuperscript{221} (not counting the papal legates). Sometimes their sentences were confirmed by the pope himself in order to give them stronger legal force.\textsuperscript{222} But sometimes too the case came back to the Curia, because the judges delegate did not proceed\textsuperscript{223} or could not proceed completely\textsuperscript{224} or a party appealed to the pope during the proceedings.\textsuperscript{225}

\textsuperscript{220} Müller, ‘Der Bericht des Abtes Hariulf’, 111–4.

\textsuperscript{221} The dispute between the monasteries of Saint-Denis (through its priory of La Chapelle–Aude) and San Michele della Chiusa (through its priory of Saint-Désiré which had usurped the churches of Saint-Désiré and Courçais in Bas-Berry) illustrates several phases of the procedure. In 1130/1, at the petition of Suger, Archbp Vulgrin of Bourges had twice summoned the prior of Saint-Desiré to court in vain. Suger appealed to Innocent who appointed the abp of Bourges as judge delegate on 29 September 1131 (\textit{PUF}, NS, ix, 153–4 no. 37; \textit{PL}, clxxix, 71; JL 7438). Thus the prelate would now act with apostolic authority. He summoned the abbot of La Chiusa (\textit{PUF}, NS, ix, 151–3 no. 36; \textit{PL}, clxxix, 72; JL 7439), who did not appear at the council of Reims, so that on 2 November 1131 (\textit{PUF}, NS, ix, 154–5 no. 38; JL 7503). Vulgrin summoned the monks of Saint-Désiré before him for 8 January 1132 (\textit{PUF}, NS, ix, 157–8 no. 40).

In 1133, Suger promulgated anathema against anyone who laid hands on the churches belonging to La Chapelle–Aude, but we do not know how the affair ended (Luchaire, \textit{Louis VI}, nos. 455, 467; \textit{Fragments du cartulaire de La Chapelle-Aude}, ed. M. Chazaud [Moulins, 1860]; C. van de Kieft, \textit{Étude sur le chartrier et la seigneurie du prieuré de La Chapelle-Aude (XI\textsuperscript{-}XIII\textsuperscript{e} siècles}) [Assen, 1960]; Grosse, ‘Saint-Denis und das Papsttum’, 228–9; Bur, Suger, 143–4, 156; Grant, \textit{Abbot Suger}, 213.

\textsuperscript{222} The dispute between the abbeys of Saint-Étienne of Dijon and Saint-Seine about the possession of various churches sheds light on the process. A local arbitration (by the bp of Chalon, the abbot of Bèze, the dean and two archdeacons of Langres) judged in favour of Dijon, and therefore the abbot of Saint-Seine appealed to Innocent who appointed Abbots Stephen of Cîteaux and Bernard of Clairvaux as judges delegate (4 November 1131 (\textit{PL}, clxxix, 112; JL 7505) alongside Bp Villain of Langres (3 December 1131; \textit{PL}, clxxix, 70; JL 7434). On 30 December, the latter had to enforce the agreement (\textit{PL}, clxxix, 118; JL 7524). At the petition of the abbot of Dijon, Innocent confirmed the agreement on 12 February 1132 (\textit{PL}, clxxix, 125; JL 7541). On 19 May 1133, the pope ordered Duke Hugh of Burgundy to enforce the sentence against the monks of Saint-Seine who had been excommunicated for having attacked properties of Saint-Étienne (\textit{PL}, clxxix, 176; JL 7617). An act of 17 July 1133 recalls all the adventures of this conflict (Arch. dép. Côte d’Or, G 125, fol. 48–9v, cote LVIII).

\textsuperscript{223} The bp of Le Mans as judge delegate rendered no sentence in the dispute between the abbeys of Saint-Vincent of Le Mans and Jumièges for which reason Innocent summoned the parties on 22 July 1131 for his own sentence at the council of Reims (next 18 October) (\textit{PUF}, NS, ii, 66 no. 10).

\textsuperscript{224} On 10 February 1132, Bps Stephen of Autun and Hugh of Auxerre and Abbot Hugh of Pontigny were appointed judges delegate for a case between the abbeys of Saint-Jean-du-Pré and Saint-Pierre-le-Vif of Sens (\textit{PUF}, Series 1, 449–50; \textit{PUF}, NS, v, 31–2). On 12 June 1134/6, the pope gave mandate to the bp of Auxerre and the abbot of Pontigny to summon the abbots of Saint-Pierre-le-Vif (the plaintiff), Saint-Jean-du-Pré and Saint-Jean of Sens before them for 4 August or to summon them before the pope for the next 15 March if they did not reach an agreement (\textit{PUF}, Series 1, 450; \textit{PUF}, NS, v, 32 no. 7). Eventually Innocent ordered the abbot of Saint-Jean-du-Pré to come before him for 15 March next because he had not appeared before the judges delegate; he was meanwhile placed under interdict (\textit{PUF}, Series 1, 453; \textit{PUF}, NS, v, 35 no. 9).

\textsuperscript{225} Bp Geoffrey of Langres and Bernard of Clairvaux were proceeding in the dispute between Stephen canon of Auxerre and the abbey of Vézelay. But Abbot Pons sent a messenger to the pope showing
Even when the case was judged at the Curia, Innocent sometimes required further local enquiries in order to be better informed. There was competition between Bishop Alvise and the abbey of Saint-Vaast for control of the town of Arras. On 18 June 1131, Innocent asked the abbot to obey the bishop. The crisis worsened in 1137, when Abbot Walter and many of the monks were accused of heresy as well as lesser misdemeanours before the court of the archbishop of Reims. The chapter of Reims and the abbey of Saint-Sépulcre of Cambrai wrote to the pope against Walter and in favour of Alvise. Innocent then appointed the abbot of Saint-Lucien of Beauvais and the prior of Saint-Martin-des-Champs of Paris to reform Saint-Vaast. On 3 July 1138 or a few days before, he assigned the case to the archbishop of Rouen and the bishops of Soissons, Thérouanne and Châlons.226 Here as elsewhere a complex process was divided into central and local phases, with vigorous campaigns to persuade the pope of the righteousness of one’s claim (a number of which involved the key support of Bernard of Clairvaux).227

As the highest judge of Christendom, Innocent tried to settle cases by agreement rather than by a sentence which would leave a winner and loser. In late February 1132, he supervised the arbitration made by Abbot Ilion of the collegiate church of Saint-Just of Lyon concerning the partitioning of rights between the Cluniac priory of Prin and the parish which depended on the monastery of Ambronay.226 On 12 January 1136, the pope and the cardinals established an agreement concerning the rights and revenues of several churches in the diocese of Angers which set Bishop Ulger against the monastery of Vendôme.229 In other cases, the pope just confirmed the agreement made by the parties, such as the one between the abbeys of Joncels and Psalmodi made in the Lateran palace on 16 April 1139.230 Responding to the complaints of the abbot of Saint-Sépulcre, Innocent ordered Bishop Nicholas of Cambrai to restore some revenues of the monastery within forty days or to come before the pope

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226 Teubner-Schoebel, *Bernhard von Clairvaux*, 95–9; PL, clxxxix, 98, 369; JL 7904; PUF Niederlanden, ii, 125–6 no. 30; Stephani Baluzi Tutelensis miscellanea novo ordine digesta, ed. J. D. Mansi (Lucca, 1761), ii, 166 no. 19–20.


228 D. Riche, *L’ordre de Cluny à la fin du Moyen Âge. Le « Vieux Pays » clunisien, XII-XIV siècles* (Saint-Étienne, 2000), 142. On 31 October 1131, Garin and his brothers had given properties located in Prin to the pope (in the archbishop’s palace at Reims), who passed them on to Cluny (PL, clxxxix, 110–1).

229 PL, clxxxix, 261.

230 PUF, Series 1, 768–70; PUF, NS, vii, 58–60 no. 21; JL 8001; PL, clxxxix, 471–2 (1 May 1139).
on 18 November 1142. Eventually, the bishop conceded a tax on wine to the abbey and the pope confirmed this on 22 December 1142.\footnote{PU Niederlanden, ii, 145 no. 40; 154–5 no. 44; Arch. dép. Nord, 3 H 4/35; JL 8173.}

But Innocent did not shy away from more coercive measures in order to reform institutions and support the efforts of reformers. He approved many transformations of secular churches into collegiate churches of regular canons\footnote{Sainte-Madeleine of Châteaudun on 21 February 1131 (PL, clxxix, 79); Sainte-Croix of Saint-Lô on 2 March 1132 (PL, clxxix, 126–7); Saint-Loup of Troyes on 19 March 1136 (JL 7761); Notre-Dame de Châtillon on 20 September 1137 (PL, clxxix, 330). On 18 December 1131, Innocent allowed the abbot of Saint-Étienne of Dijon to place regular canons in the churches which belonged to his monastery (PL, clxxix, 117).} and Benedictine abbeys.\footnote{Bazoches in 1137 (Luchaire, Louis VI, no. 577); Saint-Martin of Étampes in 1141 (La Chronique de Morigny, 80). On 28 April 1138/43, Innocent agreed to the project of William, lord of Montpellier, to found a Cluniac house (PL, clxxix, 630).} He also encouraged the struggle against abuses in monasteries\footnote{According to a petition of Louis VI and the sentence of the council of Reims held by Cardinal Legate Matthew of Albano on 1 August 1128, Abp Renaud of Reims and Bp Bartholomew of Laon expelled the undisciplined nuns of Sainte-Marie and Saint-Jean of Laon and replaced them with monks; Innocent approved this on 4 November 1130 (PL, clxxix, 66–7). He helped Cluny to reform the monks of Luxeuil, but Abbot Peter warned him twice that he faced difficulties with disobedient local monks (Letters of Peter the Venerable, i, 43–4 no. 23 (ii, 110–1) in 1132/6; 257–8 no. 97 (ii, 163–4) in 1141/2). On 17 November 1133/6, Innocent confirmed an agreement between various Benedictine abbeys of the province of Reims which organised assemblies each year to reform their monasteries (PL, clxxix, 253–4). On 30 January 1139/43, he ordered the abp of Auch to see that monastic life was observed in the monastery of Saint-Ferme which depended on the abbey of Saumur, a property of the Holy See (PL, clxxix, 631–2). On 1 November 1140, he guaranteed the independence of the nuns of Crisenon from the abbey of Molesme, which had been decided upon by the abbots of Pontigny, Vézelay, Troyes and the prior of Clairvaux (PL, clxxix, 520–1).} and the diligence of prelates in recovering ecclesiastical property and restoring hierarchy and discipline.\footnote{On 19 April 1142, Innocent asked the clergy and people of Toulouse to help their bishop to recover the properties of his church (PL, clxxix, 592). Innocent also backed the reforms of Abp Hugh of Rouen against lay alienation of ecclesiastical goods and rights, and illegitimate or illiterate clerks (26 July 1131: PL, clxxix, 99–101; 18 June 1138/42: PUF, NS, ii, 70–2 no. 14). The pope supported him in his efforts to submit the Norman abbots to his jurisdiction in 1131/2 (PL, clxxix, 117–8, 304–5), but he urged moderation after the complaints of Duke-King Henry I (PL, clxxix, 150–1, 669–70).}

The pope was also the shepherd of the faithful and had to preserve orthodoxy, which meant he was asked to judge theological cases. In France, the major case of this kind concerned Peter Abelard, the controversial Parisian master of theology who advanced new theses and intellectual methods which challenged traditional patristic exegesis. The French bishops had condemned some of these at Soissons in 1121 but to little avail. A Benedictine monk since 1119, Abelard moved around several times until he became abbot of Saint-Gildas in Brittany. But the lack of discipline of the monks there troubled him to the extent that he went to the Curia; he was with Innocent (and Bernard of Clairvaux) in Morigny on 20 January 1131 and the pope appointed a judge delegate in the case.\footnote{La Chronique de Morigny, 54. In the Historia calamitatum (ed. J. Monfrin [Paris, 1978], 107), Abelard mentioned a ‘legato proprio ad hoc destinato’. This was not a legate in the diplomatic sense but rather a judge delegate; the case should not have been listed by Janssen, Die päpstlichen Legaten, 16.} Peter could rely on sympathisers in the Roman
Curia such as his former student Guido di Castello, the future Celestine II (1143–4). And on 28 November 1131, Innocent, while visiting Auxerre, confirmed to Abbess Heloise (the former mistress of Abelard) the possession of the monastery of the Paraclete, which had been an oratory which Abelard gave to her and the other nuns who had been expelled by Suger from their convent of Argenteuil in 1129. For his part, Peter had to flee the rebellious monks in 1133 and took up public teaching again in the following years.

However, advised by William of Saint-Thierry, in Lent 1140, Bernard of Clairvaux drew from Abelard’s treatise, *Theologia Scholarium*, 19 propositions which he asserted were contrary to the dogmas of the unity and trinity of God. On 25 May 1141 (and not on 2 June 1140 as has often been written) Archbishop Henry of Sens convened a council in his city, with Archbishop Samson of Reims, many bishops of their provinces, and even the young Louis VII and important lords in attendance. Hoping to avoid confronting Abelard’s eloquence, Bernard, on the eve of the public meeting (24 May), had him condemned by the bishops to silence, and his writings to the flames, and the sentence was officially promulgated on 25 May. Thus deprived of an opportunity to defend his views, Abelard appealed to Rome, and Bernard set about presenting his own case to the pope, sending Nicholas, the future monk of Montieramey, with a dossier of letters to Innocent and several cardinals, some of whom had been taught by Abelard. Indeed, Bernard warned the pope that Abelard had been defended in Sens by Hyacinth, subdeacon of the Roman Church (the future Celestine III), and that he had many supporters in the Curia, where his works were circulating. Many French prelates, such as Archbishops Henry of Sens and Samson of Reims, as well as Bishops Jocelin of Soissons, Geoffrey of Châlons and Alvise of Arras, wrote to the pope against the heretical ideas of Abelard. Whatever support Abelard may have had in the Curia was overwhelmed by arguments and evidence presented by the emissaries from Sens and Bernard of Clairvaux. On 16 July 1141, Innocent confirmed the council’s condemnation and ordered Abelard and Arnold of Brescia to be held in a religious house and their writings burnt. Having set out for Rome, Abelard stopped at the abbey of Cluny.

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238 *PL*, clxxix, 114–5 no. 70; *Historia calamitatum*, 100.
240 *S. Bernardi Opera*, viii, to the pope: 12–16 no. 189; 17–40 no. 190; 266–8 no. 330; to cardinals (Guido di Castello, Ivo, Stephen of Palestrina, Chancellor Aimeric, Guido Pisano, Gregory): 10–12 no. 188; 43–5 no. 192–3; 269–75 no. 331–5; 277–8 no. 338; L. Nicolau d’Olwer, ‘Sur quelques lettres de Saint Bernard, avant ou après le concile de Sens ?’, in *Mélanges Saint Bernard. XXIVe congrès de l’association bourguignonne des sociétés savantes, Dijon 1953* (Dijon, sd), 100–8. Bernard also advised Abbot Italus whom he sent to the Curia for this affair: *S. Bernardi Opera*, viii, 275–6 no. 336.
241 *S. Bernardi Opera*, viii, 10–2 no. 188; 41–3 no. 191; 44–5 no. 193; 266–8 no. 330; 277–8 no. 338.
242 *S. Bernardi Opera*, viii, 41–3 no. 191; *PL*, clxxix, 672 (just after the council of Sens of 25 May 1141).
243 *PL*, clxxix, 515–7 (sub data 16 July 1140, bulls to the abps of Reims, Sens and their suffragans and to Bernard of Clairvaux); *S. Bernardi Opera*, viii, 46–8 no. 194.
where he received notification of the sentence. He remained there until his death (21 April 1142), having been partially restored to the communion of the Church at the intercession of Peter the Venerable.  

An extraordinary amount of evidence in local archives show the links between the papacy and French churches, which developed on a large scale during Innocent’s pontificate. Papal justice was now widely accepted and all this had broad administrative and cultural consequences for local chanceries. It also helped develop a huge international friendship network among reforming clerics and their lay supporters. When Abbot Hariulf was about to leave the Curia in 1141, Innocent asked him to greet on his behalf his friends the bishops of Langres, Auxerre, Chartres, Arras, Thérouanne, Soissons, Laon and the abbots of Clairvaux, Saint-Remi of Reims and Prémontré.

**Tensions with the kings of France after 1132**

After the papal ‘honeymoon’ in France in 1130–2, while the bonds between the papacy and French churches tightened, those between Innocent II and the Capetian kings slackened. After Innocent’s departure from France, rivalries between clerics and courtiers and Louis VI’s concern for regalian rights on French churches led to some tensions with the papacy.

Between 1127 and 1135, rivalries within the French clergy became inter-meshed with those inside the royal court. The first crisis blew up in 1128–30 when Stephen of Senlis, bishop of Paris, wanted to introduce regular canons into his cathedral chapter with the help of the monastery of Saint-Victor; Louis VI was on bad terms with him and with Stephen of Garlande, his chancellor and seneschal whom he had dismissed in 1127. Tensions were probably reduced by Innocent’s long visit to France; it may be at that time that the pope twice ordered Bishop Stephen to lift the interdict which he had imposed upon Sainte-Geneviève of Paris and when he asked Notre-Dame of Paris to assign a prebend to Saint-Victor. But there was a second outbreak in 1132–4.

In 1132, a local quarrel between Subdean Archibald (allied to William of Meung, master of the schools) and John, a new archdeacon of Orleans (imposed with the aid of the king), developed into a major incident when Bernard of Clairvaux and Bishops Geoffrey of Chartres and Stephen of Paris supported the former and Stephen of Garlande, the new chancellor Algrin,

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244 Letter to Innocent II (should be dated some months after May 1141): *Letters of Peter the Venerable*, i, 258–9 no. 98 (ii, 164–5).


246 Müller, ‘Der Bericht des Abtes Hariulf’, 115.


249 *PL*, clxxix, 620.

250 *PL*, clxxix, 620–1.
Louis VI and Archbishop Henry of Sens the latter. On 5 November 1132, Innocent intervened: the bishops of Chartres and Paris had to take care that goods and dignities would be given back to Archibald and his supporters who had been expelled from Orleans.251 The two executors did not succeed but the papal condemnation of Archibald’s enemies and the fact that Innocent reserved the case to himself252 made the king angry. However Louis VI was very embarrassed when the subdean, coming back from his court, was murdered by the partisans of his rival (about March 1133), which led Bernard of Clairvaux among others to appeal to the pope for justice.253

A second murder worsened the crisis. With the support of Louis VI, Bishop Stephen of Paris tried to substitute monks for the nuns at Chelles. On the way back, on Sunday 20 August 1133, he and his retinue were attacked near Gournay-sur-Marne and Prior Thomas of Saint-Victor was killed by the nephews of Theobald Nothier, archdeacon of Paris,254 and vassals of Stephen of Garlande, in an act of revenge for their uncle who had been condemned for simony by Cardinals Matthew of Albano and Peter of S. Adriano on the basis of the accusations of Bishop Stephen. The bishop of Paris excommunicated the murderers and all who might help them,255 and then took refuge in the abbey of Clairvaux, where he called on Geoffrey of Chartres for help, while the king confiscated his temporalities; he also appealed to the pope, with the support of Bernard, in September 1133.256 On 5 December 1133,257 Innocent urged Archbishops Renaud of Reims and Henry of Sens and their suffragans to punish the murderers. Probably early in 1134,258 the archbishops and many prelates of the provinces of Reims, Sens, Tours and Rouen gathered in a council in Jouarre; Geoffrey attended it as the bishop of Chartres but not as papal legate. They condemned the murderers of Archibald and Thomas, since Bishop Hugh of Grenoble and the Carthusians had requested this.259

251 PL, clxxix, 165; RHGF, xv, 378–9 no. 22; JL 7601; Luchaire, Louis VI, no. 505–6; Vacandard, Vie de saint Bernard, i, 351–8.
252 Luchaire, Louis VI, no. 518.
253 Bournazel, Louis VI, 197; Luchaire, Louis VI, no. 505–6, 518; S. Bernardi Opera, vii, 370 no. 161; Ordneric Vitalis, vi, 422 (the link between the murder of Subdean Archibald, mistakenly said to be Dean Hugh of Orleans, and the hostility towards Louis VII’s anointing in Reims, seems very strange).
254 About 1132, Archdeacon Theobald had a dispute with his bishop about an interdict; Parisian clergy warned Innocent of his impudence (PL, clxxix, 664–5).
255 Letter to the archpriests of the diocese of Paris: PL, clxiii, 1415; RHGF, xv, 335 no. 11.
257 PL, clxxix, 191–2; JL 7636 (uncertain date, 16 November 1133); PUE, NS, viii, 135–4 no. 7 (5 December 1133); RHGF, xv, 381 no. 27 (uncertain date, 16 November 1133); Bournazel, Louis VI, 197–8.
258 Letters of Peter the Venerable, ii, 106; Pontal, Les conciles, 315–7; Hefele-Leclercq, Histoire des conciles, V/1, 704–5; Mansi, xxi, 445–54 (ascribed to 1130); Luchaire, Louis VI, no. 519.
In both cases, Louis VI protected the non-reform side and when he finally punished the guilty parties, the pope was warned by Peter the Venerable that the king's sword was too blunt and asked for confirmation of the sentences of the council of Jouarre.\footnote{260 \textit{Letters of Peter the Venerable}, i, 24–5 no. 17 (ii, 105–7), late 1133 or very early 1134.} Innocent informed Renaud of Reims, Hugh of Rouen, Hugh of Tours and their suffragans that he confirmed the sentences of the council, but complained that the punishment was unfittingly light, adding that interdicts must be imposed on areas where the murderers might be; that excommunication had to be proclaimed against them; and that the clerks of their families had to be deprived of their benefices.\footnote{261 \textit{PL}, clxxix, 214–5; JL 7666; \textit{RHGF}, xv, 382–3 no. 29; Luchaire, \textit{Louis VI}, no. 546.}

The crisis of Orleans was solved through the pope himself. In a bull of 8 January 1135,\footnote{262 \textit{PL}, clxxix, 193–4; \textit{RHGF}, xv, 379 no. 23; Luchaire, \textit{Louis VI}, no. 531; JL 7642; Vacandard, \textit{Vie de Saint Bernard}, i, 357 no. 4; Palumbo, \textit{Lo Scisma}, 524.} Innocent informed the bishops of Paris and Chartres that he had received Geoffrey of Rue Neuve, head of the Orleans party which had been implicated in the murder of the subdean; to avoid the cycle of revenge and to punish the guilty parties, they reached a compromise; in the presence of the pope, Geoffrey promised to give liege homage (saving the fidelity due to the king) to Subdean Stephen, Provost Simon and other relatives of the late Archibald; Henry of Rue Neuve, his son Theobald and his nephews Hugh and Henry would do the same, as would 100 knights and 140 burghers of Orleans; on the next All Saints' Day, they would all have to come before the pope to hear the penances which they would have to fulfil in order to be released from their excommunication; the bishops of Paris and Chartres would have to see that they fulfilled their penances before the interdicts on the city of Orleans and on the archidiaconate of Stephen of Garlande were to be lifted. In fact peace was long in returning to the cathedral of Orleans. Bernard of Clairvaux asked the pope to protect it and Cardinal Aimeric interceded for William of Meung about 1134/5; Peter the Venerable recommended Elias, abbot of Saint-Sulpice (who had been elected bishop of Orleans before August 1137), to Innocent, who confirmed him before 15 April 1138, but the bishop had to fight the opposition of several canons for years and resigned in 1145/6.\footnote{263 \textit{S. Bernardi Opera}, vii, 363 no. 156 (to Innocent II); 364 no. 157 (to Aimeric); \textit{Letters of Peter the Venerable}, i, 17–8 no. 11 (ii, 102, 304–10); \textit{PUF}, NS, vi, 105–6 no. 49; JL 7889.}

In these unhappy affairs, Louis VI was not entirely against the reform party, but he wanted to protect his royal view of the French church. Personal rivalries around the Capetian court had certainly worsened the crisis and another example shows just how touchy relations were between Rome and Paris at this time. In 1134, Henry, the king’s younger son, abbot of Saint-Mellon of Pontoise, had confiscated the prebend of a canon of his collegiate church, arguing that it had been conferred on him illegally. A legate, with the confirmation of Innocent, forbade Henry from giving the prebend to anybody else. In response to the legate, Louis VI argued that he and his son did not know of the papal
mandate, that Henry had acted according to his advice, and that his son’s right to confer the prebend should be respected.\footnote{RHGF, xv, 343 no. 11; Recueil des actes de Louis VI, ii, 260–1 no. 363; Luchaire, Louis VI, no. 549. According to Janssen (Die päpstlichen Legaten, 31, n. 2), this legate was William and not Geoffrey of Lèves.}

In this general atmosphere of friction, Louis forbade the French prelates from attending the council of Pisa which Innocent summoned on 8 November 1134 for the following May. Bernard of Clairvaux interceded with the king that he might set aside spurious arguments (such as the excessive heat in Italy!) and assured him that he and other prelates faithful to the French monarchy would work in Pisa to soften the severity of apostolic authority, which might have troubled royal honour.\footnote{S. Bernardi Opera, viii, 161–2 no. 250; Recueil des actes de Louis VI, ii, 474–5 no. 20; Luchaire, Louis VI, no. 552; Palumbo, Lo Scisma, 525–6.} But neither the pope nor the king wanted a definitive break-up and there were already signs of a détente when Louis in 1134 confirmed his donations and those made by Bishop Stephen of Paris to the monastery of Saint-Victor.\footnote{Recueil des actes de Louis VI, ii, 244–6 no. 356. On 16 March 1138/43, Innocent asked the Church of Paris to give a prebend to Saint-Victor (PL, clxxix, 620; JL 8296).} On 1 October 1136, the pope approved the rule and temporalities of the abbey of Saint-Denis of Montmartre founded by Louis, Queen Adelaide and their sons.\footnote{Luchaire, Louis VI, no. 575; JL 7790.}

By then the French court needed the support of Innocent in the struggle between Stephen of Blois and Matilda, the daughter of Henry I, concerning the succession to the English throne,\footnote{Luchaire, Louis VI, no. 584; Recueil des actes de Louis VI, ii, 331 no. 396; PL, clxxix, 301–2; JL 7804; Richard of Hexham, De gestis regis Stephani et de bello Standardii, in Chronicles of the reigns of Stephen, Henry II and Richard I, ed. R. Howlett, iii (London, 1886), 147–8; J. Truax, ‘All roads lead to Chartres: the House of Blois, the Papacy and the Anglo-Norman succession of 1135’, in Anglo-Norman Studies, xxxi: Proceedings of the Battle Conference 2008, ed. C. P. Lewis (Woodbridge, 2009), 118–34.} while papal collaboration with the French monarchy also helped ecclesiastical reform to spread in the duchy of Aquitaine. When Duke William X died on a pilgrimage to Compostela on 9 April 1137, he had appointed Louis VI as ward of his daughter and heiress Eleanor whom he wanted to marry the king’s heir.\footnote{Bournazel, Louis VI, 202–4.} The marriage was celebrated in Bordeaux on 25 July 1137 and Prince Louis was crowned duke in Poitiers on 8 August 1137, after the death of his father on 1 August. It was a major move by the Capetians to spread their influence south to the Loire Valley. During that summer, Geoffrey of Chartres, as papal legate, represented the Aquitanian clergy in the negotiations with the new duke; he seized the opportunity to develop the *libertas Ecclesiae* in the duchy.\footnote{La Chronique de Morigny, 68.} Louis VI knew that his son would need the help of the Church in order to govern turbulent Aquitaine and it was worth giving the Church more liberty there than in the Capetian demesne. On 1/7 August in Bordeaux, Louis VII granted to all cathedrals and monasteries of the province of Bordeaux the free and canonical election of their prelates, with no necessity for the swearing of homage and fidelity, and he also granted that newly elected prelates should immediately and fully enjoy all the goods and
rights of their church. 271 Naturally, Innocent confirmed this royal diploma (on 20 April 1139). 272 Legate Geoffrey was chosen to take the queen and Duchess Eleanor under his protection 273 whereas Louis VII hastened to Paris in order to fight against the nobles and the commune of Orleans, which rebelled following his father’s death.

**The quarrels with young Louis VII**

We might have expected warmer relations between Louis VII and Innocent II. Indeed, at Reims in 1131, the latter had crowned the young prince who had first been educated to become a cleric. But in 1137, the new king was still young (about 16 years old), impulsive, easily influenced and stubborn. He was pious too and deeply aware of his religious duties as anointed sovereign. The older generation had disappeared in 1135–7: Henry I of England, William X of Aquitaine, Louis VI of France, Emperor Lothar III. Eager to escape the counsellors of his father, Louis VII was faced with the struggles of courtiers to win his favour. 274 Abbot Suger of Saint-Denis continued to take care of royal affairs, but his relations with the king were shifting, as were those of other advisers. Three groups can be distinguished: the ‘old counsellors’ (according to Bernard of Clairvaux) Suger and Bishop Jocelin of Soissons; the Queen mother Adela and Count Ralph of Vermandois, royal seneschal from 1131 (and rival of Count Theobald of Blois–Champagne); and a new party of young men such as the knight Thierry Galéran and the chaplain Cadurc. 275 Mistrustful of his mother and Ralph of Vermandois, who left the court, Louis relied at first mainly on Suger who was nevertheless marginalised from autumn 1138 with the return to favour of Count Ralph and then the growing power of Cadurc from 1140, who took the position of chancellor which had been occupied from 1137 by Algrin, 276 a member of the entourage of Stephen of Garlande who was unsuccessfully supported by, among others, Suger, Bernard, and the future Cardinal Imar.

All these political intrigues had a complex influence on papal relations with the French Church and Crown in a period of major crisis which was increased by the episcopal elections of the years 1138–43. 277 A *modus vivendi* had been agreed by reform clerks and the Capetian monarchy since 1104/6: the lay power no longer openly interfered with episcopal elections, letting cathedral chapters and local clerical dignitaries choose their prelates freely; 278 in fact, the king could privately recommend his candidate, but he only held the right (or

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272 *Archives historiques du department de la Gironde*, 12 (1870), 320–1 no. 125.

273 *La Chronique de Morigny*, 70.


276 Bournazel, *Louis VI*, ad indicem.


the duty, as the reformers saw it) to accept the elect and to invest him with his regalia (his temporal goods and rights) but not his spiritual functions. But gradually Louis VII changed his religious policy and intervened in many episcopal affairs, so that he came into conflict with the pope, who was intent on promoting the libertas Ecclesiae and was strengthened by the development of his international jurisdiction. Between 1137 and 1143, Louis interfered to various degrees in the successions to the sees of Reims, Poitiers, Langres, Bourges, Châlons, Senlis and Paris (as well as indirectly in the dispute about the partition of the diocese of Noyon–Tournai which has already been mentioned).

After the death of Archbishop Renaud of Reims, on 13 January 1139, Louis supported the burgheers of the city by confirming their communal charter, which prejudiced archiepiscopal rights and revenues. So that he could profit from the episcopal revenues during the vacancy, he did not give the licentia eligendi to the canons. The local clergy protested and, with the support of Bernard of Clairvaux, appealed to the pope. On 20 April 1139, Innocent wrote a harsh letter to Louis, reminding him of his duties as a king whom he himself had anointed and who must defend the rights of the Church; he informed him that he had given the licentia eligendi to the canons of Reims who would proceed under the supervision of Bishops Geoffrey of Chartres, Jocelin of Soissons, Alvise of Arras and Hugh of Auxerre; he also asked the king to quash the communal regime in the city. On 30 April, Innocent forbade any novelty during the vacancy and warned that he would promulgate anathema if a commune was erected. Eventually, probably thanks to the intercession of Bernard and considering the unrest stirred up by the burgheers (who did not obey him), Louis followed the papal instructions and allowed the canons freedom to elect. They first chose Bartholomew, bishop of Laon (unsuccessfully, although the reason remains unknown), and then the abbot of Clairvaux, with the consent of the king, but Bernard refused. In November, they elected Archbishop Samson of Mauvoisin, a protégé of Geoffroy of Lèves, nephew of the late Archbishop Renaud, and nephew-in-law of Stephen of Garlande; Bernard recommended him to Innocent. In collaboration with the count of Champagne, the royal army put an end to the commune of Reims in 1140.

After the death of Bishop William Adelhelm of Poitiers on 6 October 1140, Grimoald, abbot of Les Alleux, was elected bishop with the support of Geoffroy of Lèves and was consecrated by Archbishop Geoffroy of Bordeaux on

280 On the whole affair: Demouy, Genèse d’une cathédrale, 495–6, 624–5; Pacaut, Louis VII et les élections, 93–4; Sassier, Louis VII, 94–7; Teubner-Schoebel, Bernhard von Clairvaux, 480–5; Vacandard, Vie de Saint Bernard, ii, 36–46; Dinzelbacher, Bernhard von Clairvaux, 204–7.
281 S. Bernardi Opera, viii, 251 no. 318.
282 PL, clxxix, 497 no. 432; RHGF, xv, 394–5; JL 8067.
283 PL, clxxxix, 468–9 no. 406.
284 A petition of many abbots and clerks to the pope: PU Niederlanden, ii, 133–4 no. 35.
285 S. Bernardi Opera, viii, 426–7 no. 449 (letter to Louis VII, autumn 1139); Ernald, PL, clxxv, 283.
286 S. Bernardi Opera, viii, 69 no. 210; Annales Remenses et Colombienses, MGH SS, xvi, 733.
26 January 1141. Because Grimoald did not ask for the authorisation and confirmation of the king, Louis refused to invest him with the regalia and forbade him entrance to Poitiers in February 1141; he also summoned the archbishop before his court. Bernard of Clairvaux stood up for the prelate and on 20 May 1141, Innocent ordered the clergy and people to obey the new bishop. Grimoald died, however, in October 1141 before Louis VII acknowledged him and the situation improved in 1142 with the election of Gilbert of la Porrée.

The most serious crisis concerned the see of Bourges, the southernmost city of the royal demesne and a large ecclesiastical province. Louis VII supported the candidacy of his ambitious new chancellor Cadurc to succeed Archbishop Aubry, who died early in 1141. But some of the chapter wanted Peter of La Châtre, a relative of Cardinal Aimeric (who died on 28 May 1141) and well-regarded by Innocent. The king granted the licentia eligendi but he forbade the canons from voting for Peter. We may suppose that he was irritated by papal interventions in other episcopal appointments, such as at Reims and Langres. However, the cathedral chapter did not listen to the king and elected Peter as archbishop on 26 May 1141. Louis refused to acknowledge him and Peter appealed to the pope, who consecrated him. According to the Chronicler Guillaume of Nangis (at the end of the thirteenth century), Innocent said that the king was hindering the rights of the electors and it was important that the sovereign, who was still a child, did not fall into bad habits! The pope deprived Cadurc of all his ecclesiastical benefices while Louis forbade Peter entrance to his diocese and furiously swore on relics that he would never let him sit in Bourges. Innocent meanwhile placed an interdict on regions which welcomed the king. This dispute was to last three years and the crisis became more complicated when Archbishop Peter found shelter in the lands of Count Theobald of Blois–Champagne, who was on bad terms with Louis and was a great rival of Count Ralph of Vermandois (whose divorce had not been agreed by the papacy).

Count Ralph had returned to the royal court in July 1139. To become even closer to his cousin Louis VII, he had his marriage with Eleanor annulled for

288 S. Bernardi Opera, viii, 284–95 no. 342 (late January/May 1141).
289 PL, clxxix, 284–95 no. 342 (late January/May 1141).
290 Pacaut, Louis VII et les élections, 94–7, 100; Sassier, Louis VII, 101–2, 107–8, 116–8; Teubner-Schoebel, Bernhard von Clairvaux, 196–208; Devaillly, Le Berry, 392–6; Herman of Tournai, Historiae Tornacenses, 343; Historia Francorum, RHGF, xii, 116; Ex chronico Turonensi, RHGF, xii, 472.
291 In May 1137, in response to the petition of the clergy of Bourges, Innocent asked Master Aubry, archdeacon of Reims, to accept his election to the see of Bourges (PL, clxxix, 278–9).
293 RHGF, xi, 735: ‘regem puerum instruendum et cohibendum ne talibus assuescat’.
294 La Chronique de Morigny, 81; The Chronicle of Robert of Torigni, in The Chronicles of the reigns, iv, 143–4; Radulfi de Diceto abbreviationes chronicorum, in The historical works of Master Ralph de Diceto, ed. W. Stubbs (London, 1876), 1, 256.
296 Pacaut, Louis VII et les élections, 97–8, 100; Grant, Abbot Suger, 149–52; Sassier, Louis VII, 109–26.
consanguinity in late 1141 or early 1142 and married Petronille of Aquitaine, the sister of Queen Eleanor, through the judgement of three bishops favourable to him and to the king: Simon of Noyon (Ralph’s own brother), Bartholomew of Laon and Peter of Senlis. The abandoned Eleanor took refuge with her uncle Count Theobald of Blois–Champagne, who appealed to the pope.\(^{297}\) Bernard of Clairvaux also urged Innocent not to allow canonical rules to be trampled upon.\(^{298}\)

Granting the wish of Count Theobald, the pope sent Cardinal Ivo to judge the case. In spring 1142, the legate held a council in Lagny,\(^{299}\) a town in the diocese of Paris but under the government of Theobald. In the presence of many prelates, Ivo quashed the sentence of divorce and acknowledged the validity of the marriage between Ralph and Eleanor; he suspended the three bishops, excommunicated Ralph and Petronille and put Ralph’s lands under interdict.

But Louis VII and his party did not back down on this occasion, and the crisis reached its height. Between February and June 1142, the king did not allow elections to the vacant sees of Paris and Senlis, and did not deliver the regalia to the bishop-elect of Châlons. In autumn–winter 1142–3, he plundered the county of Champagne, burning more than a thousand refugees in the church of Vitry-en-Perthois. His followers devastated the diocese of Bourges with the result that on 10 January 1143, Innocent excommunicated Stephen of Graçay, Renaud of Montfaucon and all those who had burnt the village and the church of Saint-Satur.\(^{300}\)

The pope adopted a tough stance, while several intercessors tried to find a peaceful solution. Bernard wrote to Innocent to advocate for a truce between Louis and Theobald: the king would return the occupied lands of Champagne to the count and the regalia to the elect of Châlons; Theobald swore that he would get the pope to lift the ecclesiastical sanctions on Ralph and Petronille.\(^{301}\) Indeed, Rome lifted the excommunication on Ralph and Petronille and Louis VII returned Vitry to Theobald, but Ralph kept on living with Petronille, and they were excommunicated again, despite the attempt of the king to have Abbot Bernard intercede on Ralph’s behalf to the pope.\(^{302}\)

Negotiations concerning the lifting of the interdict on the king’s lands were no more successful. In 1141/2, Peter the Venerable advised the pope to be patient with a young king whom he had himself anointed.\(^{303}\) In a diplomatic

297 Herman of Tournai, *Historiae Tornacenses*, 343.
300 PL, clxxix, 638; JL 8339.
301 S. Bernardi Opera, viii, 76–7 no. 217.
302 S. Bernardi Opera, viii, 82–3 no. 220.
303 *Letters of Peter the Venerable*, 1, 257–8 no. 97.
mission at the papal Curia, Abbot Macaire of Morigny used prayers and gifts to no avail. Bernard was to the fore and did not hesitate to blame the king for his crimes and the pope for his roughness. He wrote to Cardinals Alberic of Ostia, Stephen of Palestrina, Imar of Tusculum and the chancellor Gerard in favour of Archbishop Peter of Bourges in 1143. He also alluded to the crisis of Bourges in a letter to Innocent in summer 1143, which indicates that the pope had reproached him for meddling too much in politics. In 1143, Bernard attributed the bad behaviour of the young king to his old advisers, Abbot Suger and Bishop Jocelin of Soissons; but they answered robustly so that Bernard sent gentler letters to Jocelin, asking him to better advise the king, and to Suger, to whom he did not attribute any personal responsibility for the troubles, but expressed his astonishment that he was numbered among the royal counsellors in such a situation. Louis VII's reconciliation with the papacy was reached only under Celestine II, through Bernard's intercession. The new pope eventually lifted the interdict on the king and Louis acknowledged Peter of La Châtre as archbishop of Bourges.

There were other problematic elections in France at the beginning of Louis' reign, but the Capetian was not involved at Limoges in 1138–9, or Lisieux in 1141–3, and was not culpable in the case of Langres. The latter see endured a long vacancy after the death of Bishop Villain in August 1136 and the divisions between the electors tallied with regional rivalries between noble families and religious orders. The name of Abbot Alberic of Vézelay was suggested, but Peter the Venerable warned Innocent that it would not be in the interests of

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304 *La Chronique de Morigny*, 81. Earlier, probably in 1141, Louis sent as ambassadors to the Curia his chaplain Peter (abbot of Saint-Avit of Orleans) and Master Simon of Poissy, who made a stop at Cluny: *La Chronique de Morigny*, 79.

305 S. Bernardi Opera, viii, 84–86 no. 221 (1143).

306 S. Bernardi Opera, viii, 80–82 no. 219.


308 S. Bernardi Opera, viii, 86–9 no. 222.

309 S. Bernardi Opera, viii, 89–90 no. 223 (to Jocelin of Soissons); 345–6 no. 381 (to Suger).


311 S. Bernardi Opera, viii, 303 no. 358; viii, 91–3 no. 224.


313 On the opposition of Count Geoffrey of Anjou to Arnulf of Lisieux, who was supported by Peter the Venerable, Bernard of Clairvaux and Innocent, see Teubner-Schoebel, *Bernhard von Clairvaux*, 189–93.

Vézelay (Alberic, however, was appointed cardinal on 3 April 1138). In spring 1138, the electors sent a delegation to Rome (consisting of Archbishop Peter of Lyon, Dean Robert of Langres and Canon Odolric of Aigremont), in order to seek the voting licence and get papal advice. Bernard was then at the Curia and joined the negotiations alongside Cardinal Aimeric. They resolved on two candidates (one was Geoffrey, prior of Clairvaux) and the archbishop promised only to confirm a unanimous election. Returning to Langres, the delegation explained the agreement, but a major part of the chapter chose William of Sabran, a Cluniac monk, who gained the support of the duke of Burgundy. However, another part of the chapter, led by Archdeacon Pons, protested and the crisis was intensified by the competition between Cluniacs and Cistercians, with each trying to convince Rome. Moving back to France during summer 1138, Bernard advised Innocent to oppose the consecration of William. On his side, William won the backing of Peter the Venerable, who wrote to Innocent in spring 1138, who in turn made Louis concede the regalia in Le Puy on 15 August 1138, which preceded the consecration by the archbishop of Lyon and the bishops of Mâcon and Autun. But Innocent quashed William’s election and ordered a new one. The Cistercian party was thus victorious. Bernard himself was elected but declined and, probably in January 1139, Geoffrey of La Roche-Vanneau, prior of Clairvaux, was chosen. In response to petitions from Bernard, an annoyed Louis passed on the regalia only in 1140.

**Conclusion**

The Capetian kingdom played a decisive part in the early recognition of Innocent II as the true pope and in the rejection of Anacletus II. This influenced the subsequent support from Germany, Spain, and England, even though the schism still persisted in Aquitaine until 1134/6. This all reflected the influence of French reforming prelates and communities in the Western Church; the pope acknowledged as the catholic pope was the candidate supported by the French Church. For years, great figures such as Aimeric, Mathew of Albano, Peter the Venerable, Bernard of Clairvaux, Suger and Geoffrey of Lèves were the key protagonists in papal–French relations.

Eager to affirm the prerogatives ascribed to the Roman pontiff by reform ecclesiology, Innocent II reinforced papal monarchy in daily life, through the petitions received from the French churches themselves. He developed papal justice broadly, granting privileges of protection, hearing appeals to the Curia and appointing numerous judges delegate. He supported ecclesiastical reform, backing reforming bishops, favouring Cistercians and regular canons, and not hesitating to impose interdicts on the rebellious, even when they were lay princes. Though in its infancy, the novelty of papal provisions also marked a new step in Roman centralisation. The stay in France in 1130–2 catalysed the trend which had begun in the middle of the eleventh century and which did not cease when the Curia returned to Italy.

As a Gregorian pope, Innocent II could not maintain good relations with the French kings all of the time, because the kings were aware of their duties as anointed Christian sovereigns and wanted to share fully with the clergy in
the government of the people whom God had ascribed to them. These ecclesiological differences led to some conflicts, above all in episcopal elections. The reconciliation between Louis VII and the papacy came after the death of Innocent, with Eugenius III (who also found refuge in France in 1147–8), when the Capetian led a Crusade and thus accomplished his mission as the most Christian king. 315

5 From Aquitaine to Provence

The struggle for influence during the schism of 1130

Ursula Vones-Liebenstein

A major question of the schism concerned which of the two contenders for the papal office could convince the princes and prelates of Christendom that they were indeed the rightful pope.\(^1\) Innocent II, quickly finding himself isolated within Rome, left for Pisa and afterwards embarked by ship to France. On 11 September 1130, Innocent was at the abbey of St Gilles (which especially belonged to the Holy See).\(^2\) From there he went to Arles,\(^3\) where messengers from Cluny found him and provided him with the necessary means for his journey to the famous Burgundian abbey.\(^4\) As Innocent moved to France from Italy, so too the focus of the struggle for influence shifted from the question of which of the two popes had been legally elected in the city, to that of which of the two popes could command the greater support in the world. This then directly involved the major ecclesiastical figures of the lands from Aquitaine to Provence. Their attitude towards Innocent varied and this chapter seeks to explain that variety.

The political situation in the south-western part of Gallia

While the English king Henry I and the French king Louis VI ruled over relatively united territories in the north and centre of ancient Gallia, the southern and western parts of present-day France were split into many independent principalities. The most important of these was Aquitaine, which was already in late Roman times considered the richest province of Gallia. The dukes of

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4 According to the Norman chronicler Orderic Vitalis they provided him with 60 horses and mules for the continuation of his journey (vi, 418). F.-J. Schmale, Studien zum Schisma des Jahres 1130 (Cologne, Graz, 1961), 222.
Aquitaine, whose territory was larger in area than the kingdom of France – extending from the county of Anjou in the north to the Pyrenees and the Garonne in the south-west – in theory acknowledged in the suzerainty of the French king, but were de facto independent. Among the vassals of the dukes of Aquitaine were the counts of Angoulême, La Marche, Auvergne and Périgord; the viscounts of Limoges, Thouars and Turenne; and the lords of Lusignan. Their territory included three ecclesiastical provinces: Aquitania prima, with the metropolitan see of Bourges; Aquitania secunda, with the metropolitan see of Bordeaux; and Aquitania tertia or Novempopulana, with the metropolitan see of Auch. In 1130 Duke William X ruled in Aquitaine, having succeeded his father in 1126.

Southern France from the Pyrenees to the Maritime Alps was politically even more divided than Aquitaine, with the county of Toulouse in the west, and the county of Provence in the east. Since the marriage of Philippa, daughter and heiress of Count William IV of Toulouse, to William IX of Aquitaine in 1094, the dukes of Aquitaine had laid claim to the county of Toulouse. Duke William X, son of Philippa and William IX, upheld this claim and denied his second cousin Alphonse Jourdain, son and heir of William’s IV brother Raymond of Toulouse, any right to the county of Toulouse. But in reality Alphonse took possession of Toulouse in 1119. Some years later, in 1125, and after many armed conflicts, Alphonse reached an agreement with the count of Provence to define their different spheres of influence. From then on Alphonse’s centre of power was located in Languedoc, and east of the Rhone in the so-called March of Provence. On his side stood the Trencavel, viscounts of Nîmes, Albi, Béziers, Agde and Carcassonne, who had split up into three branches after the death of Viscount Bernard Aton in 1129. Alphonse’s territory to the west of the Rhone corresponded to the ecclesiastical province of


9 See H. Débax, La féodalité languedocienne, XIe–XIIe siècles. Serments, hommages et fiefs dans le Languedoc des Trencavel (Toulouse, 2003), 86.
Narbonne (Narbonnensis prima),10 to the east of the Rhone, parts of the ecclesiastical provinces of Vienne and Arles belonged to his sphere of influence.

The county of Provence had been a bone of contention between the counts of Toulouse and the counts of Barcelona since the marriage of its heiress Dulce of Provence to Count Ramon Berenguer III of Barcelona in 1112. This had led to a polarisation of the nobility between the houses of Toulouse and Barcelona,11 with the counts of Barcelona dominating the county of Provence, south of the Durance, in the kingdom of Arles (which was nominally part of the Roman Empire). The centre of their power lay on the other side of the Pyrenees in the county of Barcelona. They were allied with the viscounts of Narbonne, the counts of Roussillon and Melgueil12 and the lords of Montpellier.13 In Provence they had to deal with the rivalry of the counts of Provence–Forcalquier14 and the lords of Les Baux.15 When Ramon Berenguer III died on 19 July 1131, he bequeathed the county of Provence to his younger son Berenguer Ramon.16 His territory corresponded to the ecclesiastical provinces of Embrun (Alpes maritimae), Aix (Narbonnensis secunda) and parts of Arles.

We have no letters addressed to any of the bishops or nobles of southern France from either of the popes informing them of the issue of the controversial election. And we do not know if Archbishop Diego Gelmiirez of Santiago de Compostela fulfilled the request made to him by Anacletus to send diverse copies of a letter written by the Cardinal Priest Peter of Pisa to his colleagues.17


14 For the reparation of the different branches of the nobility, see F. Mazel, ‘Pouvoir comtal et territoire. Réflexion sur les partages de l’ancien comté de Provence au XIIe siècle’, Mélanges de l’École française de Rome, Moyen-Âge 123 (2011) 467–86, at 474. While Innocent stayed at St Gilles in September 1130 he asked the countesses of Forcalquier not to trouble the monastery of Montmajour (JL 7424).

15 For the lords of Les Baux, descending from Stephanie, the elder sister of Dulce of Provence, who had been given a dowry on the occasion of her marriage and therefore had no part in the heritage of her parents, see E. Smyrl, ‘La famille des Baux’, Cahiers du centre d’études des Sociétés médiévales, 2 (1968), 7–107, at 34–5. Cf. more recently, F. Mazel, La noblesse et l’Église en Provence, fin Xe–début XIe siècle. L’exemple des familles d’Agoult-Simiane, de Baux et de Marseille, CTHS Histoire, 4 (Paris, 2002), 104–10, 278–82 (the relationship between the Baux Family and the abps of Arles), 628–37 (genealogical tables).

16 Poly, La Provence, 334–6; Mazel, La noblesse, 283–4, who underlines that the counts of the house of Barcelona relied on the church and her local structures.

But it is evident that the circumstances must have been known to them at least after the arrival of Innocent II in St Gilles.

The convocation of councils: Clermont and Canossa

Innocent II was received at Cluny with all the pomp and ceremony due to a pope.\(^{18}\) There Innocent met Abbot Suger of St Denis, who, informing him of the decisions of the council of Étampes, recognised him as the rightful pope.\(^{19}\) Innocent undoubtedly viewed himself in an historic line from his predecessors but this was particularly the case with Urban II. Thus Innocent solemnly dedicated the church of Cluny, on the same day as Pope Urban II had done 35 years before.\(^ {20}\) And it was certainly no coincidence that Innocent convoked his first council for 18 November 1130, the octave of St Martin of Tours, at Clermont in Auvergne,\(^ {21}\) 35 years after Urban II had held his council there to preach the First Crusade.\(^ {22}\) On his way from Cluny to Clermont, Innocent passed by Viviers and Le Puy,\(^ {23}\) where he met with Bishop Hugh of Grenoble, just as Urban II had done.\(^ {24}\)


\(^{23}\) Boso, *Vita Innocentii*, ii, 381. The fact that Hugh and other bishops excommunicated Anacletus at Le Puy is only known by the *Vita Sancti Hugonis episcopi Gratianopolitani auctore Guigone priore Cathusiensi* (*PL*, clii, 759–84, at 779), commissioned by Innocent himself after the canonisation of Hugh at the council of Pisa of 1135. There is no other mention of a council held at this time in Le Puy (Mansi, xxi, 435–8). Cf. O. Krafft, *Papsturkunde und Heilsgeschicht. Die päpstlichen Kanonisationen vom Mittelalter bis zur Reformation. Ein Handbuch* (Cologne, 2005), 86–7.

This council at Clermont, an exempt diocese, where the bishops, under the protection of the French king, held all spiritual and secular rights, was an important moment. Although neither Schmale nor Stroll mention the fact, it was the programmatic start of Innocent’s pontificate. The fact that most of the decrees issued there were adopted by later councils, such as the councils of Reims in 1131, Pisa in 1135 and Lateran II in 1139, shows clearly that they already ‘formed part of a program’. And indeed it was at Clermont that it became apparent that Innocent – after being officially recognised by the Emperor at the council of Würzburg and by the king of France at the council of Étampes – considered himself particularly the successor of the Cluniac Urban II. So this first council was a significant moment in Innocent’s struggle for influence.

Present at Clermont were the archbishops of the southern part of France, from the ecclesiastical provinces of Lyon, Vienne, Tarentaise, Narbonne, Arles and Aix, as well as Archbishop Oleguer of Tarragona, the main counsellor of Count Ramon Berenguer III of Barcelona–Provence. From Aquitaine, the archbishops of Bourges and Auch were present, although the archbishop of Bordeaux did not attend. Even though the acts of this council, which

26 R. Somerville, ‘The council of Pisa, 1135: A re–examination of the evidence for the canons’, Speculum, 45 (1970), 98–114, at 110–1, who points out that ‘much of the 1135 Pisa legislation clearly was not new. It formed part of a program that was promulgated and repromulgated, from 1130–39’.
28 For Peter I (1130–39) see the letter Peter the Venerable wrote to him (G. Constable, The Letters of Peter the Venerable, 2 vols, (Cambridge, MA, 1967), i., 125–31 no. 38).
30 Peter I, a disciple of Bernard of Clairvaux, is here attested for the first time.
32 Bernard Garin (1129–38) is recorded in the obituary of St Gilles (Winzer, S. Gilles, 294–5). At a given date in 1130 Innocent conferred on him the legatine power over the ecclesiastical provinces of Arles, Aix and Embrun (W. Jansen, Die päpstlichen Legaten in Frankreich vom Schisma Anaklets II. Bis zum Tode Coelestins III. (1130–1198). Kölner Historische Abhandlungen, 6 (Cologne–Graz 1961), 159. Cf. GCNN, i, 200–8.
33 For Fulcher (1115–31), former provost of the cathedral chapter of Aix, see GCNN, i, 55–6.
34 Oleguer apparently accompanied the pope to Rouen, where he witnessed the donation of Henry I in favour of Cluny (20 May 1131) (JL 7744). For Oleguer, see the article of D. Smith in this volume.
35 For Vulgrin (1120–1136) see GCNN, ii, 48–9, and below n. 112.
37 Arnaud Géraud de Cabanac, abp of Bordeaux (1103–1131), died some months later, on 28 April 1131.
are preserved in the archives of the cathedral of Barcelona, mention that all these archbishops were accompanied by their suffragan bishops and a number of abbots, these words appear to be formulaic. A letter from Innocent II in favour of the abbey of Aniane and addressed to the bishops of Maguelonne, Béziers, Lodève, Nîmes and Agde, all of them suffragans of Narbonne, suggests that these prelates may have been absent from Clermont. As for the abbots attending the council, besides the abbots of Cluny and Déols, only Peter of St Gilles and Stephen of La Chaise-Dieu are mentioned.

Does this mean that the Church dignitaries of the region stood united behind Innocent II and rejected Anacletus's claims to be the legally elected pope? Was there any reaction or initiative on the part of Anacletus? We know that the Cardinal Deacon Gregory of Santa Maria in Aquiro was sent by Anacletus in May 1130 to Aquitaine in order to serve his interests. And a letter exists, which Anacletus addressed in February 1131 to the bishops in Gallia, Burgundy, Normandy and Aquitaine, informing them that he had held a council on 9 November in Canossa (province of Bari), to which he had expected them all to come, to discuss the controversia splitting the unity of the church. Anacletus told them that he had excommunicated Innocent and his followers and warned them not to have anything to do with them. Anacletus also invited them to join another council in Rome, Ravenna or Milan to discuss the matter anew and declared himself ready to accept any judgment the assembly might deliver. There is, however, no further mention of this planned council or of the council Anacletus asked Gerard of Angoulême to convoke in Aquitaine. Innocent on the other hand would hold a council in Reims in 1131, where he again excommunicated Anacletus and his followers.

38 Fita, ‘Actas’, 360–6. Concerning the Liber Antiquitatum, the charter book of the cathedral chapter of Barcelona established in the thirteenth century, where this document is to be found in vol. II, f. 130r, see the introduction to the new edition of A. Fàbrega i Grau, Diplomatari de la Catedral de Barcelona, Documents dels anys 844–1260 (Barcelona, 1995), i, 3–112 at 103.
39 Mansi, xxi, 437: ‘eorumque suffraganeis Episcopis, Abbatisbus quampluribus’.
40 JL 7431; PL, clxxix, 70 no. 20, issued in Clermont, on 29 November.
41 For Peter d’Anduze, abbot of Saint-Gilles (1125–50), later abp of Narbonne (1150–1156), see Winzer, S. Gilles, 88–90, 92–5, 384–5; Vones-Liebenstein, ‘L’attitude de la Narbomennis’, 13, n. 18. Thanks to Innocent II he managed to free his monastery from Cluniac influence.
42 Stephen of Mercoeur, abbot of La Chaise-Dieu (1111–46). On 14 July 1132 Innocent II confirmed all the possessions of La Chaise-Dieu (JL 7583; GC, ii, 334).
43 We know from other sources that Abbot Gregory of St Michel of Cuixà (1120–45), later abp of Tarragona (1143–45) (JL 7430; PL, clxxix, 69–70 no. 19), and Abbot Peter II Raymond of Aniane (1120–ca. 1140) (JL 7432; GC, vi, 839–40) were also present.
45 P. M. Baumgarten, ‘Ein Brief des Gegenpapstes Anacleit (II.)’, Neues Archiv, 22 (1897), 576–8; Palumbo, Lo Sisma del MCXXX, 671 no. 54.
46 Italia Pontificia, viii, 38 no. *140.
47 JL 8377; Palumbo, Atti, 653 no. 9; PL, clxxix, 698: ‘Tuae itaque fraternitati mandamus, ut cum codem filio nostro concilium studet convocare, in quo, charitate media confidentes, communicato fratrum consilio sancte Spiritus gratia cooperante, corrigenda corrigat, et quae confirmatione digna sunt confirme’.
48 Mansi, xxi, 466; Bernhardi, Lothar von Supplinburg, 383–4; Pontal, Conciles, 311–4.
The role of the legates

Since the days of the Gregorian reform, popes had sent legates to remote regions to be their ‘eyes’ and to act on their behalf.49 They soon started to use the knowledge of local bishops, such as Hugh of Die and Amatus of Oloron, for this purpose. The legates had extended powers. They could convok provincial synods, summon conflicting parties to their court, act as representatives of the pope and depose bishops or abbots if necessary.51 The later function had been a matter of controversy since Urban II’s pontificate.52

We know that, from the first month of the schism, both popes had sent legates to some parts of Europe, but especially to France.53 To the region under discussion here, in 1130–1 Anacletus dispatched three cardinals: Gilo of Tusculum,54 Romanus of Sant’Adriano55 and Gregorius.56 All three went to

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52 Becker, Urban II, iii, 166. With regard to the Causae majores, for example the deposition of a bp, an appeal to papal authority was possible.  

53 Jansen, Legaten, 1–4 (for Anacletus), 15–16 (for Innocent). Bernhardi, Lothar von Supplinburg, 341, considered it a mistake that Anacletus didn’t send his own legates to the Empire.


55 Maleczek, ‘Kardinalscollegegium’, 75.

56 For Gregory, CD of Sta Maria in Aquiro, see Jansen, Legaten, 2–3, 6, 11; Maratu, ‘Girard, évêque d’Angoulême’, 370–1, n. 34. In the letters, Anacletus dispached to Gerard of Angoulême (JL 8377) and the bps of Aquitaine (JL 8378) on the 1 May 1130, when Innocent II was still in Trastevere, he informs them, that the cardinal will tell them the truth about the election in Rome, convoque a council in Aquitaine together with Gerard and ‘corrigenda corrigat, et quae confirmatione digna sunt confirmet’ (Palumbo, Atti, 653–4 nos. 9/10; PL, clxxix, 698).
Aquitaine, which was Anacletus's stronghold in Western Europe, thanks to the unswerving loyalty of Bishop Gerard of Angoulême.

**Aquitaine**

Gerard had been made legate in 1107 by Pascal II and was personally known to Anacletus from at least 1120. His legatine power, renewed respectively by Popes Gelasius II, Calixtus II and Honorius II, corresponded to the ecclesiastical provinces of Bourges, Bordeaux and Auch as well as to the northern provinces of Tours and Dol in Brittany. Anacletus had hastened to confirm him as papal legate on 1 May 1130. He may also at the same time have extended Gerard’s legatine power to France and Burgundy, where he had no other representative. In reality, however, Gerard could only defend Anacletus’s interests in the ecclesiastical province of Bordeaux and some of the neighbouring provinces, to which the influence of Duke William of Aquitaine extended.


62 Bernard of Clairvaux, *Werke*, ii, 862, ep. 126, where Bernard blamed Gerard for having added France and Burgundy to his previous field of action: ‘Franciam atque Burgundiam legationi eius antiquae superaddidit’. 

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62 Bernard of Clairvaux, *Werke*, ii, 862, ep. 126, where Bernard blamed Gerard for having added France and Burgundy to his previous field of action: ‘Franciam atque Burgundiam legationi eius antiquae superaddidit’.
Who was this bishop of Angoulême, who stood so steadfastly by Anacletus II, when other archbishops and metropolitans, even those who at first hesitated, like Hildebert of Tours, came to recognise Innocent II? Gerard came from Bayeux in Normandy and had taught at the schools in Périgueux and Angoulême. Because of his ‘outstanding knowledge and respectable life’ he had been elected bishop of Angoulême in 1102. He was a learned and highly respected man, who owned a library of over 100 volumes. During his stay at Angoulême, he initiated the construction of a new cathedral, a masterpiece of Romanesque architecture. Gerard also convoked eight provincial synods, and distinguished himself as a promoter of the religious orders. This was the man Bernard of Clairvaux called a snake, an Antichrist, shrewder than Anacletus himself, and whom Bernard accused of vanity (vanitas), ambition (ambitio) and imperiousness (libido dominandi).

64 Arnulf of Lisieux, Invenitiva, 86, called him the most important ‘instrument’ of Anacletus.
68 Ibid. c. 35; Claude, ‘Un légat pontifical’, 140, n. 9; Oury, ‘Évêques’, 120. Apart from the writings of the Church Fathers – from St. Augustine to Ambrose, Origen, Jerome and Gregory of Nazianzus – he also possessed works of Isidore of Seville, Boethius, the Venerable Bede and Rabanus Maurus and even a history of Julius Caesar. Ordericus Vitalis (vi, 478) called him one of the most learned men (‘uir eruditissimus’) he ever knew.
70 Historia Engolismensis, c. 35; Kumaoka, ‘Les jugements’, 316, n. 7.
It was essential that Gerard succeeded in convincing Duke William X of Aquitaine of the legitimacy of Anacletus’s election. William, whom Arnulf of Lisieux depicted as a pleasure-seeker and devoid of spiritual values, had been educated by a chanter of the church of Poitiers. In the years before 1130, William had endowed many monasteries and abbeys of regular canons with generous donations. He would support Gerard of Angoulême in every possible way and it was only after his later ‘conversion’ or ‘defection’ (rather than because of the anathemas cast on them by the councils of Reims or Pisa), that the fate of Anacletus’s party in Aquitaine was sealed. Gerard himself left Bordeaux and retired to his former bishopric of Angoulême, where he died on 1 March 1136. William, in the presence of Innocent’s legate Geoffrey of Chartres, as a sign of penance, gave land to Bernard of Clairvaux on which to build a Cistercian monastery, which would be La Grace-Dieu. In 1137, William made a pilgrimage to Santiago de Compostela, where he died and he was buried in the cathedral there.

From the tenth century, the dukes of Aquitaine had exercised their domination over the five episcopal sees of Poitiers, Angoulême, Saintes, Limoges and Périgueux. These bishoprics were therefore to be the first and foremost field of activity of the legate. Here Gerard excommunicated and deposed every bishop who was unwilling to recognise Anacletus as pope. In appointing new bishops he took particular care to choose candidates of whom the duke approved. In Poitiers, after the deposition of Bishop William Adelmus, the cathedral chapter elected Peter of Châtellerault, the great uncle of the duchess. In Limoges, Abbot Ranulf of Le Dorat, a secular canon, since 1126 attested at the court

73 Legal questions were of the utmost importance to William. Cf. his dispute with King Louis VI over a judicial affair concerning the count of Auvergne, of whom he was the feudal lord. Cf. Richard, *Histoire des Comtes*, ii, 3–4; Milanesi, *Scisma in Aquitania*, 93–4.
74 Arnulf of Lisieux, *Invectiva*, 107, c. 8: ‘Pictaviensis comes . . . volupatatem vir, animalis homo, arcana spiritualium non attingens’.
81 Arnulf of Lisieux, *Invectiva*, 104, c. 7, writes that he was not a learned man and could hardly pronounce a sermon in the vernacular. Cf. B. Bedos-Rezak, *When Ego was Image: Signs of Identity in the Middle Ages* (Leiden, 2011), 212.
of the duke, was elected bishop.\textsuperscript{82} Here the tensions rose, when the deposed Bishop Eustorge refused to resign.\textsuperscript{83} Thanks to the full support of Viscount Aimer of Limoges,\textsuperscript{84} Eustorge continued to reside in Limoges, in the \textit{castrum} of Saint-Martial, ‘in terra Ademari’, whereas the new bishop took his seat in the \textit{civitas} of St Etienne and ordained priests at La Souterraine.\textsuperscript{85} In Saintes, Bishop William Gardrad (1126–1142) avoided his deposition, despite refusing to consecrate the newly appointed bishops. But he had to leave the town accompanied by a fraction of his chapter.\textsuperscript{86} In Périgueux, William of Nanclars worried that he might be deposed too.\textsuperscript{87} In Agen, the bishop opted from the beginning for Innocent, but it was only after the ‘conversion’ of Duke William by Bernard of Clairvaux in 1135\textsuperscript{88} that he openly acted against the bishop of Bazas, who was supporting Anacletus.\textsuperscript{89} In Albi, Gerard of Angoulême supported the bishop for as long as possible,\textsuperscript{90} and it was only after his death that the bishop’s palace was destroyed and he himself deposed.

Regarding the abbots whom Gerard deposed, according to Arnulf of Lisieux,\textsuperscript{91} we only really know that he incited the duke of Aquitaine to expel the abbot of Saint-Jean of Angély from his monastery, and for the monks to choose a new abbot in the person of a certain Hugh of Pons.\textsuperscript{92} Abbot Fulcher


\textsuperscript{83} See Geoffrey of Vigeois, c. 46. For Eustorge (1106–37), who was at Clermont in 1130 cf. GC, ii, 520–2.


\textsuperscript{85} Geoffrey of Vigeois, 301, c. 46. Arnulf of Lisieux, \textit{Invectiva}, 106, c. 7, relates that Eustorge lived at the \textit{castrum} of Saint-Martial, ‘in terra Ademari’, whereas the new bishop took his seat in the \textit{civitas} of St Etienne and ordained priests at La Souterraine. 85 In Saintes, Bishop William Gardrad (1126–1142) avoided his deposition, despite refusing to consecrate the newly appointed bishops. But he had to leave the town accompanied by a fraction of his chapter. 86 In Périgueux, William of Nanclars worried that he might be deposed too. 87 In Agen, the bishop opted from the beginning for Innocent, but it was only after the ‘conversion’ of Duke William by Bernard of Clairvaux in 1135 that he openly acted against the bishop of Bazas, who was supporting Anacletus. In Albi, Gerard of Angoulême supported the bishop for as long as possible, and it was only after his death that the bishop’s palace was destroyed and he himself deposed.

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\textsuperscript{87} William of Nanclars (1123–1137), GC, ii, 1464–5. On his return from the council of Pisa, he was kept prisoner for some time (Peter the Venerable, \textit{Letters}, i, 51 no. 27).

\textsuperscript{88} See above n. 78.

\textsuperscript{89} Richard, \textit{Histoire des Comtes}, ii, 32. The conflict had arisen over border disputes.

\textsuperscript{90} Ibid., ii, 35. See below note 154.

\textsuperscript{91} Arnulf of Lisieux, \textit{Invectiva}, 105, c. 7.

\textsuperscript{92} Oury, ‘Évêques’, 133; Maratu, ‘Girard, évêque d’Angoulême’, 297; Richard, \textit{Histoire des Comtes}, ii, 25–7. In his letter to the abp of Bourges, the bp of Saintes complained that the duke of Aquitaine expelled the abbot from his monastery on Gerard’s initiative (\textit{PL}, clxxix, 41).
of Cellefrouin on the other hand avoided his deposition by going on pilgrimage to Jerusalem, where he was to become patriarch of Tyre later on.\textsuperscript{93} The monastery of La Sauve-Majeur was divided into two rival factions,\textsuperscript{94} whereas the abbot of Luçon opted for Anacletus from the beginning.\textsuperscript{95}

Limoges, Albi and Bazas did not belong to the ecclesiastical province of Bordeaux, but to the neighbouring provinces of Auch and Bourges. Their archbishops, William of Auch and Vulgrin of Bourges, had already declared themselves for Innocent II at the council of Clermont. In addition, the archbishop of Bourges claimed the primacy over Aquitaine, which had been confirmed to his see for the first time by Paschal II.\textsuperscript{96} Archbishop Vulgrin called himself ‘Primas Ecclesiarum Aquitaniae’,\textsuperscript{97} and therefore the bishops of Saintes,\textsuperscript{98} Périgueux\textsuperscript{99} and Poitiers\textsuperscript{100} wrote to him, to complain about the election of Gerard of Angoulême to the archiepiscopal of Bordeaux.\textsuperscript{101} They asked him to depose Gerard because his election had not been approved by the other bishops of his province, with the bishop of Agen even objecting on the spot. They also requested him to entreat the archbishop of Auc and the bishops of the province of Bordeaux to excommunicate all those providing assistance to the duke of Aquitaine,\textsuperscript{102} and to ask King Louis VI to protect the bishops who had been threatened with deposition.\textsuperscript{103} Vulgrin responded to them in the

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94 Oury, ‘Evêques’, 133. One of the monks of la Sauve-Majeur, Geoffrey, had been elected bp of Bazas in 1126 and chose to stand by Anacletus; another one, Raymond Arnold of Fossat, became bp of Agen in 1130. When a peaceful settlement of their border disputes turned out to be impossible, Raymond Arnold invaded the disputed territories in the name of Innocent II and even set fire to the town of Bazas (Oury, ‘Evêques’, 139–40).


96 In 1112 Paschal II confirmed to Abp Leodegar of Bourges the primacy over Auch (JL 6623; G. Parisot, ‘L’établissement de la primatie de Bourges’, \textit{Annales du Midi}, 14 (1902), 145–84, 289–328, at 166).


98 \textit{PL}, clxxix, 42–3.


100 \textit{PL}, clxxix, 44.

101 When the abp of Bordeaux died on 28 April 1131, the cathedral chapter elected Gerard as his successor. Cf. Claude, ‘Un légat pontifical’, 85; Jansen, \textit{Legaten}, 10–11. The support he enjoyed in the region – first of all from the chapter and the monks of the abbey of the Holy Cross in Bordeaux – is demonstrated by the fact that his successor, elected four years later, needed ten years to establish a foothold in the town (Masson, \textit{Geoffroi du Loroux}, 60–1).

102 \textit{PL}, clxxix, 43: ‘qui duci Aquitaniae auxilium impenderint.’

103 \textit{PL}, clxxix, 44. Cf. Richard, \textit{Histoire des Comtes}, ii, 28–9; Milanesi, \textit{Scisma in Aquitania}, 101, points out that the duke was particularly annoyed, because he did not want Louis VI to exercise any influence in Aquitaine.
affirmative, insisting on their obligation to support Innocent and to endure patiently all hardship, like the martyrs, but without referring to any possible assistance by the king of France.\footnote{104}{PL, clxxix, 45–6.}

Innocent II had not confirmed the right of Bishop Vulgrin to the primacy over Aquitaine. On the other hand he had appointed a new legate for the ecclesiastical provinces of Bordeaux, Auch, Bourges, Tour and Dol, in the person of the bishop of Chartres, Geoffroy de Lèves (1116–1149),\footnote{105}{Cf. for his life and career L. M. Grant, 'Geoffrey of Lèves, bishop of Chartres: Famous wheeler and dealer in secular business', in Suger en question. Regards croisés sur Saint-Denis, ed. R. Grosse, Pariser historische Studien, 68 (München, 2004), 45–56; Idem, 'Arnulf’s mentor: Geoffrey of Leves, Bishop of Chartres', in Writing medieval biography, 750–1250: essays in honour of Professor Frank Barlow, ed. D. Bates, J. Crick and S. Hamilton (Woodbridge, 2006), 173–84; for his earlier years, Oury, 'Evêques', 128–30; La chronique de Morigny (1095–1152), ed. L. Mirot, 2nd edn (Paris, 1912), 68, which refers to him favourably; Jansen, Legaten, 18–30.} to whom Arnulf of Lisieux later on dedicated his \textit{invectiva}.\footnote{106}{See Arnulf of Lisieux, \textit{Invectiva}, 85–6.} At the council of Reims in 1131, Geoffroy had read the ‘long diatribe against Anacletus, sent as a letter from the Carthusian order’.\footnote{107}{Grant, 'Geoffrey of Lèves', 53.} Not long afterwards he asked Bernard of Clairvaux to go to Aquitaine and to help him erase ‘so great an evil’.\footnote{108}{Grant, 'Geoffrey of Lèves', 52.} In 1135 he was also present at the decisive meeting between Bernard of Clairvaux and Duke William. But it was only after the death of Gerard that Geoffroy could exercise his functions outright\footnote{109}{Grant, 'Geoffrey of Lèves', 52–3.} and demolish every altar consecrated by ‘schismatics’.

Geoffroy had the body of Gerard of Angoulême (who had been buried in his cathedral) exhumed and reburied outside the church, like the body of a heretic.\footnote{110}{See Arnulf of Lisieux, \textit{Invectiva}, 85–6.} When William X died in 1137, it was Geoffroy who represented the Aquitanian episcopate in the negotiations with Louis VII, who was duke of Aquitaine by right of his wife, Eleanor, the new duchess, daughter of Duke William.\footnote{111}{Grant, 'Geoffrey of Lèves', 52;} While Gerard of Angoulême’s influence in Aquitaine was still flourishing, there was another attempt on Anacletus’s side to secure his influence in the ancient Gallia. In 1133, Anacletus delivered a privilege in favour of Abbot John of Glanfeuil in the diocese of Angers, a monastery dependent on Monte


104 PL, clxxix, 45–6.
109 It seems possible that the monks of Bonneval (dioc. Poitiers) turned to Geoffroy of Lèves, to complain about the canons of Fontaine-le-Comte, while the schism still persisted. But it was only in 1148 that he could finally solve the case (Masson, \textit{Geoffroi du Loroux}, 107–8).
Cassino. Gerard conferred on him the vicariate of all Gaul (‘vicariatus per totam Galliam’), with the power to ‘have the supreme decision in all the monastic affairs of Gaul’.

Did Abbot John return to Glanfeuil, to a region where the count of Anjou was a staunch supporter of Innocent? Nothing more was heard about him or about Anacletus’s plan to consolidate his influence in France by establishing a vicariate there.

In Aquitaine the struggle for influence came to an end when Anacletus’s legate, Gerard of Angoulême, could no longer count on the support of the secular arm in the person of Duke William X. So the Western part of the Gaul was lost to Anacletus. What was the situation in the south?

**Septimania**

The archbishop of Narbonne, Arnold of Lévezou, had been appointed papal legate for the ecclesiastical province of Narbonne by Pope Honorius II in 1128. It is not known if Arnold met Innocent II at St Gilles or later on, when he attended the council at Clermont. Sometime during this period Innocent II must have confirmed his legatine power.

So Arnold was present on the occasion of an agreement between Alphonse Jourdain of Toulouse and William VI of Montpellier in favour of the latter. At St Gilles, Innocent had been received by Abbot Peter, William’s second cousin. From then on William of Montpellier supported Innocent unconditionally. On his way back to Italy, Innocent II provided him with every possible protection from attacks on his person or estates. Some weeks later, Innocent acknowledged that William had never ceased to show him his love and render him service. Had he not declared himself a *specialem Beati Petri militem*?
At this moment, following the recent death of Count Bernard IV of Melgueil,¹²¹ the lord of Montpellier needed the protection of the pope, because the count of Toulouse was waging war on his lands. This was because of a quarrel between William and Alphonse Jourdain about the guardianship of Beatrice of Melgueil, William’s niece, which the count of Toulouse, as overlord, claimed for himself. In the course of the same year they arrived at an agreement and exchanged an oath of security as guarantee of peace.¹²² Regardless of the rights of the count of Toulouse, William VI soon betrothed Beatrice to the young count of Provence and only the intervention of the archbishop of Narbonne kept Alphonse Jourdain from reacting violently.¹²³

Arnold of Lévezou had always been the closest counsellor of the count of Toulouse.¹²⁴ It was probably on his advice that Alphonse Jourdain appears to have recognised Innocent II, but without taking any measure to commit himself to his cause. Very soon tension mounted between Alphonse and the abbey of St Gilles. St Gilles, a famous centre of pilgrimage, ranking just behind Rome, Jerusalem and Santiago de Compostela, obtained abundant revenues from a never-ending stream of pilgrims. Although his father Raymond IV of Saint-Gilles had in 1096 renounced his share of the oblations placed on the altar of St Gilles,¹²⁵ Alphonse Jourdain tried over and over again to claim his due, through building a stronghold nearby the abbey or simply by assaulting it.¹²⁶

Although it would seem likely, we do not know if the abbot of St Gilles, Peter of Anduze, whose family was allied to the house of Barcelona, immediately appealed to Pope Innocent, because of the abbey’s direct dependence on the Holy See. Whatever may be the case, Innocent did not hesitate to act when he knew of the dispute. He dispatched Archbishop Hugh of Rouen, who had been on his side from the beginning,¹²⁷ to settle the dispute. In the letter announcing Hugh’s arrival as legate a latere,¹²⁸ Innocent accused Alphonse

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¹²¹ Bernard IV of Melgueil was the nephew of Abbot Pons of Cluny, who was himself the son of count Peter I of Melgueil and Almodis of Toulouse. For the impact of this relationship on the events during the schism in Southern France, see Vones-Liebenstein, ‘L’attitude de la Narbonnensis’, 22 n. 81, 28.


¹²⁴ To thank him for his multiple services during his minority, the count offered him the castle of Conilha; Catalogues raimondins, 83 no. 38; GC, vi, instr. 37, no. 42.


¹²⁶ Ibid. 115.

¹²⁷ Jansen, Legaten, 32–4; JL 7487; PL, cclxxix, 102. From Blois, Innocent II sent, on 6 October 1131, a privilege to Hugh ‘ambitionem invasoris Petri Leonis detestans ac Judaicae perfidiae furorem conterens’.

¹²⁸ On Abp Hugh of Rouen, who was present at the council of Pisa in 1131 and showed letters from King Henry I of England, promising obedience to Pope Innocent, see Chronicle of Morigny, 60; L. Spätling, ‘Die Legation des Erzbischofs Hugo von Rouen (1134/5)’, Antonianum, 43 (1968), 195–216.
From Aquitaine to Provence

Jourdain of despising the Roman Church and the power of the keys. By all available means Alphonse tried to prevent the arrival of the legate, but in vain. On 3 November 1134, Hugh of Rouen held a council at Montpellier. We do not know if the dispute between St Gilles and the count of Toulouse appeared on the agenda. Abbot Peter of St Gilles was certainly present, but Alphonse Jourdain was then at the court of Alfonso VII of Castile. The letter sent by Hugh, to arrange a meeting at Valence for 7 March 1135, was amicable. But they probably did not meet and some months later Alphonse Jourdain was excommunicated by the Council of Pisa.

Did Alphonse Jourdain ever openly take the part of Anacletus II? The only evidence to suggest that there existed any connection between them is the following decree of the council of Pisa: ‘In the present council were excommunicated Peter Leonis with his brothers and supporters and the ordinations given by these schismatics were also declared null and void. The forenamed Roger of Sicily, the bishop of Albi, A. count of Toulouse and many others are also to be anathematised’. This may indicate that Alphonse, like the others mentioned by name, supported Anacletus or at least the bishop of Albi (the only known partisan of Anacletus in the Languedoc), but Alphonse’s mention at Pisa could also be the consequence of his long dispute with the abbey of St Gilles.

Humbert Gerard (1125–35) was a former regular canon of the abbey of Saint-Salvi at Albi. His bishopric was situated in the viscounty of Albi, the viscount
being a close ally of Alphonse Jourdain. In 1132, the count had consented to give him this bishopric in fief, with all its belongings, together with the right to appoint the bishop. 137 Not long afterwards the canons of the cathedral chapter of Albi occupied the cathedral, fortifying it against the bishop and inducing the people of Albi to plunder his palace. 138 Despite the spiritual support of Gerard of Angoulême, 139 the bishop had to abandon his see and we do not know what became of him. We have no record telling us if the count or the viscount interfered in the conflict. As a matter of fact, the viscount lost all his rights and Albi was from thereafter firmly under the control of the Innocentians. 140

The situation in the ecclesiastical province of Narbonne was not as clear as that in Aquitaine. From the beginning, Archbishop Arnold of Lévezou attached himself to Innocent, who confirmed his legatine powers. But when it became evident that the archbishop pursued his own objectives, Innocent sent legates a latere, to impose his policies. He even charged the archbishop of Arles to solve a dispute in the Narbonnensis between the abbeys of La Chaise–Dieu and St Thibery. 141 And at the council of Montpellier in November 1134, Arnold of Lévezou had to share the presidency with Hugh of Rouen and Bernard of Arles. So it is little wonder that he failed to appear at the council of Pisa, where the count of Toulouse was to be excommunicated.

**Provence**

The archbishop of Arles, Bernard Garin, 142 former abbot of the Benedictine abbey of St Victor of Marseille, 143 had been elected only a year before the outbreak of the schism. On his way from St Gilles to Cluny, Innocent II stayed for some time in Arles and it was probably on this occasion that he committed to Bernard legatine power over the ecclesiastical provinces of Arles, Aix and Embrun. 144 In this function Bernard acted around 1133 as judge delegate in a dispute between the bishop of Antibes and the abbey of Lérins. 145

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140 JL 7709. Innocent II took the chapter of the cathedral under his protection and granted him the right to elect the bp.
141 HGL, v, 1006 no. 528/III: ‘in placito quod fuit apud Nemausum ante venerabilem Bernardum Arelatensem archiepiscopum Romanae sedis legatum, & Petrum tunc temporis Vivariensem episcopum, quibus controversiam praedictae ecclesiae dominus papa Innocentius mandaverat terminandam.’
142 GC, i, 559–60; Winzer, S. Gilles, 294–5, entry in the obituary of St Gilles on the IV non. Martii; GCNN, ii, 200–08.
144 Jansen, Legaten, 159. Cf. GCNN, ii, 205 no. 524: ‘convocatis suffraganeis ecclesie Arelatensis, necnon Aquensi et Ebedrunensi archiepiscopis, allisque nostre legationis . . .’
145 GCNN, ii, 205 no. 524: ‘causam Antipolitani episcopi, quam nobis tractandam vestra gratia delegavit.’
Bernard Garin was present at Clermont in 1130 and at Pisa in 1135. The count of Provence, to whom his father had bequeathed all the bishoprics in the county of Provence (including Arles), never doubted the legitimacy of Pope Innocent II. The attitude of the lords of Les Baux is less clear. After 1123 they had shifted their allegiance from the house of Barcelona and were to be found at the court of Alphonse Jourdain. Their relations with the archbishop of Arles were frosty at a time when he was the legate of Innocent II. But there is no evidence of actual opposition to Innocent on the part of Les Baux and no association with Anacletus whatsoever.

The power of the word: Sermons and letters

Throughout the schism letters and sermons had played a decisive role in the solution of the most important issue: who was the rightful pope?

From the outset, letters were sent by the two popes to the emperor, the kings of France, England and Scotland and to archbishops including Conrad of Salzburg, Norbert of Magdeburg and Diego Gelmírez of Compostela – letters from Anacletus trying to show that the mode of his election was correct, and letters by Innocent at first claiming that there had been a unanimous election in his favour, and then arguing that the character of his rival had disqualified him from the very start.

Gerard of Angoulême wrote a letter to describe the events in Rome from the perspective of a partisan of Anacletus. This report was attached to the Mortuary Roll (now lost) of Abbot Hervéus of St Sauveur at Redon in Brittany. It is only known through Canon Reimbald of Liège. Full of praise for the way Gerard discussed the election conflict, ‘tante auctoritatis, tante . . . sanctitatis vir’, he remarked that there was a letter from Gerard discussing the different issues of the papal election at Rome. Reimbald felt sorry for the irreconcilability of both sides and for the fact that ignorance (ignorantia) and envy (invidia) made it impossible to arrive at an objective and impartial assessment of the case. He concluded by saying that he did not know what

146 Girgensohn, ‘Pisaner Konzil’, 1079, 1081. He was accompanied by the bps of St. Paul-Trois-Châteaux, Orange and Avignon and the abbots of St Victor of Marseille and Montmajour. Absent were the bps of Vaison, Carpentras, Cavaillon, Toulon and Marseille.

147 A. Udina i Abelló, Els testaments dels comtes de Barcelona i dels reis de la Corona d’Aragó. De Guifré Borell a Joan II, Fondació Noguera, Textos i Documents, 33 (Barcelona, 2001), 92–103 nos. 11 and 12, the last will of Ramon Berenguer of Barcelona and its publication. To his younger son he bequeathed: ‘omnem suum honorem Provincie et comitatum et archiepiscopatus et episcopatus et abbacias et omnia que ibi habere debeo’ (96).

148 Mazel, La noblesse, 280, speaks of a rupture in the relationship between the Baux and the abp of Arles ‘que vient consommer le statut de légat du pape Innocent II’.


151 For the perspicacity of his judgment, see the analysis of Soria, ‘Rumeur’, of the defamatory campaign against Anacletus and his followers, orchestrated by Bernard of Clairvaux and Arnulf of Lisieux.
the Cluniacs ‘meant or intended’ by cutting off this report and sending it to
Innocent.\footnote{152}

On Innocent’s side, Bernard of Clairvaux worked hard to impose ‘his’ pope by
all possible means. He sent a letter to Duke William of Aquitaine in the
name of Duke Hugh of Burgundy asking him to recognise as head of the
Church, him who ‘not only had a spotless life, but also an impeccable reputa-
tion’.\footnote{153} In 1131 Bernard went to Poitiers and there gave a sermon in the cathe-
dral. Even though Duke William seemed impressed at first, the appearance of
Gerard of Angoulême was sufficient to make him change his mind. Bernard
left Poitiers, while the dean of the cathedral chapter ordered the altar where
Bernard had celebrated the Sacrifice of the Mass to be destroyed.\footnote{154} It would
take another four years before Bernard succeeded in convincing the duke at a
meeting in Parthenay-le-Vieux.\footnote{155} It was said that Duke William broke down
completely and abandoned Anacletus’s party.

Bernard of Clairvaux was not the only one to use the power of his words to
denigrate his adversaries. By 1133, before Bernard undertook his second jour-
ney to Aquitaine, Arnulf of Lisieux, an archdeacon of Sées, who later on would
become bishop of Lisieux, had written a piece of invective against Gerard and
Anacletus, which could hardly be surpassed in malicious falsehood.\footnote{156}

Only one letter addressed to the cathedral chapter of Albi from Gerard of
Angoulême has survived. Who collected his letters, after the defeat of Anacle-
tus’s party and the destruction of every altar he had consecrated? It was Orderic
Vitalis, the Norman chronicler, who told us of the violent emotions the schism
aroused, when everyone risked excommunication: ‘In a schism of this kind
there is a great danger of anathema, and indeed it is almost impossible for some
to escape it, since each contender attacks the other vehemently and fiercely
anathematises his opponent and those who support him. So each endeavours,
at least by his curse, to enlist God against his rival as he struggles to achieve his aims, but is powerless to do so.’\footnote{157}

**Conclusion**

The struggle for influence in the southern and western part of the ancient Gal-
lia lasted much longer than in the kingdom of France, the duchy of Normandy

no. 128.}

\footnote{153}{Bernard of Clairvaux, *Werke*, ii, 882, ep. 127: ‘non solum vitae sanitatem habere sed et famae
decorem’.}

\footnote{154}{Ernald, *Vita S. Bernardi*, in *PL*, clxxxv, 289; Maratu, ‘Girard, évêque d’Angoulême’, 312. Dinzel-
bacher, *Bernhard von Clairvaux*, 146–8.}

\footnote{155}{Ernald, *Vita S. Bernardi*, in *PL*, clxxxv, 289–90. The meeting took place in the church of the priory
of Parthenay-le-Vieux, dependent on La Chaise-Dieu (Stroll, *Jewish Pope*, 93; Richard, *Histoire des
Comtes*, ii, 39–42; Dinzelbacher, *Bernhard von Clairvaux*, 160–1).}

\footnote{156}{Arnulf of Lisieux, *Invectiva*. Cf. Soria, ‘Rumeur’, 345–6; on Arnulf see also G. Teske, ‘Ein uner-
kanntes Zeugnis zum Sturz des Bischofs Arnulf von Lisieux? Ein Vorschlag zur Diskussion (mit
Edition)’, *Francia*, 16/1 (1989), 185–204, at 198–200.}

\footnote{157}{Orderic Vitalis, vi, 419.}
or the duchy of Burgundy. The means chosen were appropriate to the needs of the situation. Whereas Bernard of Clairvaux\textsuperscript{158} stood by the principle that the decision of the \textit{sani e pars} must be accepted, Gerard of Angoulême insisted on the principle that a papal election had to be conducted canonically, while Anacletus appealed to the judgment of a council, something which Innocent II wished to avoid.\textsuperscript{159}

Innocent never let any doubt be cast upon the rightfulness of his claim. To substantiate it he used the instruments of canon law which he had at his disposal. Innocent convoked councils, committed the legatine power to archbishops willing to support him and made use of all available propaganda – sermons, letters, anathema – in order to silence his rival, even by denigration and slander.

Anacletus, on the other hand, used different means to denigrate the reputation of his opponents,\textsuperscript{160} but, in the region under discussion, mainly had to rely on Gerard of Angoulême, whose position he tried to consolidate in dispatching three further cardinal-legates to assist him. Gerard depended on the good will of the duke of Aquitaine. Thanks to his legatine power it was left to his discretion to depose bishops and abbots. The deposed or expelled bishops first turned to Archbishop Vulgrin of Bourges as primate of Aquitaine for help. But Vulgrin did not have the necessary means to intervene. Innocent reacted by appointing a new legate for Aquitaine, Geoffre y of Chartres, to counterbalance the effects of Gerard’s actions.

The situation in southern France was different. Here Innocent prevailed over his rival more rapidly, in securing the assistance of two of the most important archbishops, Arnold of Narbonne and Bernard of Arles. Bernard, with the probable support of the counts of Provence, represented his interests unconditionally. Arnold had to have some regard at least for the interests of the count of Toulouse. To achieve his objectives Innocent had to send a legate \textit{a latere}.

In the struggle for influence, both Innocent and Anacletus tried all possible means – convoking councils, nominating and sending legates, preaching and writing letters and pamphlets – in order to gain the good opinion of the majority of ecclesiastical dignitaries and secular rulers for their cause. To achieve their purpose they needed the support of the temporal authorities. So Anacletus’s cause in Aquitaine and the rest of Gallia was lost when Duke William changed sides. Subsequently there was no way to escape the \textit{damnatio memoriae}.


\textsuperscript{159} Bloch, ‘Glanfeuil forgeries’, 170.

\textsuperscript{160} See for example his letter to the Clunia cs ((\textit{PL}, clxxix, 696) denouncing the \textit{falsi fratres} and naming four of them, above all the chancellor Aimeric (Soria, ‘Rumeur’, 598–603).
The kingdom of Sicily was a problem for Innocent II throughout his pontificate. Indeed, once he had secured general recognition by the majority of the western Church, the new kingdom of Sicily constituted the major problem facing the pope. Yet what we know of Innocent’s policy towards the regno is surprisingly little, and more than somewhat opaque. Much of our understanding of that policy depends upon only two documents: a brief paragraph in the acta of the Council of Pisa in June 1135, in which the excommunication of King Roger was proclaimed; and Innocent’s bull of 27 July 1139 proclaiming (or more properly confirming) the creation of the kingdom of Sicily. However, exegesis of these two documents, the purposes of which are diametrically opposed, is by no means straightforward.

Roger II of Sicily was, of course, the principal supporter and main political ally of the rival pope Anacletus II, and it was the latter who had first sanctioned the creation of the kingdom of Sicily in a bull, now surviving only in a late and mutilated copy, on 27 September 1130. King Roger was not merely a supporter of Anacletus; he also had close ties to the latter’s family, the Pierleone, who became his vassals in January 1134, in return for a substantial annual subsidy. This transaction was recorded in the most solemn form in a privilege, written in gold ink on purple parchment, and sealed with a golden bull – one of only two such ‘quasi-imperial’ privileges surviving from King Roger’s chancery, which undoubtedly shows the importance the king ascribed to it. Despite hosting a summit conference to find a solution to the schism at Salerno in November 1137, the king still did not withdraw support from Anacletus – the most he was prepared to do was to invite the supporters of the two rival popes to each submit a written memorandum outlining the legitimacy of their candidate’s election, which he would then consider at his leisure. This looks like

3 Falcone di Benevento, Chronicon Beneventanum, ed. E. d’Angelo (Florence, 1999) [henceforth Falco], 202–4 (Loud, Roger II, 229–30). The fullest account of this meeting comes in the Vita Prima of Bernard of Clairvaux, in PL, clxxv, 293–5.
a classic delaying tactic – although the death of Anacletus three months later may well have rescued Roger from an embarrassing situation. Furthermore, while the eventual conclusion of the schism made a settlement with the ruler of Sicily more feasible, this dogged support of the antipope left a legacy of ill-feeling at the Curia, and there were significant obstacles, both ecclesiastical and political, to securing a solution to the ‘Sicilian problem’. Nor indeed, however much the king himself may have hoped it might, did the bull of 1139 mark an end to the difficulty, not least because of the circumstances in which Pope Innocent was forced to grant that privilege. The final resolution of the problems between the kingdom and the papacy came only with the Treaty of Benevento between William I and Adrian IV in 1156.4

It is not surprising therefore that Pope Innocent’s view of southern Italy was somewhat jaundiced. In July 1137, as he and his Curia accompanied the invasion of the regno by the German Emperor Lothar, he wrote to Peter the Venerable, Abbot of Cluny, that ‘from the city of Rome to Bari, scarcely any city or castrum remains that is subject and obedient to St Peter’, and he expressed his wish to liberate ‘the Christian people suffering under the yoke of the tyrant of Sicily’.5 Here he concurred in the universal view of the king’s enemies, both within and without the regno, that Roger was indeed a tyrant, in that his rule was harsh and oppressive, but that also it was illegitimate. He had no right to the royal title, nor to rule over southern Italy as a whole, as opposed to his ancestral county of Sicily; and the creation of the kingdom in 1130 was the usurpation of a title which did not belong to him, and of lands over which others had a better claim. Such a view was most strongly expressed among German commentators, who considered that their ruler was the overlord of southern Italy, but was by no means confined to them. St Bernard wrote to Lothar III that ‘it is against the interests of Caesar that anyone should make himself the king of Sicily’, while the anonymous Saxon Annalist said that in 1137 the emperor ‘flatly refused to negotiate with a semi-pagan tyrant’.6 While Innocent did not, as we shall see, share his ally’s view as to who was properly the overlord over southern Italy, equally he could not consider a kingdom sanctioned by his rival for the papacy legitimate.

Nevertheless, while the pope’s view of the south Italian kingdom during the 1130s might seem clear enough, there still remain questions to be resolved. Thus, in 1135, at the Council of Pisa, Innocent not only declared the king to be excommunicate, but extended this sentence to include

all those who in future shall bring merchandise by land or sea to Sicily or Apulia, that they might sell it there, and [on those] who shall travel there in order that they might serve the tyrant Roger . . . until he shall return to the unity of the faith.

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In addition, he granted to those who fought both Roger and Peter Leone (Anacletus) ‘that same remission which Pope Urban decreed at the Council of Clermont to all those travelling to Jerusalem for the liberation of Christians’ — in other words, a Crusading indulgence — if one may use that anachronistic terminology. 7

But although the king had been openly supporting Anacletus for almost five years, we have no evidence that Innocent had proclaimed his excommunication before 1135, whereas he had excommunicated his rival pontiff almost immediately upon his election, and this sentence had been repeated for a wider audience at the Council of Liège in March 1131. 8 Even if he may have hoped for Roger’s ‘return to the unity of the faith’, why had it taken so long for the spiritual sword to be unsheathed against him? One might surmise that the pope was hoping for Roger to repent and abandon his rival, but, again, there is no evidence that any diplomatic efforts were made to secure this change of heart before St Bernard’s mission to Salerno late in 1137. Furthermore, Innocent’s close contacts with the leaders of the domestic opposition to the king surely argue against this supposition. Innocent and Lothar met the rebel chiefs, Prince Robert of Capua and Count Rainulf of Caiazzo, during their sojourn at Rome in summer 1133, and the prince was at Pisa with the pope over the winter of 1133–4, and again during the winter of 1134–5. 9 As the notary Falco of Benevento, another enemy of the king, recorded: ‘Pope Innocent and Prince Robert of Capua were labouring with great effort and much danger to free us all’. 10 Why therefore delay before taking the obvious step?

Yet seemingly, the pope did delay. When Bernard of Clairvaux wrote to the people of Genoa early in 1134 to reprove them for receiving envoys from Roger (to whom the abbot would only concede the title of ‘Count of Sicily’), he warned them against accepting the latter’s bribes, and of the discord within the city this might bring. But he did not warn them of the risks of dealing with an excommunicate — which he surely would have done had Innocent already placed the Sicilian ruler under formal anathema. 11

7 D. Girgensohn, ‘Das Pisaner Konzil von 1135 in der Überlieferung des Pisaner Konzils von 1409’, in Festschrift für Hermann Heimpel zum 70. Geburtstag (Göttingen 1971), ii, 1099–1100, comment at 1092–3. However, while acknowledging the importance of this proclamation in the evolution of Crusading ideas, Norman Housley enters a note of caution: ‘we simply do not know if the council intended that people who sought the indulgence should formally make a votive obligation and take the Cross’, N. Housley, ‘Crusades against Christians: their origins and early development, c. 1000–1216’, in Crusade and Settlement. Papers read at the first Conference of the Society of the Crusades and the Latin East and presented to R.C. Smail, ed. Peter W. Edbury (Cardiff, 1985), 23.

8 The Liber Landavensis, ed. W.J. Rees (Llandovery 1840), 52–3 (3rd March 1130), to the clergy and people of England (I owed this reference to John Doran); Palumbo, Lo Scisma del MCXXX (Rome, 1942), 349–50. Liège: Annalista Saxo, 593. One source suggests that there were 32 bishops and 53 abbots present at this council, presumably almost all from the German Empire (Anselmi Continuatio Sigeberti, MGH SS, vi, 383).


10 Falco, 164 (Loud, Roger II, 211).

The reasons why Innocent decided eventually to excommunicate Roger at the Council of Pisa are perhaps clearer than why he had delayed taking this step earlier. By this time, after his recognition as the rightful pope by the Milanese, Innocent was firmly in control of northern Italy. Indeed, the council at Pisa, attended by over 100 bishops, was a striking demonstration of the reality of Innocent’s claims to be the rightful pope. Furthermore, whereas in the previous year it seemed that King Roger had overcome the rebels on the south Italian mainland and was firmly in control of his kingdom, false rumours of his death early in 1135 had led to a renewal of rebellion, encouraged also by the arrival of Prince Robert with a force of mercenaries from Pisa. It must have seemed in June 1135 as though one last push would overthrow the rule of the count of Sicily (as he was in the eyes of his enemies) on the mainland. The excommunication and its accompanying indulgence – effectively a proclamation of holy war against Roger – was surely intended to encourage that (it was to be hoped) decisive effort.

In the event, it did nothing of the sort, and even as Innocent was proclaiming Roger’s excommunication, the king and his army were landing at Salerno, and within two months mainland southern Italy was once more under the king’s control, the Pisan fleet had withdrawn, and the remaining rebels were confined to Naples, which was closely besieged. Hence, at the end of 1135, Pope Innocent despatched the prince of Capua, along with the Count of Ciazzaro’s brother, and his own trusted lieutenant Cardinal Gerard of S. Croce, to seek renewed military help from the emperor.

The five months which Innocent spent in southern Italy while accompanying the imperial army during the summer of 1137 reveal a number of his priorities, and how closely he was following in the footsteps of his predecessor Honorius II, who had been very much concerned with south Italian issues. There was, first, the question of overlordship over the region, papal claims to which dated back to the investiture of Robert Guiscard as duke of Apulia by Nicholas II in 1059. Quite what the intentions of Honorius were with regard to southern Italy after the death of Duke William of Apulia in July 1127 is unclear, but it appears that he envisaged a loose coalition of leading nobles and towns under papal suzerainty, before he was forced unwillingly to recognise Count Roger as duke of Apulia. In 1137 Innocent was, however, faced with the claims of his ally Lothar, who regarded southern Italy as imperial territory. According to the contemporary chronicler Peter the Deacon, the emperor announced in a letter he sent summoning the abbot of Monte Cassino to him, that he proposed to hold a court at Melfi on 29 June at which he intended to appoint a duke.

13 Alex. Telesini, 59–62 (iii. 1–2, 5); Falco, 172 (Loud, Roger II, 104–6, 215).
14 Alex. Telesini., 73 (iii. 26–7); (Loud, Roger II, 114–5).
15 Falco, 174 (Loud, Roger II, 215–6).
17 Loud, Latin Church, 148–51.
18 Chronica Monasterii Casinensis, ed. H. Hoffmann, MGH SS, xxxiv (Hanover 1980), [henceforth Chron. Cas.], 569.
The result was a lengthy dispute – which lasted a month or more as the imperial army marched from the Apulia–Basilicata frontier to Benevento and then Avellino – with both pope and emperor wishing to be the one who installed a new duke as his vassal, before they eventually agreed jointly to invest Count Rainulf as the Duke of Apulia, with the pope holding the upper part of the banner used for the investiture and the emperor the lower section. However, the (admittedly later) chronicle attributed to Archbishop Romuald of Salerno suggested that this compromise was the result of the haste of the moment, and that final resolution of the argument should be reserved to a later date, when both parties would have more time, and access to documentation in support of their case.\footnote{\textit{Falco}, 190; \textit{Romualdi Salernitani Chronicon}, ed. C.A. Garufi, Rerum Italicarum Scriptores (Città di Castello, 1935) [henceforth \textit{Romuald}], 224 (Loud, \textit{Roger II}, 222–3, 257).} Innocent was thus not disposed to give up any of his claims to be the lord of southern Italy, despite his need for military assistance from the emperor.

In addition, Innocent was anxious to reassert his control over the papal city of Benevento. Here again he was following the example of Honorius. The latter had tried actively to impose his will on the city, which had led to an uprising in September 1128 in which his \textit{rector} (city governor) had been murdered.\footnote{\textit{Falco}, 102–4 (Loud, \textit{Roger II}, 182).} Subsequently the city had been riven by factional strife, and for much of the 1130s under the control of men loyal to Anacletus, and closely allied to King Roger – to whom Anacletus in his bull of 1130 had granted the right to call upon the military service of Benevento in time of war. When the pope arrived at Benevento with the army of Duke Henry of Bavaria in May 1137, he was at pains both to prevent the Germans actually attacking the city and ensuring that its citizens took an oath of fealty to him, while he installed his own \textit{rector}. Subsequently, when he returned to the city at the beginning of September, not only did he formally and ceremonially visit the city to take up residence in the Sacred Palace (the traditional seat of government) – which he had not done during his hurried stay in May – but he duly consecrated his own nominee as archbishop, to replace the Anacletan appointee who had fled.\footnote{\textit{Falco}, 182–4, 190; \textit{Annalista Saxe}, 607 (Loud, \textit{Roger II}, 218–19, 223).} And almost his first step after peace had finally been secured with the king in 1139 was to make a further visit to Benevento.\footnote{\textit{Falco}, 224 (Loud, \textit{Roger II}, 239–40).} Reasserting control over this turbulent papal enclave in the south was undoubtedly a significant concern for Pope Innocent.

Equally important was to reassert his authority over the south Italian Church. In the first instance, this meant removing men who had been loyal to Anacletus, such as Archbishop Rossemannus of Benevento, and the Anacletan \textit{rector} of the city, Cardinal Crescentius, who was captured in May 1137, and eventually sent prisoner to a monastery.\footnote{Falco, 182–4, 190; \textit{Annalista Saxe}, 607 (Loud, \textit{Roger II}, 218–19, 223).} Innocent’s treatment of those who had supported his rival, even those who eventually came over to his side, was
consistent and implacable – witness the deposition and imprisonment of Archbishop Anselm of Milan in 1135, the deposition of Peter of Pisa and the other former Anacletan cardinals at the Lateran Council of 1139, and that of several south Italian archbishops whom Anacletus had consecrated in the years after 1139.\(^{24}\) Similarly, when he came once again to Benevento in August of that year he ‘quashed every ordination made by Peter Leone and Rossemannus’.\(^{25}\) But a particularly telling example of this animus came during the southern Italian expedition of 1137 in his treatment of the abbey of Monte Cassino. His wrath was directed particularly against the abbot-elect Rainald, who had sworn fealty to King Roger, and who in doing so seems to have been considered also to have recognised Anacletus, who had earlier conferred the subdeaconate upon him. (Monte Cassino had anyway, like almost all the rest of the south Italian Church, publicly acknowledged Anacletus before 1137). When the abbot-elect and a delegation of monks came to meet the pope and emperor, at the latter’s orders, at Lagopesole in the Basilicata in July:

Outside the camp they met messengers from Pope Innocent, who told the abbot-elect that the pope had given orders that, before he entered the camp, he and the brothers with him should with bare feet make satisfaction to the pope, and receive penance, for the obedience which they had shown to Peter Leone. They must confirm on oath that they would obey whatever instructions the pope gave them, and they should reject and anathematise Peter Leone and his followers.\(^{26}\)

In the lengthy disputes that followed, the Monte Cassino chronicler portrayed the emperor as essentially sympathetic to the monks, while the pope and cardinals were bitterly hostile, reproaching them for their disobedience and association with the excommunicate (that is the antipope and his supporters). Innocent indeed ‘asked why those who had been excommunicated and separated from the bounds of the church should have been received by the imperial majesty’.\(^{27}\) Eventually the pope and cardinals insisted on Rainald’s deposition. Innocent then sent his henchman, Cardinal Gerard, to force the monks to elect someone of his choosing, although in the end, under pressure from the emperor, he reluctantly allowed them to conduct a free election.\(^{28}\) In this episode, Innocent was directly imitating the actions of his predecessor, who in 1126–7 had sent a succession of cardinals to Monte Cassino to force the deposition of two successive (and in papal eyes unsatisfactory) abbots and install a candidate who would be loyal to the papacy and would discipline the refractory monks.\(^{29}\)


\(^{25}\) Falco, 226.

\(^{26}\) *Chron. Cas.*, 572.

\(^{27}\) *Chron. Cas.*, 572.

\(^{28}\) *Chron. Cas.*, 596–7.

\(^{29}\) *Chron. Cas.*, 548–51, 553–6.
The hard-line attitude adopted towards the partisans of Anacletus was extended to the king. Innocent must, of course, have sanctioned the negotiations at Salerno in November 1137, and at that point – with the German invasion of southern Italy having clearly failed – he was therefore still prepared to seek to win over the king of Sicily. Cardinals Guido and Gerard, who took part in these negotiations alongside Bernard of Clairvaux, were two of his closest associates (and indeed were to be his two successors as pontiff). 30 They were even prepared to justify the legitimacy of Innocent’s election to Roger – a tactic which had otherwise long since been abandoned in favour of the simple assertion that almost all the Church supported Innocent, who was morally by far the better of the two rival popes. 31 But when, after the death of Anacletus, Roger seems to have sought a reconciliation with the by-now universally acknowledged legitimate pope – for example ordering his subjects, and the citizens of Benevento, to recognise him as pontiff – Innocent refused to accept his submission. Indeed, he renewed the king’s excommunication at the Lateran Council of April 1139. 32 Why was he determined to continue the conflict? In part, this may have been concern for his south Italian allies, Duke Rainulf and Prince Robert. Rainulf, however, died on 30 April, and thereafter the anti-royal cause in Apulia, already very much at a disadvantage, collapsed. Nevertheless, Innocent began an invasion of the regno. Once again the king offered negotiations, but these broke down over his refusal to contemplate the reinstatement of Prince Robert, upon which the pope insisted. 33 The consequences for Innocent were disastrous. His army was ambushed, and he and the cardinals were captured and brought before the king – ‘loaded with insults’, according to Falco. To secure his liberty, the pope reluctantly agreed to recognise the existence of the new kingdom, and on 27 July issued his bull Quos dispensatio divini authorising its creation. 34

The 1139 bull made, of course, no reference to its predecessor of 1130, and was issued as though it was an entirely new grant. Nonetheless, in fact its terms were very similar, even if not quite identical. It offered an elaborate justification for the creation of the kingdom, citing the services of Roger’s father and uncle, Robert Guiscard, in serving the Church and propagating the Christian religion, and the investiture of Roger himself as duke by Pope Honorius as a precedent. The suggestion that Sicily had once been a kingdom, which was now restored, would appear to reflect royal propaganda – certainly the king’s biographer Alexander of Telese used this claim to justify Roger’s royal promotion. In almost all its terms the king’s wishes were granted: the kingdom was to be hereditary, it was to include the principality of Capua (where one of the king’s sons had been installed as prince four years earlier), the same, very light,

32 Falco, 208, 214–16 (Loud, Roger II, 229–30, 232); *Annales Caceanenses* [1138], MGH SS, xix, 283.
33 Falco, 216, 220 (Loud, Roger II, 236, 238).
34 (‘Contumeliis ditatum’) Falco, 222; Romuald, 225 (Loud, Roger II, 238, 259).
census as in the 1130 bull was stipulated, and while fealty and homage was required from the king, possession of the kingdom was not conditional upon the performance of these rituals.\textsuperscript{35} It was, therefore, a complete surrender, but it was also, potentially, the basis for a peaceful and long-term relationship between kingdom and pope.

Why then was this not the case, and why did relations between the Curia and the king remained problematic for the rest of Innocent’s pontificate, and for more than a decade after his death? The king’s close control over the Church in the kingdom was undoubtedly not to the pope’s taste. In 1142, according to the Ferraria Chronicle (here probably based on the lost part of Falco’s account), Innocent ‘sent a message to the king that he had no right to choose the pastors of churches and he should desist from this presumption’. The answer was a flat refusal – ‘this has always been the custom, from which I do not in any way wish to desist’.\textsuperscript{36} Also, neither Innocent nor his immediate successors were willing to confirm the structural changes to the Church on the island of Sicily that Anacle-tus had agreed in 1131.\textsuperscript{37} Other issues that emerged in the early 1140s included the advance of the king’s troops into the Abruzzi, a region over which the papacy had claims, and the position of Benevento. On the other hand, there are hints that the underlying problem was rather the legacy of the schism: a strong dislike for the king among most of the cardinals, heightened by the circumstances in which he had extorted the 1139 bull from the captive pope. Innocent’s successor, Celestine II, apparently wanted to repudiate the 1139 treaty; while John of Salisbury later alleged that the papal refusal to allow the consecration of south Italian bishops during the 1140s was as punishment for the imprisonment of Pope Innocent, as well as a protest against royal appointments.\textsuperscript{38}

Yet even here there are problems. The years after 1140 were not ones of unmitigated hostility. The king sent Innocent timber for the rebuilding of the Lateran, and obtained porphyry from Rome, which was used for constructing his tomb at Cefalù cathedral.\textsuperscript{39} Innocent was prepared to confirm royal measures to reform the monastery of Venosa in 1141, and the next year he personally consecrated a new archbishop of Amalfi, who was seemingly perfectly acceptable to the king. A new abbot of Monte Cassino, Rainald II, was made a cardinal in 1141.\textsuperscript{40} Loyal allies and supporters of Innocent like Peter the

\begin{itemize}
\item Chronicon Ignoti Monachi Cistercensis Sanctae Maria de Ferraria, ed. A. Gaudenzi (Naples, 1888), 27 (Loud, Roger II, 249).
\item Loud, Latin Church, 159, 225, 229.
\item Romuald, 227 (Loud, Roger II, 261); The Historia Pontificalis of John of Salisbury, ed. M. Chibnall (Edinburgh, 1956), 65–6.
\item H. Houben, Die Abtei Venosa und das Mönchtum im normannisch-stauffischen Süditalien (Tübingen, 1995), 438; Italia Pontificia, viii, 391, no. 15; Loud, Latin Church, 158, n. 87 (which clarifies the date of Rainald’s appointment), 160.
\end{itemize}
Venerable could write oleaginous and flattering letters to the king, who now, allegedly, ruled ‘a peaceful and most joyful kingdom like another Solomon’.\footnote{Letters of Peter the Venerable, i., 330–3, no. 131 (perhaps after Innocent’s death), but cf. \textit{ibid.}, i., 230–2, no. 90 (c.1139/40).} Similarly Bernard of Clairvaux could ask Roger, rhetorically, ‘Is there a corner of the world to which the glory of your name has not penetrated?’\footnote{Sancti Bernardi Opera, viii, 66–7, no. 207 (\textit{Letters of St. Bernard}, 348–9, no. 276). This letter, dating soon after 1140, was probably part of the protracted negotiations that eventually led to the foundation of the Cistercian monastery of S. Maria Requisita (later known as Sambucina) in Calabria, the first Cistercian house in the \textit{regno} (P. di Leo, ‘L’insediamento dei Cistercensi nel Regnum Siciliae: i primi monasteri cistercensi calabresi’, in \textit{I Cistercensi nel Mezzogiorno medievale}, ed. H. Houben and B. Vetere [Galatina, 1994], 320–8).} There are hints, therefore, that relations were rather better than the chroniclers imply. But the evidence for this period, and more generally for the relations of Innocent II with the kingdom of Sicily, still leaves a great deal to be desired.
The men who would be kings
Innocent II and Spain

Damian J. Smith

The Historia Compostellana

While it is often the case that a papal letter through a precious narration offers us valuable information for medieval Spanish history, on this occasion, a magnificent Galician source provides us with insight into events in Rome. That is to say, one of our best sources for the schism of 1130 is the Historia Compostellana, a work composed almost contemporaneously by various hands, which describes the deeds of Diego Gelmírez, bishop of Compostela from 1100 and then archbishop from 1120 to his death in 1140.¹ As Vones has indicated, as well as being a gesta, describing the means by which Diego had built up the church of Santiago to such a remarkable extent, the Historia Compostellana is, as two of its scribes in fact indicated, likewise a registrum, including the privileges obtained by Santiago and various correspondence which indicated the international status of the see.² In all, the Historia Compostellana contains 82 papal letters, and though the number recedes in part three of the Historia, which covers the period which concerns the pontificate of Innocent II, nevertheless the anonymous author of this section, writing just after Diego Gelmírez’s death, includes 14 of Innocent II and two from Anacletus as well as letters from the clergy and people of Rome and Cardinals Aimeric, Humbert and Guido.³

A problem with the text of the Historia Compostellana, as Falque has pointed out, is the difficulty in knowing when it has been manipulated.⁴ And concerning the schism, one strongly suspects that the narrative has been constructed to give the impression that Diego was, throughout the whole affair, unshakably behind Innocent, elected by the common assent and unanimous will of the

¹ Historia Compostellana, ed. E. Falque Rey, CCCM 70 (Turnhout, 1987).
³ F López Alsina, ‘Los Tumbos de Santiago de Compostela y las relaciones con el Pontificado’, in Erinnerung-Niederschrift-Nutzung, 137–70, at 152–3, suggesting the canon of Compostela Pedro Marcio as the possible author.
⁴ Historia Compostellana, xxv.
larger and better part of the clergy and people, and firmly against the schismatic quasi-pope Pierleone, who had through force and his father’s wealth recruited a single bishop (Peter of Porto) and some schismatic clergy and laity to his side. Yet it is probably of some significance that while we are told that Diego did not so much as wish to look at the Anacletan letters, the church of Compostela nevertheless conserved them. It was surely a testimony to the fact that Diego, masterly political operator that he was, would not have been so foolish as to destroy them immediately, and his scribes, seeking to demonstrate that Santiago was sufficiently prestigious to be eagerly wooed by both parties, did not wish to discard them in the long-term.

So the *Historia Compostellana*, even while insisting on its own partiality, happily offers arguments from the two conflicting parties, including information from the Anacletan side which is unavailable elsewhere, and gives us an idea of how those arguments would have been viewed initially by those at a distance from events. Perhaps surprisingly, given the extent of Cardinal Aimeric’s reach, it was the Anacletan party which was the first to act with the letters of 11 April 1130. The first of these, from Anacletus himself, recalled the affection in which Diego had been held by the Roman pontiffs stretching back to Paschal II; Diego’s personal ties with Anacletus’s father; and Anacletus’s own desire to honour Diego and the church of the apostle James above all churches (at least after the church of Peter and Paul). The second, perhaps written by Peter of Pisa, and sent from the clergy and people of Rome, is in fact our best source for how the Anacletans viewed the events of 13–14 February: their sense of scandal at the treatment of the body of Honorius II; the trickery and bad intent of Aimeric; the unseemly haste of the election of the idol Gregory, with some cardinals got out of the way and others not consulted – all this contrasted with the election of Anacletus, by the majority of the cardinals and with the full approval of the clergy and people of the city; then his consecration at the altar of blessed Peter by the venerable bishop Peter of Porto and diverse other bishops; and then his coronation amidst much rejoicing. The openness and regularity of the Anacletan election was contrasted with the furtiveness and irregularity of a Haimerician plot.

Innocent appears to have been slower to act, although the messengers which Diego Gelmírez sent to Italy after receiving the Anacletan letters would have left Innocent in no doubt of Santiago’s support since they gifted him 40 silver marks when they met with him in Genoa at the beginning of August. Innocent thus in his first batch of letters did not have to justify the rectitude of his position, but rather could be seen to be doing business as usual, which

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5 *Historia Compostellana*, iii, 453–4, c. 23.
7 *Historia Compostellana*, iii, 454, c. 23; JL, 8374: ‘Nos igitur et meritorum tuorum memores et ueteris amicitie, quam cum genitore meo neo bone memorie Petro Leonis specialiter habuisti, attentius recordantes post apostolorum Petri et Pauli ecclesiam personam tuam et commissam tibi beati apostoli Iacobi ecclesiam principalius diligere ac prestante Domino cupimus honorare’.
8 *Historia Compostellana*, iii, 455–8, c. 23; PL, clxxix, 696.
9 *Historia Compostellana*, iii, 461, c. 25.
of course meant the confirmation of the vows of Santiago, the freedom of
episcopal election and the prohibition on the revenues of the church being
taken by the king during a vacancy.\textsuperscript{10} A bonus for Archbishop Diego came
in two letters sent to his long-term rival Archbishop Paio Mendes of Braga, a
certain idiot, as the Historia Compostellana had already helpfully put it,\textsuperscript{11} who
was ordered to return towns and other possessions of Santiago which he had
violently detained, and to come to the pope’s presence prepared to explain
himself concerning the contempt he had shown for the Holy Roman Church
in his consecration of the bishop of Coimbra, for which Paio had already been
chided by Honorius.\textsuperscript{12}

Even as support for Innocent grew, nevertheless he (or at least those around
him) must have felt sufficiently uncertain of Compostela’s long-term support
that, in March 1131, when Archbishop Diego was updated on the progress (or
lack thereof) in the Braga case, Innocent took the time to inform the arch-
bishop of the state of the church: the celebration of the council at Clermont,
the happy encounter with Louis VI at Fleury, the humble promise of help and
advice from Henry I at Chartres and the forthcoming meeting with Lothar
and the prelates and the princes at Liège for the peace of the Church and the
welfare of the kingdom.\textsuperscript{13} Even with all this support, by summer 1131 the suc-
cess of the council to be held at Reims was sufficiently in doubt that not only
the pope himself, but also Cardinals Aimeric and Humbert wrote to Diego to
commend the pope’s envoy, the subdeacon G., who was touring the Peninsula
as a prelude to the council’s meeting.\textsuperscript{14} Not that they needed at this point to be
concerned about Diego, who hastened to help out with expenses both for the
legate, with a gift of 10 silver marks, and the pope, with a gift of 20.\textsuperscript{15}

Given the general support for Innocent by the most influential people from
outside the Iberian Peninsula – the king of the Romans, the king of France
and the king of England; Bernard of Clairvaux, Peter the Venerable, Suger of
Saint-Denis, Norbert of Xanten – it would have been surprising if there had
been much support for Anacletus at Santiago or elsewhere in the Peninsula.
Bernard of course had every reason to say there was none at all, but on that
he may well have been right.\textsuperscript{16} Oleguer, abbot of Saint-Ruf, then bishop of

\textsuperscript{10} Historia Compostellana, iii, 452–3, c. 22; PL, clxix, 58–9; JL, 7415–7.
\textsuperscript{11} Historia Compostellana, i, 218, c. 117: ‘Quo Mauricio uiolentia regis Teutonicorum in Papam electo,
alter in locum eius Brachare electus est, uidelicet Pelagius Menindiz, quidam idiota, qui eundem
honorem beati Iacobi uiolenter detinebat’. See also J. Rivera Recio, La iglesia de Toledo en el siglo XII
\textsuperscript{12} Historia Compostellana, iii, 451–2, c. 21; PL, clxix, 59–60; JL, 7418–9.
\textsuperscript{13} Historia Compostellana, iii, 462–3, c. 25; PL, clxix, 76–7.
\textsuperscript{14} Historia Compostellana, iii, 465–6, c. 27.
\textsuperscript{15} Historia Compostellana, iii, 464, c. 27: ‘Quia uero indecens erat Romane Ecclesie legatum a tanti nomi-
nis uiro immunem discedere, dominus Compostellanus decem puri argenti marchas ipsi habeunti
pro expensis caritatiue contulit. Necessitates autem multiplices domini Pape considerans eiusque
angustiis oportune subuenire desiderans per supradictum legatum XX marcharum solamen illi liber-
aliter exhibuit’.
\textsuperscript{16} S. Bernardi Opera, ed. J. Leclercq, H.M. Rochais, 9 vols in 10 (Rome, 1957–98), vii, 308 no. 125;
Barcelona and archbishop of Tarragona combined, a physically small, emaciated man (as Orderic Vitalis described him) but a huge figure on the international stage, had backed Innocent from the outset, being present at Clermont and then again at Reims. Oleguer’s support of Innocent was to be used specifically by Bernard in his letter to the bishops of Aquitaine against Gerard of Angoulême. Given Ramon Berenguer III of Barcelona’s very close association with Oleguer, it would be astonishing if, when the count made his will (which Oleguer witnessed) on 8 July 1130, leaving to Saint Peter’s of Rome and the Lord Pope 100 morabetini, as well as leaving his children to the baiulia of the papacy, he was thinking of anybody other than the pope whom Oleguer was supporting. The Chronique de Morigny indicates that, at the time of the council at Reims, Alfonso VII of León–Castile and Alfonso I of Aragon had declared themselves Innocent’s obedient sons, while also requesting his help against the enemies of the Christian name and the Moabite invaders of those regions. Archbishop Raymond of Toledo (who was in some trouble with the pope over the consecration of the bishop of León) was certainly on board by early 1131, since in May of that year Innocent encouraged all the faithful of God in Segovia, Osma, Palencia and Sigüenza to support the confraternity for the building of the church of Osma, a project which was very dear to the archbishop’s heart. The kings of León–Castile and Aragon both had bishops representing them at Reims, while Bishop García of Zaragoza asked Innocent to be excused because of his close co-operation with Alfonso I of Aragón in the reparation and recovery of the possessions of his see.

But it would be surprising if as the years went by and Innocent failed to establish himself in Rome some of the initial enthusiasm might not have waned. Indeed, where Compostela was concerned, except for correspondence of March 1133 concerning the problems of the see of Oviedo, communications appear to have dried up. In 1133, Innocent was still giving thanks for the many kindnesses of Archbishop Diego, as well as the bishops of León.
and Lugo, but by May 1134, the great elapse of time in which Innocent had not heard from Diego was a genuine cause for concern. The pope needed to see some confirmation of the archbishop’s loyalty, which his letter-carrier, Astaldus, was no doubt supposed to receive. This does not mean that Diego had switched sides. Anacletus’s own frequent letters to Diego had also fallen upon deaf ears, and just because the pope was concerned does not mean there was too much reason to be worried. But it is evident at least that in 1134 Anacletus did not think that the game was entirely lost, and just as Innocent lamented the archbishop’s silence, so too did his rival, writing from the Lat-eran to bring news of the departure of Lothar, the failure of the heresiarch G. to remain in the City, his furtive flight by night to Pisa, and, by contrast, how swimmingly things were going in Rome for all the clergy and people, how happily they were celebrating Easter as usual, and how beneficial the firm support of King Roger of Sicily was proving against the Church’s enemies. Like Innocent, Anacletus hoped his letter-bearer and others would bring favourable news, ‘lest we seem rather to love than to be loved’.

If Diego wavered at all on receipt of this news from Anacletus, we do not know. The main pleasure for the Historia Compostellana lay in the two rival claimants and their messengers appealing to Santiago at exactly the same time, the divisive fight between the two parties contrasting with the energetic campaign which the archbishop was leading against the Saracens at that time. But it is known that Diego reported to Innocent that the reason for his long silence was that he had been tied down by work, and the pope accepted that that had been the product of necessity rather than choice. After that there are indications of cordial relations between Innocent and Diego, marred only by some concerns over the actions of the papal legate, Cardinal Guido.
Gelmírez was, of course, a rare bird, above all else devoted to the glory of his own apostolic church, and although there is some indication in tin iihe Historia Compostellana of some contact with the Anacletan party, there seems no reason in this respect to qualify Paul Kehr’s statement that the schism did not matter to Spain because nobody supported Anacletus.29

If the question of Spanish allegiance was important for Pope Innocent, the long-term effects of his actions were if anything more important, because so much of the political map of the Iberian Peninsula for centuries to come was drawn up at this time. It might even be argued that the period of schism may have intensified the relationship between the papacy and ecclesiastical institutions in the Peninsula.

The crowns of Aragon and Navarre

In October 1131, while besieging Bayonne in a war against Duke William of Aquitaine, the childless King Alfonso I of Aragon drew up his will, leaving his kingdom to the military order of the Temple, the brothers of the Hospital and the order of the Holy Sepulchre.30 His decision has caused much debate, but in all probability he acted so because he did not wish his kingdom to fall to Alfonso VII of León–Castile, and having spent his whole life crusading as an act of love (and very successfully too), he sought to strengthen the presence of the new orders for the support of the Holy Land within his kingdom, while in turn considering his kingdom as a path to the Holy Land.31 However unrealistic Alfonso’s decision concerning the will may be considered, one must

not always try to find explanations which presume the good judgment of the historical actor. Alfonso had, after all, previously chosen to wed Urraca of Castile in a truly unhappy marriage. And however capricious the will may appear, after his catastrophic defeat at the battle of Fraga in July 1134, in which the Christian *crucesignati* had been cut to pieces; the bishops of Huesca and Roda–Barbastro killed; Bishop Guy of Lescar captured, circumcised and then ransomed; and the *lignum crucis*, which Alfonso had previously stolen from the monastery of Sahagún, lost to the Almoravids, along with many other relics, the Battler reaffirmed the will just before his death in September, at which time Navarre separated from a union with Aragon which had lasted 58 years and took as its king García Ramírez, a descendant through an illegitimate line of García Sánchez of Navarre.

One thing which should (one would think) be clear is that Alfonso had no intention that his one surviving brother, Ramiro, would succeed him to the throne. Had Alfonso wished Ramiro to do so, then he would simply have named him as his heir in 1131 and even more obviously in the confirmation of the will he made three days before his death. Instead, following the defeat at Fraga, Alfonso made Ramiro bishop-elect of Roda–Barbastro. By then Ramiro had enjoyed a long, obscure and rather fruitless career as a pawn in his family’s ecclesiastical politics, as a monk of Saint Pons-de-Thomières, abbot of Sahagún, probably bishop-elect at Burgos and then Pamplona, and probably monk again at San Pedro el Viejo. He was not, then, an obvious candidate to be king, and from the evidence of his behaviour when he did so it is not difficult to see why his brother, whose devotion to the crucified Christ was never matched by a similar devotion towards Christ’s Church, did not consider Ramiro suitable for the task.

After Alfonso’s death, Ramiro, with the support of a working majority of clergy, nobles, and townsmen, acted with surprising speed to gain the throne. As early as October 1134, at Zaragoza, in collaboration with Oleguer of Tarragona, Ramiro confirmed the restoration of full liberty to the Church of God,


34 Lourie (‘The Will of Alfonso’, 641, 647) was very mistaken on this point. See Kehr, ‘El papado y los reinos de Navarra y Aragón’, 160: ‘Nunca pensó en que pudiera sucederle su hermano, el monje Ramiro’.

35 *Colección diplomática de Alfonso I*, 443–4 no. 281. Lourie’s conjecture, that Alfonso was actually hale and hearty in August 1134, when Ramiro was appointed to Roda–Barbastro (Lourie, ‘A Reply to Dr. Forey’, 168), is improbable.

which had long been oppressed by *pessimi homines* in his kingdom. The disposal of ecclesiastical property, declared the Monk–King, pertained to those to whom Christ in Peter entrusted his Church, whom the Holy Spirit constituted judges so that they might judge the people of God. Clergy were no longer to be forced to exercise royal or military offices or military tasks; episcopal and abbatial elections were to take place freely; all church property retained by the crown was to be returned (excepting some pious decisions of his father King Sancho Ramírez and his brother King Peter, confirmed by privileges of the Roman pontiffs). Royal power was to be replaced by royal protection. All this was to be observed in perpetuity.

Ramiro then was a true son of the Gregorian–Urbanic reform, but he was also dutiful to his family and kingdom and therefore decided to do what his brother Alfonso had failed to do (as Alfonso’s enemies were pleased to point out) and provide an heir. For that reason, he married the fertile Agnes, sister of William X of Aquitaine (who by that stage had abandoned Anacletus), and Ramiro and Agnes produced an heiress, who was given the name Petronila (most probably in order to appease the pope), who as a woman could not hold power but who could nevertheless transmit it. The highly influential *Crónica de San Juan de la Peña*, a fourteenth-century ‘official guide’ to Aragonese history insisted that Innocent II gave Ramiro a dispensation for this marriage and approved it, but there is absolutely no contemporary evidence for this. Rather, possibly because of Ramiro’s actions or possibly because Alfonso VII of León–Castile and others were seeking to gain an advantage through Aragon’s troubles (Alfonso had indeed established his hold over the *regnum caesaraugustanum*), Innocent responded to a request to intervene which came from the

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38 *Documentos de Ramiro II*, 34–5 no. 23.

39 Ramiro stated his intention to sustain the dynasty very clearly in 1137: ‘Uxorem quoque, non carnis libidine, sed sanguinis, ac projenici restauracione, duxi’ (*Documentos de Ramiro II*, no. 119). On Alfonso I’s failure to do the same, *Chronica Adefonsi Imperatoris*, i, 177, c. 58: ‘Post ipsum autem vel ante non fuit similis ei in preteritis regibus Aragonensis neque fortis neque prudens seu bellicosus sicut ipsa. Sed dispositu non de domo sua vel de regno quidnam esset, quia nullam prolem dimisit’.


42 In late 1134, Ramiro had ceded to Alfonso the *regnum caesaraugustanum* (Chronica Adefonsi Imperatoris, i, 179–80, c. 64) but a year later Alfonso VII surrendered Zaragoza to García Ramírez of Navarre, who did homage for it (*Documentos de Pilar*, ed. L. Rubio [Zaragoza, 1971], 21; *Documentos medievales artajonenses*, ed. J. M. Jimeno Jurio [Pamplona, 1968], 205; Reilly, *Alfonso VII*, 46–51). After the marriage of Ramiro and Agnes, Alfonso VII returned Zaragoza to them (*Documentos de Pilar*, 22). In December 1137, Alfonso VII ceded Zaragoza and other territories to Ramon Berenguer IV of Barcelona, who did homage for them (Vajay, ‘Ramire le moine’, 745, n. 143).
Templars themselves. The mice have been at Innocent’s letter of 10 June 1135 or 1136, but enough of it survives to show that it was addressed to Alfonso VII and other princes in Spain on behalf of the Templars, reported on the terms of Alfonso’s will and asked that they all strive to see that its terms were fulfilled. It should be noted that Innocent intervened on the basis of the needs of the church in the East and pilgrims and the papal obligation to uphold the integrity of the will, rather than because Aragon had been supposed to pay a census to the Apostolic See from the time of Sancho Ramírez and had been placed under papal protection from the time of Peter I.

As Ubieto Arteta suggested, the pope’s letter was of decisive importance in the subsequent history of the Crown. Ramiro soon abandoned his kingship (though not his title), very possibly on hearing the pope’s decision, becoming conscious of the sin he had committed, as the _Chronica Adefonsi Imperatoris_ suggests, although not before arranging a marriage between Petronila and Ramon Berenguer IV of Barcelona. Although Archbishop Oleguer had probably been one of the chief architects in setting aside Alfonso’s will, and even though the papacy was increasingly aware that the will was unrealistic, as is evident from letters addressed to Alfonso VII’s _zavalmedina_ in Zaragoza in 1139 and the silence on the issue in privileges to the Holy Sepulchre and the Hospitaliters in the same period, Innocent II’s decision meant that Ramon Berenguer IV would have to buy out the military and religious orders in order to create the union which we now call the Crown of Aragon, which he did with the Sepulchre and the Hospital in 1140 and then in a roundabout way with the Temple in 1143, with Cardinal Guido present for the final deal. The papacy maintained

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43 _PU Spanien_, i, 318 no. 50: ‘INNocentius episcopus seruorum Dei. [………] filio A. regi et dilectis filiis principibus per Yspaniam constitutis salutem et apostoli[cam benedictionem. . .………….]
sint ad ecclesie orientalis et peregrinorum liberationem necessarii, qui sepulchrum […………………..]
fama alii perceperunt. Accepimus autem, quod A. rex Aragonensium terciam par[tem regni sui
……………………
……………………]
principes suos fecit iuramento firmare. Ideoque uniuersitati uestre man [damus et in]
remissione[rm peccatorum uenestrorum iniungimus, quatenus ad hoc quod eis a prefato rege A.
collatum est, acquirendum et retinend[um auxilium] et consilium unanimiter et deuote prestetis.
Data Pisis IIII idus iunii’.


(Peter I) _La documentación pontificia hasta Inocencio III_, ed. D. Mansilla (Rome, 1955) [MDI], 53 no. 34; JL, 5552; _Liber Feudorum Maior_, i, 6–8 no. 4; _Colección diplomática de Pedro I de Aragón y Navarra_, ed. A. Ubieto Arteta (Zaragoza, 1951), 235 no. 21.


46 _Chronica Adefonsi Imperatoris_, i, 179, c. 62: ‘Radimirus rex ingressus est ad uxorem suam, que concepit et peperit filiam, et, consilio accepto cum suis principibus, protinus desponsauit eam cum comite Berengario Barchinonense et dedit ei regnum et cognouit se coram Deo peccator et egit peniten-
tiam’. The marriage was agreed on 11 August 1137 ( _Arxiu Comtal de Barcelona_, iii, 1191–2 no. 72; _Liber Feudorum Maior_, i, 12 no. 7), while Ramiro insisted on keeping his royal title both in his own kingdom and in the lands of the count for as long as he wanted: ‘Et ego prephatus rex Ranimirus sim rex, dominus et pater in prephato regno et in toto comitatibus tus dum mihi placuerit’. He kept the title throughout the remainder of his life ( _Documentos de Ramiro II_, 147–50 nos. 120–3).

47 _Zavalmedina_ _PU Spanien_, ii, 328–9 no. 36. (Sepulchre privileges) _Papsturkunden für Kirchen im Heiligen Lande_, ed. R. Hiestand (Göttingen, 1985), 147–9 no. 37, 150–2 no. 39, 165–6 no. 47. (Hospitaliters
the fiction that the Count of Barcelona’s marriage to Petronila was irrelevant because Ramiro’s reign had no validity and hence was to be written out of history altogether. It should be noted here that because Innocent insisted on upholding Alfonso’s will, the breakaway kingdom of García Ramírez likewise had no legitimacy from a papal viewpoint, and it would be more than sixty years before Celestine III took the political gamble of recognising Sancho VII as king.

**Portugal**

It is certainly the case that Afonso Henriques worked very hard to gain the support first of the church of Braga and then of Rome as he carved out for himself a kingdom, consolidating the ambitions of his father, Count Henry of Portugal and his mother Teresa (illegitimate daughter of Alfonso VI), whom Afonso had ousted from rule after the battle of São Mamede on 24 June 1128. Moreover, Afonso strongly supported the current religious trend towards the reform of the canonical life, as can be seen in his aid to Saint Tello’s foundation of Santa Cruz at Coimbra and to San Salvador de Grijó. These influential Augustinian houses were both taken under papal protection by Innocent II: Santa Cruz at the time of the council of Pisa in 1135, and San Salvador de Grijó on 27 April 1139, both in return for the payment of an annual census. Afonso’s own status, however, was a little more complicated, since until then he had styled himself as ‘infans’ and then ‘Portugalensis princeps’, but then just a little while after the semi-legendary victory over the Muslims at Ourique on 25 July 1139 – which took place at the exact same time that Innocent II was,
under duress, granting the royal title to Roger II of Sicily through the treaty at Mignano – Afonso took for himself the title of king. 53

Afonso’s mother, Teresa, had taken the title of queen for herself, and that title had been acknowledged in papal documents. 54 But for Afonso it was far from straightforward. Even though he did not consider that he relied upon their approval to hold the royal title, acknowledgement of it from Alfonso VII of León–Castile and from the papacy was of significant moment for the consolidation of his kingdom. Already as ‘infans’ in July 1137 at Túy, Afonso had sworn to be the faithful friend of Alfonso VII, 55 but after a period of squabbles and reconciliation in September–October 1143 the two rulers met at Valladolid and Zamora, at some stage in the presence of the ubiquitous Cardinal Guido, and though the full details of these meetings may be obscure, we can glean from charter evidence that Afonso recognised Afonso as king and Afonso confirmed his recognition of Alfonso as imperator, an agreement which very much suited both parties. 56

It was at about this time that Afonso sought to put his relationship with the papacy on a firmer foundation with the famous declaration, Claves regni. Recognising that the keys of the kingdom of heaven had been conceded to Saint Peter by Jesus Christ, Afonso wished to have Peter as his patron and advocate before God, so that he would both help him in this world and bring him to eternal life. 57 For these reasons, through the hand of Cardinal Guido, Afonso did homage to his ‘lord and father’ Pope Innocent and offered his land to Peter and the Holy Roman Church for an annual census of four ounces of gold, with the agreement that all those who held his land after him would pay the same annual census. 58 As a knight of blessed Peter and the Roman pontiff, Afonso,

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55 Colección diplomática del monasterio de Sahagún, ed. J. A. Fernández Flórez, 7 vols (León, 1988–97), iv, 161 no. 1263; Documentos Medievais Portugueses, i, 194 no. 160.
57 PL, clxxix, 935; Documentos Medievais Portugueses, i, 250 no. 202: ‘Claves regni coelegant beato Petro a Domino nostro Jesu Christo concessas esse cognoscens, ipsum patronum et advocatum apud Deum omnipotentem habere dispositi, ut et in vita praesenti opem illius et consilium in meis opportunitatis sentiam, et ad praemia felicitatis aeternae ipsius suffragantibus meritis valeam pervenire’.
58 ‘Quocirca ego Adéfonsus Dei gratia Portugalesis rex per manum domini G. diaconi cardinals, apostolicae sedis legati, domino et Patri meo papae Innocentio hominium feci, et terram quoque meam beato Petro et sanctae Romanae Ecclesiae offero sub annuo censu quatuor unciarum auri, ea videlicet conditione et tenore ut omnes qui terram meam post decessum meum tenerint, eundem censum annuatim beato Petro solvant’.
as much for himself as for his land or for those things which pertained to the honour and dignity of his land, would act for the defence and consolation of the Apostolic See and would never receive the power of any ecclesiastical or secular lord, unless sent by the Apostolic See or on its behalf.59

Claves regni, dated to 13 December 1143, was confirmed by the bishops of Braga, Coimbra and Porto. It does not, of course, suggest that Portugal is a fief of the papacy, and Afonso does not describe himself as a vassal but as ‘miles beati Petri et Romani Pontificis’.60 As was the case for the religious houses, the payment of the annual census was central to the offer. While the charter was addressed to Innocent, he was, of course, dead by the time it was produced.61 So too was Innocent’s successor, Celestine II (d. 11 March 1144), before the papacy approached the matter, which was left to Lucius II. It is not unlikely that Lucius’s response was similar to that which his predecessors would have given. That is, Lucius recognised Afonso’s devotion, and acknowledged the homage undertaken to Innocent through Guido, Afonso’s wish to commit himself and his land to the protection of Peter, and finally the promise to pay the annual census.62 Acting in place of blessed Peter, Lucius took the souls and bodies of Afonso and his successors under his protection so that they might better fight both their visible and invisible enemies and be able with God’s grant to return to the celestial kingdom.63

59 ‘et ego, tanquam proprius miles beati Petri et Romani Pontificis, tam in me ipso quam in terra mea vel in ipsis etiam quae ad dignitatem et honorem meae terrae ac etiam defensionem et solatium apostolicae sedis habeam, et nullam potestatem alicujus ecclesiastici seu secularis dominii, nisi tantum apostolicae sedis vel a latere ipsius missi, unquam in terra mea recipiam’.


61 Afonso Henriques’s homage presumably came at the council of Valladolid in September or possibly in Zamora in early October 1143 (see above, n. 56) when he was with Cardinal Guido (and when nobody could have known that Innocent was dead). The cardinal then moved east to Catalonia and was in Girona in November (Arxiu Comtal de Barcelona, iii, 1331–3 no. 820; 1334–9 no. 822). It is extremely unlikely that he then returned to Afonso’s lands. Rather the charter was drawn up in his absence and witnessed by the abp of Braga and the bps of Porto and Coimbra (PL, clxxix, 936). Rather than the cardinal, it was John of Braga who then brought the document to Rome (PL, clxxix, 861). My thanks to Professor Maria João Branco for her advice concerning this matter.

62 PL, clxxix, 860–1: ‘Devotionem tuam, dilecte in Domino fili, maxime congademenus, quod temetipsum de illis ovibus recognoscens quas Dominus noster Jesus Christus Petri custodiae commendavit, cum ad expugnationem paganorum intentus, multisque negotiis saecularibus occupatus, apostolorum limina visitare non posses, per manum dilecti filii G. diaconi cardinalis tunc in partibus illis apostolicae sedis legati praedecessori nostro felicis recordationis papae Innocentio hominium laudabili devotione fecisti, et terram tibi a Deo commissam beato Petro apostolorum principi obtulisti, atque personam tuam et terram ipsam ipsius patrocinio humiliter commisisti, postmodum vero tam per lateras tuae quam per venerabilem fratre nostrum I. Bracarensem archiepiscopum nobis etiam promisisti ut tam tu quam haeredes tui de terra ipsa quatuor uncias auri annis singulis Romano pontifici persolvatis’.

63 PL, clxxix, 860–1: ‘Nos itaque, qui, licet indigni, beati Petri loco residere conscipimus, tam te quam filios suos et successores vestros intra haeredes ipsius apostolorum principis ipso adjuvante suscipimus, ut in ejus benedictione et protectione tuae animarum quam corporum maneatis, per quam ab hostium visibilium et invisibilium expugnatione defensi, ad coelestia regna revenire largiense Domino valeatis’.
The two documents taken together have recently been described as ‘um verdadeiro tratado bilateral’, but this is not really the case. As Becker pointed out, such agreements were usually sought by the laity and not by the popes themselves. Nor did the papacy tend to see the relationship mainly in feudal terms but rather as one where it acted to protect, and that protection was mostly spiritual. In this instance, Lucius did not repeat the use of the phrase ‘miles beati Petri et Romani Pontificis’ used in Claves regni, and most obviously he did not grant Afonso the royal title which the Portuguese ruler had used of himself. Afonso of course had not asked Innocent II for this. But it is probably what he had most wanted. Lucius’s letter is addressed ‘dilecto in Christo filio A. illustri Portugalensi duci’, and Afonso would have to wait another 36 years for an official change of heart.

**Imperator totius Hispaniae**

It has been argued that the reason for the papacy’s reluctance to grant the royal title to Afonso Henriques was a desire to appease the king of Castile and that there as elsewhere Innocent took care not to upset the pre-eminent Christian ruler in the Peninsula. And indeed there was often close co-operation between Alfonso VII and the papacy. But it should be noted that Alfonso himself had been content to recognise Afonso Henriques’s title, presumably because Afonso in turn acknowledged his own imperial title. Throughout his reign Alfonso had used the title of ‘Imperator totius Hispaniae’ but with greater emphasis after 1130 as the use of the royal title waned. After his imperial coronation at León on 26 May 1135, the title was not only used systematically by Alfonso’s chancery but throughout his realms. It acknowledged his suzerainty over the other rulers in the Peninsula, without actually harking back to the Visigothic era to do so. In describing his imperial coronation, the nearest contemporary account, the Chronica Adefonsi Imperatoris, had been careful to describe Alfonso as having been crowned not by any individual but in fact by all those who were present, ecclesiastical and secular, however uncomfortable that would have been. There was, moreover, no papal
presence or involvement. However, later Castilian historiography, and most notably Castile’s own thirteenth-century official history, the *Estoria de España*, would insist that news of the coronation (performed just by the primate and the prelates) was sent to the pope and the Roman Curia, asking that this be granted and confirmed, and that the pope happily sent letters to the emperor and the primate and the prelates confirming the act.74 Although this fiction was maintained by Castilian historiography through to the twentieth century, it was most definitely not the case. Neither during Innocent’s pontificate nor subsequently did the papal chancery use anything other than the royal title while addressing or referring to Alfonso.75

Nor did the pope attempt to curry favour in the matter of ecclesiastical elections. In February 1130, at the council held at the prosperous town of Carrión, in the presence of Alfonso, as well as the legate Cardinal Humbert, Archbishop Raymond of Toledo, Diego Gelmírez, and Oleguer of Tarragona, the bishops of León, Oviedo and Salamanca (as well as the abbot of Samos) had been deposed, seemingly because of their refusal to agree to the marriage of Alfonso and Berengaria, daughter of Count Ramon Berenguer III, although it seems very likely that there were other reasons as well.76 They were then

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74 Primera Crónica General de España, ed. R. Menéndez Pidal, 2 vols (Madrid, 1955), ii, 664, c. 974: ‘Et tomaron el primas et los otros prelados la corona, diziendo sus bendiciones, et pusieronla en la cabeça de tod el regno de Leon . . . Et esto enviaron mostrar al papa et a la corte de Roma, a pedirle merçed que lo otorgasse et lo confirmasse; et ell apostoligo et su corte, tanto lo touieron por bien et hecho tan ordenadamientre, que lo touieron por onra de Cristo et de la esglesia et de toda la cristianandad, que les plogó et lo otorgaron, et enuiaron ende sus cartas all emperador, et sus cartas otrossi al primas et a los prelados como lo fizieran bien et muy ordenadamientre segund Dios et sancta esglesia; et finco dalli confirmado ell coronamiento et ell imperio’.


76 Historia Compostellana, iii, 439–44, c. 14–15 (‘iuste et rationabiliter fuerunt depositi’); *Chronicæ Adefonsi Imperatoris*, i, 155, c. 12; Le guide du pèlerin de Saint-Jacques de Compostelle, ed. J. Vielliard, 2nd ed. (Mâcon, 1950), 9; Reilly, Alfonso VII, 29–30; Linehan, History and the Historians, 249. The presence of Abp Oleguer of Tarragona in secret negotiations with Alfonso VII, Cardinal Humbert and Diego does make it almost certain that the marriage case was to the fore in the council’s deliberations and actions (Historia Compostellana, iii, 441, c. 14: ‘Rex Adefonsus et ipse Compostellanus cum Romano cardinali et legato et cum Tarragonensi archiepiscopo quamdam secretam domum ingressi sunt, ubi, quid in concilio essent stabilituri et sanctituri, studiose prude-runt et pertractaerunt. Quibus preuisi et pertractatis, fratribus in unum conuenientibus, concilium in monasterio sancti Zoili II Nonas Februarii celebrauerunt, in quo multa ad honorem et utilitatem Sancte Ecclesie et Hispam regni pertinentia stabilierunt et conffirmauerunt.’) Back in 1124, Bp Muño of Salamanca had been ordered by Calixtus II to recognize the abp of Compostela as metropolitan.
replaced with candidates who were favourable to Alfonso. But in the case of León, which was an exempt see, the new bishop Arias was consecrated by Archbishop Raymond of Toledo without the approval of the Apostolic See, and because the pope insisted upon the right of the Apostolic See to consecrate a bishop whose diocese was a suffragan of Saint Peter, the archbishop found himself suspended from episcopal office, while the bishop had to surrender the symbols of his office to the pope. In the case of Oviedo, another exempt see, the new bishop Alfonso was consecrated (one suspects by Archbishop Raymond) against the express prohibition of the papal legate, then suspended through a messenger of the Apostolic See and finally excommunicated when he still attempted to carry out his episcopal functions. He had the support of Alfonso, but Diego Gelmírez, the reconciled Arias of León and Peter of Lugo denounced his continued disobedience to the pope, who called on the prelates of the provinces of Toledo, Braga and Compostela to see that the sentence of excommunication was observed.

Salamanca was another matter. The new bishop, Alfonso Pérez, probably died in 1132, and Muño, who had been deposed at Carrión, attempted to return to his see, where he remained for some considerable time before taking refuge at Cluny, eventually going to Rome to appeal to Innocent II, presumably about his deposition. Innocent was clearly unsympathetic, and the pope’s justice and strength were greatly praised by Bernard of Clairvaux, who

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(Documentos de los archivos catedralicio y diocesano de Salamanca (Siglos XI–XIII), ed. J. L. Martín Martín (Salamanca, 1977), 87–8 no. 5; Colección documental del archivo de la catedral de Salamanca (1098–1300), ed. M. L. Guadalupe Beraza, J. L. Martín Martín, A. Vaca Lorenzo, L. M. Villar García (León, 2010), 48 no. 6).


78 Historia Compostellana, iii, 503, c. 45; Documentos pontificados referentes a la diócesis de León (siglos XI–XIII), ed. S. Domínguez Sánchez (Universidad de León, 2003), 78–9 no. 19; PL, clxxix, 249–50; Reilly, ‘On getting to be a bishop’, 50–1; R. Fletcher, The Episcopate in the Kingdom of León in the Twelfth Century (Oxford, 1978), 70; Rivera, La iglesia de Toledo, 254–5.

79 Historia Compostellana, iii, 468–9, c. 30; Documentos pontificados referentes a la diócesis de León (siglos XI–XIII), ed. S. Domínguez Sánchez (Universidad de León, 2003), 78, no. 18.

80 Historia Compostellana, iii, 468–9, c. 30. Bp Alfonso, however, remained in office until his death in 1142, which heralded the return of his predecessor, Pelayo, who continued to act as a benefactor of his see even when deposed (España Sagrada, xxxviii, 144; Catálogo de los pergaminos de la catedral de Oviedo, ed. S. A. García Larragueta (Oviedo, 1957), nos. 150–1; Reilly, ‘On getting to be a bishop’, 52; Idem, Alfonso VII, 247; Fletcher, Episcopate, 73–4).

81 Muño was back as bp in Salamanca in January 1133 (Documentos . . . Salamanca, 89–90 no. 7). I believe Bernard’s letter (S. Bernardi Opera, viii, 71–2 no. 212; Opere di San Bernardo, vi/vi, 6–9 no. 212) is most probably referring to Muño, although it could feasibly refer to Peter a little afterwards or even to Berenguer towards the end of Innocent II’s pontificate (as Gastaldelli has it). The key is that Bernard refers to the penitent bp as ‘Salmanticensis quondam episcopus’, which Muño certainly was. It is unlikely however that Bernard would have referred to Peter in those terms, since his election was quickly quashed, and far from clear that Berenguer, although Alfonso’s candidate for Compostela, was ever in a position where he needed to reclaim the bpric at Salamanca. The problem lies in whether there is an association between Bernard’s letter and the letter of Peter the Venerable to the pope concerning Berenguer (below, n. 89). On this also see Reilly ‘On getting to be a bishop’, 54; Fletcher, Episcopate, 39.
nevertheless, having met the penitent Muño, pleaded with Innocent to take pity on the offending ex-bishop.\textsuperscript{82} If Innocent did so, then it did not amount to returning Muño to his old see, where the clergy and people had initially elected Peter, the candidate of the nobleman Pedro López, before thinking better of it.\textsuperscript{83} One suspects they thought better of it because Alfonso VII had intervened to impose his own candidate, the royal chancellor, Berenguer, arch-deacon of Toledo, who was elected by a representative group of Salamancans at a council in León in 1134, with the assent of Cardinal Guido.\textsuperscript{84} The whole episode gave Alfonso and Archbishop Raymond of Toledo the opportunity to castigate Diego Gelmírez, since Salamanca was a suffragan of Compostela and Peter most probably his candidate.\textsuperscript{85} This was part of an increasingly bitter struggle for power, which saw Alfonso encouraging the opponents of Diego Gelmírez within his chapter and attempting to bring Cardinal Guido into a plot to depose the archbishop, a plot which backfired spectacularly in 1136 when a mob attempted to murder the archbishop in his cathedral, bringing all parties, including Innocent and Peter the Venerable, to demonstrate their support for Diego.\textsuperscript{86}

When Diego eventually died on 6 April 1140, Alfonso VII finally saw his opportunity to have a more amenable archbishop in the powerful see and therefore aimed to transfer his servant Berenguer from Salamanca to Compostela, and, between August 1140 and April 1141, Berenguer appears in seven documents as archbishop of Compostela.\textsuperscript{87} Given the fractious nature of the politics of the Compostelan canons it would be surprising if they were all for one party, but at some time before or after the appointment of Berenguer, Peter Elias, the dean of the cathedral chapter, had been elected and had gone to Rome and by June 1141 was probably recognised, at least provisionally, by Alfonso.\textsuperscript{88} It is not clear exactly when Alfonso sought to appeal this decision, but he did appeal to Peter the Venerable, asking him in turn to intercede with Innocent. Peter duly obliged, arguing, on the basis of the emperor’s report, that the election of the bishop of Salamanca to Compostela had taken place canonically and peaceably, with all the clergy and people approving. The abbot of Cluny even sent his personal emissary, Natal, to explain the

\textsuperscript{82} S. Bernardi Opera, viii, 71–2 no. 212; Opere di San Bernardo, vii/viii, 6–9 no. 212.
\textsuperscript{83} Historia Compostellana, iii, 499–500, c. 43.
\textsuperscript{84} Historia Compostellana, iii, 499–500, c. 43. Alfonso was generous to Berenguer in the years after his election ‘propter servitiam quod mihi fecistis et amplius facturus estis’ (Catálogo de los documentos del archivo catedralicio de Salamanca (siglos XII y XIII), ed. F. Marcos Rodríguez (Salamanca, 1962), 11 nos. 8–11).
\textsuperscript{85} Historia Compostellana, iii, 500–2, c. 43; Fletcher, \textit{Saint James’s Catapult}, 286–90.
\textsuperscript{86} Historia Compostellana, iii, 504–16, c. 46–9. Cardinal Guido had previously been angered by Abp Diego’s treatment of the former royal chancellor and treasurer of Compostela, Bernaldo, who had been imprisoned at Santiago on Alfonso VII’s orders (Historia Compostellana, 493–4, c. 39; Fletcher, \textit{Saint James’s Catapult}, 279–80).
\textsuperscript{87} Reilly ‘On getting to be a bishop’, 59.
\textsuperscript{88} Archivo del Arzobispado de Santiago de Compostela, Capellanía Mayor, no. 20, f. 2r–v; Archivo Catedral de Compostela, Tumbo A, fol. 124r–v. On the problems of these documents, see Reilly, ‘On getting to be a bishop’, 59, n. 90, 60, n. 92.
matter to the pope. 89 But whatever had worked before at Salamanca would not work at Compostela, and Peter Elias remained in place, as did Berenguer at Salamanca. 90 What is perhaps most noteworthy in the instances cited is not Innocent II's unwillingness to compromise in order to fit in with Alfonso's wishes, but rather Alfonso's ultimate willingness to accept papal decisions. It has been said that in León–Castile, over and above the churches stood the crown, and that may be so. 91 But it is worth emphasising that the royal chancery which insisted on Alfonso's imperial title likewise insisted that his rule over the churches of God had been committed to him by God and the Apostolic See for the good of his own soul. 92

If, in dealing with the secular power, it had been Innocent II's intention to curry favour, then he was singularly incompetent. 93 The kings of Aragon, Navarre and Portugal were not recognised as such by the pope, and if one might think that this was because the papacy wished to build Spain around Castile, then Alfonso VII was not recognised as imperator. The period of Innocent's pontificate was one of rapid and lasting political change in the Iberian Peninsula, but it was change which the pope did not acknowledge, and he did not acknowledge it because none of the Spanish rulers had petitioned their titles from the pope. By holding back that recognition, at a time when his own political circumstances might have persuaded him to do otherwise, in all probability Innocent strengthened the authority of the papacy in the longer term.

**Legates and councils**

In the case of the Church too, while Kehr argued that the schism in one sense did not matter in Spain because nobody supported Anacletus, 94 it can be argued that the schism forced Innocent to extend his jurisdictional authority and made churches and monasteries in the Peninsula increasingly aware of the recourse they might have to the papacy. The period certainly saw an intensification of legatine activity. Cardinal Humbert of S. Clemente was already in Spain when Innocent II was elected. 95 His legation was brief, and related

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90 *PU Portugal*, 199 no. 40; *Catálogo . . . Salamanca*, 11–12 no. 12; Fletcher, *Episcopate*, 57.

91 Reilly, 'On getting to be a bishop', 67.


93 Cf. Reilly, *Alfonso VII*, 265: 'Innocent needed to be wary of decisions that would drive the disappointed into the camp of his rival. Under such circumstances, Rome was rather more amenable than it might otherwise have been'.

94 Kehr, 'El papado y los reinos de Navarra y Aragón', 157–8.

at least in part to the question of the marriage of Alfonso VII and Berengaria and of course church reform. His actions at the council of Carrión would suggest that he was fully behind the deposition of the three bishops but less willing to fall in with Castilian plans to replace them. Guido, cardinal-deacon of SS. Cosma e Damiano, was highly trusted by Pope Innocent and carried out three important legations in the Peninsula (1134, 1136–7, 1143), during which he handled major ecclesiastical disputes, oversaw church councils and acted as peacemaker in serious political disputes. If one were to believe the Historia Compostellana, Guido was a little too easily influenced by Alfonso VII and his minions, and this had the potential to place him in conflict with the pope’s own wishes. Certainly Guido did not appear to have been bothered that Alfonso VII used the title emperor in his presence or that Afonso Henriques called himself king. But clearly Innocent did not have the same doubts about the cardinal as the Historia Compostellana did since he would not have used Guido so often in the Iberian Peninsula and elsewhere, if he did. While Humbert and Guido were the two most influential papal representatives during Innocent’s pontificate, Bishop Guy of Lescar, who had a long-term association with the Peninsula (he had been ransomed after the battle at Fraga in 1134), crossed the Pyrenees again in 1138, mainly in order to encourage attendance at the Second Lateran Council. Moreover, in 1140, Archbishop William of Arles handled some ecclesiastical disputes in the eastern Peninsula, while being accompanied by the scribe Nicholas of St.-Ruf in Avignon, quite probably the same Nicholas who would later become Pope Adrian IV.

Similarly, there is more evidence, both of Iberian prelates attending papal councils outside the Peninsula and of greater influence of conciliar legislation within the Peninsula. Archbishop Oleguer had been present at Clermont (1130) and had brought its canons back to Barcelona (Oleguer never resided at Tarragona, which was still under construction). Indeed, one of the few copies of the legislation of Clermont is preserved in the Libri Antiquitatum of the Barcelonan cathedral archive. The canon concerning arsonists, who were to do a year’s penance in servitio Dei either in Jerusalem or in Spain, was repeated

97 Historia Compostellana, iii, 504–16, c. 46–9.
98 (Alfonso VII) P. Rassow, ‘La cofradía de Belchite’, Anuario de historia del derecho español, 3 (1926), 200–26 at 224–6; (Afonso Henriques) PL, clxxix, 935.
100 PU Spanien, ii, 329–30 no. 37; J. Villanueva, Viaje literario a las Iglesias de España, 22 vols (Madrid, 1803–52), x, 199 no. 9; xiv, 212; xxvii, 317 no. 49; Weiss, Die Urkunden der päpstlichen Legaten, 142–4; Säbeckow, Die päpstlichen Legationen, 45; Vones-Liebenstein, Saint-Ruf und Spanien, 247.
101 Mansi, xxi, 437; Orderic Vitalis, vi, 402–5.
at an assembly in Barcelona in March 1131, as well as in later councils. Ole-
guer was also present at Reims (1131), as were bishops of Aragon and Castile. Indeed, past and present bishops of Salamanca attended, while the bishop of Zaragoza was specifically excused. At Pisa in 1135, there were certainly four Spanish bishops in attendance, while Bishop Bernard of Coimbra was most probably present. The Second Lateran Council in April 1139 was attended by Archbishop Raymond of Toledo and Archbishop John of Braga, as well as the bishop of Huesca and representatives of Santiago de Compostela and the Augustinian abbeys of Montearagón and Grijó.

While the general impact of Lateran II is difficult to gauge, it appears to be the case that when Cardinal Guido undertook his third legation to the Peninsula in 1143, he brought the legislation of the council with him, and it was received by an unusually large meeting of Spanish prelates at a council at Valladolid in September 1143. Most importantly Alfonso VII was there, but beyond him Archbishops Raymond of Toledo and Peter of Compostela were present, as well as a large number of bishops from the centre and west of the Peninsula, although the archbishop of Braga was absent. The abbots of Sahagún and Santo Domingo de Silos and a number of other abbots and repre-
sentatives of diverse orders were also there. This was then a very important gathering. The council repeated most of the legislation of Lateran II, while moving around the order of the canons, and adding in two canons (22 and 24), which dealt with local matters regarding the ordination of unknown clergy from other dioceses or without proper examination, and the common observ-
ance of the September Ember days in the week of the feast of Saint Matthew (21 September).

These canons as a whole were still to have a significant impact on the council of Valladolid presided over by Cardinal Hyacinth in 1155 but it should be said a much diminished influence on the famous synod of Segovia in 1166 during the minority of Alfonso VIII of Castile.


104 PU Spanien, ii, 315–16 no. 30; (Bp Muñoz of Salamanca) B. Dorado, Historia de Salamanca (Salamanca, 1776), 114; Fletcher, Episcopate, 39.


106 (Toledo) MDI, 85 no. 68; Rivera, La iglesia de Toledo, 324–7, 338–9, n. 67; (Braga) PU Portugal, 188–9 no. 30; (Huesca) PU Spanien, ii, 328, no. 36; (Montearagón) PU Spanien, ii, 323–6 no. 34; (Grijó) PU Portugal, 190–2 no. 31; See Herbers, ‘Historia Compostellana’, 129, 134–5, for the confirmation of the authenticity of the Liber Saneti Jacobi by Innocent at this time.

107 PU Portugal, 198–203 no. 40; Iberia Pontificia, i, 58 no. 80.

108 PU Portugal, 199.

109 PU Portugal, 202. Also see Duggan, chapter 10, nn. 165–8.

110 (Council at Valladolid) Erdmann, Das Papsttum und Portugal, 55–8 no. 5; idem, O papado e Portugal no primeiro século da história portuguesa (Coimbra, 1935), 83–8 no. 5; P. Linehan, ‘The Synod of Segovia’, BMCL, 10 (1980), 31–44.
The Iberian Church

The major ecclesiastical figure in the Iberian Peninsula continued to be the archbishop of Toledo, and the terms by which Urban II had grudgingly granted the primacy to Toledo in *Cunctis sanctorum* back in 1088 were to be confirmed 'per universa Hispaniarum regna' in a bull sent at Raymond's request by Innocent just after the end of Lateran II to the archbishops and bishops of Spain, in which the pope recalled the obligation of the Apostolic See to care for all the churches and to give them justice.\(^{111}\) It should be remembered, however, that Raymond, having been papal legate as recently as the council of Palencia in 1129, spent the first part of Innocent’s pontificate suspended from duties because of his attempts to consecrate the bishops of an exempt see,\(^ {112}\) and similarly a request made by Alfonso VII in 1140 to have Bishop Peter of Burgos consecrated other than by the pope (and, of course, by the Archbishop of Toledo) drew a markedly negative response from Innocent who, insisting on his love of the king as a special son of blessed Peter, and his concern for the honour and liberation of the kingdom of Spain, which was under the guardianship and protection of blessed Peter and the holy Roman Church, pointed out that the consecration belonged to nobody other than the Roman pontiff and should be committed to nobody else, lest the justice of blessed Peter should be perturbed or it should suffer some loss.\(^ {113}\)

In addition to the pope’s control over episcopal consecration in the exempt sees, and of course the presence of the papal legates from outside the Peninsula, the increase of papal influence and the diminution of Toledo’s prestige was demonstrated in other ways. Even if the star of Diego Gelmírez had faded somewhat from the heady days when the generous Calixtus II (brother of Raymond of Burgundy, who was the father of Alfonso VII) held sway, nevertheless the remarkable privileges won by Compostela at that time were there to stay.\(^ {114}\) At Barcelona and Tarragona, the reforming Oleguer was simply too revered to be contained, and after his death in 1137 new political structures meant that the prelates of Aragon and what was becoming Catalonia were notable by their absence from the council at Valladolid in 1143.\(^ {115}\) Braga, whose former archbishop, the humiliated Maurice *Burdinus* (the antipope Gregory VIII), was still languishing in various Italian gaols through the first part of Innocent’s pontificate,\(^ {116}\) was likewise moving in step with an independent

\(^{111}\) MDI, 85 no. 68; Rivera, *La iglesia de Toledo*, 324–7, 338–9, n. 67.

\(^{112}\) Historia Compostellana, iii, 429, c. 7; iii, 503, c. 45.

\(^{113}\) Documentación de la catedral de Burgos, i, 215–16 no. 24; Iberia Pontificia, i, 57 no. 78; Reilly, *Alfonso VII*, 252.


\(^{115}\) PU Portugal, 198–203 no. 40; Iberia Pontificia, i, 58 no. 80. On the final years of Oleguer, see Martí Bonet, *Oleguer*, 225–300.

\(^{116}\) After his deposition and humiliation (*Liber Pontificalis*, ii, 377; Sugerus Sancti Dionysii, *Vie de Louis VI le Gros*, ed. H. Waquet [Paris, 1964], 204), *Burdinus* was imprisoned at the Septizonium, then at Passarano, then in the monastery of La Cava near Salerno (*Liber Pontificalis*, ii, 348; ‘Annales
Portugal, especially with the transfer from Porto of Bishop John, who received his pallium from the pope after the Lateran council, at which time Innocent’s chancery remembered the Spanish past and the confusion which had been caused not only for metropolitans but also for parish boundaries by onrushing Moors and Moabites.117

The extent of the Christian recovery and the increased recourse to the law for the resolution of disputes meant that the pope or his legates were called upon to settle more local problems than had ever been the case before. Two cases must here stand for many. The notoriously complicated matter of Huesca versus Roda–Barbastro is the first. The story stretched back to various accords reached by the Aragonese kings and contradictory privileges obtained from Urban II and Paschal II, which allowed both dioceses to claim possession of the churches of Barbastro, Bielsa, Gistain and Alquézar.118 The dispute had become increasingly bitter during the reign of Alfonso I, who had backed his major ecclesiastical ally Bishop Stephen of Huesca when he ousted Saint Raymond, bishop of Roda, from Barbastro and forced him to flee.119 Although Stephen, even after having been excommunicated by Gelasius II and reconciled by Honorius II, had not given up the church of Barbastro, an apparently guilt-ridden Alfonso had in 1133 overseen an amicable agreement between Bishops Arnold of Huesca and Peter of Roda which had decided that the churches between the Alcanadre and the Cinca belonged to Roda–Barbastro.120 Unfortunately both of these bishops were killed at Fraga, and the new bishop of Huesca, Dodón, took his case to Rome where it would appear Innocent confirmed the disputed churches for Huesca.121 When Archbishop Oleguer was about to consecrate the new bishop of Roda–Barbastro, messengers arrived from Bishop Dodón with letters apparently from the pope (which however did not have Innocent’s bull attached) which said that Innocent had forbidden the divine office in the churches of Barbastro.122 The aged Oleguer, who was sympathetic to Roda, thus sought a resolution from Innocent, but the case must have gone in Huesca’s favour since it was Innocentian letters which were used by Huesca as the basis of the case, which it won during

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117 PU Portugal, 188–9 no. 30.
119 MDI, 66 no. 46; 74 no. 56.
120 PU Spanien, ii, 316–8 no. 31.
121 MDI, 84 no. 67; PL, clxxix, 663–4; Chronica Adefonsi Imperatoris, 176, c. 56.
122 MDI, 84 no. 67; PL, clxxix, 663–4.
Eugenius III’s pontificate (although the case would not be finally settled until Innocent III’s _Ne lites amicabili_ of 1203).  

What matters here is less that the papacy was unable in the short-term to find a solution to the problem, than the fact that it was regarded by the parties as the only court at which the matter could ever realistically be resolved. Similarly, this was the case in the disputes over various parishes between the bishops of Osma, Sigüenza, Burgos and Tarazona, which were settled (temporarily) at the council of Burgos in 1136, by Cardinal Guido in consultation with Alfonso VII, the archbishops of Toledo, Compostela and Braga, and other prelates. Again this was the result of the capture of Muslim territory and the restoration of bishoprics, which impinged on the rights and claims of existing dioceses. A great number of parishes which Osma was considered to have justly claimed from Burgos were returned to Osma, Soría, which Alfonso VII had granted to Sigüenza in entirety in 1127, was likewise given to Osma. The towns of Ayllón, Aguilera, Castro de Galve, Caracena, Vado del Rey, Berlanga, Velamazán, Barca, Almazán, half of Liceras, and the monasteries of San Salvador, Santa Maria de Tiermes and San Baudilio fell to Sigüenza, while in the contests between Sigüenza and Tarazona, the latter see was granted Calatayud, Borobia, Alcácer, Olvega, Villafeliche and Salas. This was a complicated agreement and one which required a great amount of work (as the surviving confirmation from Cardinal Guido to Osma indicates). But significantly the efforts of emperor, legate and archbishops were not entirely enough in the eyes of all the conflicting parties, since Bishop Bernard of Sigüenza then sought confirmation of the various agreements from the pope, which Innocent granted, based on his obligation to provide for the peace of the churches.

It was this same duty to provide for the peace of the churches, as well as their advantage, which led to the expansion of papal protection during Innocent’s pontificate, as he indicated when taking the church of Coimbra under the guardianship and protection of blessed Peter in May 1135. As well as the confirmation of the protection of notable existing communities, such as Sant Joan de les Abadesses and Sant Pere de Rodes in 1130, Montearagón in 1139 and Santo Domingo de Silos in 1142, other notable houses such as Santa Maria Casa Dei in Roncesvalles with its hospital (on the pilgrim road) in 1137, and


125 Documentación de la catedral de Burgos, i, 205–6.

126 Documentación de la catedral de Burgos, i, 206.

127 Documentación de la catedral de Burgos, i, 206.

128 Documentación de la catedral de Burgos, i, 205.

129 _PL_, clxxix, 407–8; JL, 7952. Alfonso VII had ratified the accord in September 1136 (Documentación de la catedral de Burgos, i, 207–8 no. 118).

130 _PU Portugal_, 185–7 no. 28; Erdmann, _Das Papsttum und Portugal_, 27; idem, _O papado e Portugal_, 40.
San Salvador de Grijó in 1139, were received under protection for a payment of one and two *morabetini* respectively, although Grijó was allowed far greater freedom from episcopal control than Roncesvalles.¹³¹ This desire for protection came from the houses themselves rather than on the initiative of the papacy, but where the papacy held existing rights, it was jealous in maintaining them. Thus when Alfonso VII, on the advice of its abbot, Stephen, granted Sahagún to Cluny in 1132,¹³² Innocent, while happy to approve the intention of returning the monastery to its former glory both spiritually and temporally, was quick to point out that Sahagún pertained ‘ad ius beati Petri’ and paid an annual census.¹³³ It should also be noted here that the privileges given by Innocent II to the new orders associated with the Holy Land, such as *Omne datum optimum* for the Templars and *Quanto in Iherosolimitano* for the Hospitallers, were also to be of great significance for the Peninsula, given the substantial part those orders were to play in the subsequent histories of Portugal, Navarre and the Crown of Aragon.¹³⁴ Moreover, Cardinal Guido had been present in 1136 at the confirmation of the privileges of the confraternity of Belchite, which was something of a precursor of the Spanish military orders.¹³⁵

These then were new times, even to the extent of the very first indication of a papal provision in the Peninsula (or anywhere else). This brings the story back to Compostela. In March 1137, where Innocent, at the request of the whole Curia, asked Diego Gelmírez to receive kindly and grant an ecclesiastical benefice in the church of Compostela to the bearer of the letters, Arias, *filius noster et clericus*.¹³⁶ These letters were backed up by others from Cardinals Aimeric and Guido, the first revealing that Arias was returning to Compostela and the second that he had been reared there.¹³⁷ So it was a request to

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¹³¹ (Abadesses) *PU Spanien*, i, 313–15 no. 47; (Sant Pere de Rodes) *PU Spanien*, i, 315–17 no. 49; (Montearagón) *PU Spanien*, ii, 323–6 no. 34; JL, 7979; (Silos) *Documentación del Monasterio de Santo Domingo de Silos*, ed. M. C. Vivancos Gómez, 3 vols (Silos, 1998), 22 no. 52; (Roncesvalles), i, *PU Spanien*, ii, 319–21 no. 32; (Grijó) *PU Portugal*, 190–2 no. 31. The Cistercian house of S. João de Tarouca also received a privilege from Innocent but this has not been conserved (*PU Portugal*, 230 no. 61; Erdmann, *Das Papsttum und Portugal*, 28; idem, *O papado e Portugal*, 41). On the general trend, see A. Blumenstock, *Der päpstliche Schutz im Mittelalter* (Innsbruck, 1890), 44; Robinson, *Papacy*, 222.

¹³² For the strong association of Innocent with the regular canons, F.-J. Schmale, *Studien zum Schisma des Jahres 1130* (Graz, 1961), 272–9 (but W. Maleczek, ‘Das Kardinalskollegium unter Innocenz. II und Anaklet. II’, *AHP*, 19 (1981), 33, for caution on the pope’s own background as a regular canon). It should be noted too that individual monastic houses were now bringing local disputes to the pope who was in turn delegating judgment to local dignitaries. This was the case in the dispute between the monastery of Sahagún and the men of Lillo over the third part of the town of Cofiñal, which Innocent, in a letter dated 8 February 1140, delegated to the abbot and prior of La Espina and the abbot of Matallana (*Colección diplomática . . . Sahagún*, iv, 167–8 no. 1268).

¹³³ (Abadesses) *PU Spanien*, i, 313–15 no. 47; (Sant Pere de Rodes) *PU Spanien*, i, 315–17 no. 49; (Montearagón) *PU Spanien*, ii, 323–6 no. 34; JL, 7979; (Silos) *Documentación del Monasterio de Santo Domingo de Silos*, ed. M. C. Vivancos Gómez, 3 vols (Silos, 1998), 22 no. 52; (Roncesvalles), i, *PU Spanien*, ii, 319–21 no. 32; (Grijó) *PU Portugal*, 190–2 no. 31. The Cistercian house of S. João de Tarouca also received a privilege from Innocent but this has not been conserved (*PU Portugal*, 230 no. 61; Erdmann, *Das Papsttum und Portugal*, 28; idem, *O papado e Portugal*, 41). On the general trend, see A. Blumenstock, *Der päpstliche Schutz im Mittelalter* (Innsbruck, 1890), 44; Robinson, *Papacy*, 222.


¹³⁵ See C. M. Reglero de la Fuente, *Cluny en España. Los prioratos de la provincia y sus redes sociales (1073 – ca. 1270)* (León, 2008), 716–17 no. 17; Mansi, xxi, 410–11.


¹³⁷ For the strong association of Innocent with the regular canons, F.-J. Schmale, *Studien zum Schisma des Jahres 1130* (Graz, 1961), 272–9 (but W. Maleczek, ‘Das Kardinalskollegium unter Innocenz. II und Anaklet. II’, *AHP*, 19 (1981), 33, for caution on the pope’s own background as a regular canon). It should be noted too that individual monastic houses were now bringing local disputes to the pope who was in turn delegating judgment to local dignitaries. This was the case in the dispute between the monastery of Sahagún and the men of Lillo over the third part of the town of Cofiñal, which Innocent, in a letter dated 8 February 1140, delegated to the abbot and prior of La Espina and the abbot of Matallana (*Colección diplomática . . . Sahagún*, iv, 167–8 no. 1268).


¹³³ See C. M. Reglero de la Fuente, *Cluny en España. Los prioratos de la provincia y sus redes sociales (1073 – ca. 1270)* (León, 2008), 716–17 no. 17; Mansi, xxi, 410–11.

¹³⁴ *Papsturkunden für Templer und Johanitter*, i, 204–12 nos. 3–4.


¹³⁶ *Historia Compostellana*, iii, 518, c. 50; *PL*, clxix, 323; JL, 7831.

¹³⁷ *Historia Compostellana*, iii, 518–19, c. 30.
the archbishop for one of his own returning after a long absence in foreign parts rather than for an unknown Italian. But it is a final indication of what should be clear even from this brief sketch. The pontificate of Innocent II was a period of dramatic change in the relations between the papacy and the Iberian Peninsula because of the changing political landscape and because of the wider legal and spiritual changes in Christian society at large. The papacy stood against most of the political solutions agreed within the Iberian Peninsula and this meant that it was a long time before the rulers of Aragon, Portugal and Navarre gained the recognition they desired. Conversely, the period saw an intensification of the relationship between the papacy and the Spanish Church as the pope’s right to judge and obligation to protect were increasingly acknowledged.

138 Fletcher, Episcopate, 216; Robinson, Papacy, 289.
8 Struggling for ecclesiastical independence in the North

Torben Kjersgaard Nielsen

Introduction

During the major part of Innocent II’s pontificate a civil war ravaged Denmark, disturbing whatever intentions Innocent may have had regarding his northernmost ecclesiastical province. The civil war broke out only shortly after Innocent II’s election, when in January 1131 Magnus (c.1106–34), the son of the reigning King Niels (r.1104–34), killed his cousin, the Danish earl of Schleswig, Knud Lavard (c.1095/1100–31). Contemporary German and Danish chronicles discussed at length the consequences of the murder, the murderer himself, and his victim. The Danish anonymous so-called Roskilde Chronicle (c.1138) states that ‘the old enemy, always hiding under cover and always envious of the deeds of the righteous, sowed such a grave discord among the Danes that people and clergy have seen no greater tribulation since Christianity was implanted in Denmark’. The Chronicon Slavorum of Helmold of Bosau (c.1170) states that ‘from this day tumults and domestic wars were multiplied in Denmark’, while Saxo Grammaticus in his Gesta Danorum (c.1200) claims that the ‘rumour of this crime caused a clamour in all of the country’.

The murder of Knud Lavard was indeed remarkable and there really was no way for the perpetrators of the crime to reduce the incident to an internal Danish affair. All of the parties involved in the Danish civil war, which would develop rapidly after the killing, were anxious to maintain or develop stable relations with the German emperor; relations which were dictated mainly by geo-strategic considerations. With Denmark bordering directly on Germany, the Danish kings were very conscious of the difference in the size and power

1 This article is dedicated to Esther Kjersgaard Nohrs.
2 ‘Chronicon Roskildense’ in Scriptores Minoris Historiae Daniae Medii Aevi, I–II, ed. M. Cl. Gertz (Copenhagen, 1970/1916), 26: ‘Sed quia antiquus hostis semper sub uelamine latens et semper inuidens operibus iustorum [pacem odit], tantam discordiam inter Danos seminauit, quod ex quo Christianitas in Dania inoleuit, maius tribulacio cleri et plebis non est facta’. To the chronicler, who saw Magnus as ‘flos Danie’ and the hero of his tale, the murder was ‘diabolo instigante’ (Scriptores Minoris, 29 and 27).
4 Saxo Grammaticus, Gesta Danorum, ed. Friis-Jensen; trans. P. Zeeberg, 2 vols (Copenhagen, 2005), ii, 116 (bk 13, ch. 7.2).
of the two realms. Certainly from the time of Harald Bluetooth (d. before 988) rulers of Denmark had acknowledged the importance of trying to negotiate a tolerable relationship with their mighty southern neighbour.⁵

And this particular murder in fact involved the German king very directly. The slain man was the son of King Erik Ejegod (‘Ever-good’, r.1095–1103).⁶ Upon the death of King Erik Ejegod, the military leaders of Denmark followed recent tradition and elected Niels, Erik’s younger brother, as their new king.⁷ Erik Ejegod’s by then thirty-something year old son, Knud Lavard, had spent some of his earlier years at the court of Duke Lothar of Saxony.⁸ At least from c.1120 Knud Lavard was acknowledged as earl of Schleswig and as such was a vassal to the Danish King Niels. In c.1127 Knud Lavard further received the title and position of KNÉS (Prince) of the Obodrites (roughly in the region of Mecklenburg in present day Germany) at the hand of his former courtly lord in Saxony, who had by now risen to become King Lothar III (1075–1137, r.1125–37).⁹ From this position as a sort of marcher baron with a double vassal-age, and given his royal pedigree, Knud Lavard may have shrewdly manoeu- vred and plotted, perhaps thereby bringing about his own demise.¹⁰ Obviously, Lothar III would have to react to the killing of one of his trusted vassals.

⁵ ‘Danish’ rulers had been concerned with protecting their southern border from very early on. The earliest parts of the Danevirke wall (in present northern Germany) may be dated archaeologically to c. 500. These were simple earthworks. Dendrochronology dates some timber palisades to c.737, while the earliest written data mention renewed activity under King Godfred c.800. During Harald Bluetooth’s reign Danevirke was expanded considerably. This expansion, which saw the main forti- fication rise to a height of 5 metres and a width of c.20 metres, did not offer protection, however, to completely ward off an attack by the German emperor Otto II (r. 973–983) in 974.

⁶ Erik Ejegod might in fact have considered his son his successor even if ruling a kingdom where the manner of succession was still electoral within the royal family line rather than hereditary from king–father to son.

⁷ Niels was the fifth and last of King Svend Estridsen’s (c.1020–74, r. c.1047–74) many (illegitimate) children to become king. Svend’s king–sons were Harald III Hen (†1080, r. c.1074–80), Knud IV the Holy (†1086, r. 1080–86), Oluf Hunger (†1095, r. 1086–90), Erik Ejegod (c. 1056–1103; r. 1095–1103) and finally Niels.

⁸ Helmoldi presbyteri Bozoviensis Chronica Slavorum, 188–9, ch. 49.


¹⁰ There has been a fierce debate in Danish modern historiography regarding the civil war of 1131–57, the positions of the parties involved, the relationship and ideological commitment to the Gregorian papacy, the nature of the ensuing Valdemarian kingship and in particular the role of Knud Lavard, both alive and dead (he was elevated as a saint in 1170). Some of these discussions will be reflected in the notes below. Our medieval sources are in disagreement on many of these points – as are modern historians. This also goes for the evaluation of Knud Lavard. For some he is the iconic founder of the Valdemarian royal line that emerged victorious out of the civil war when his son Valdemar I the Great (r. 1157–92) took sole hold of the royal power in 1157. Valdemar I the Great earned himself an epithet as defender of the peace and vanquisher of the pagan Wends while establishing his father Knud Lavard as a crusader saint. With a solemn feast in 1170 Valdemar I had his son, Knud VI, crowned as co-regent and his father, Knud Lavard, canonised, thereby further strengthening Valde- marian royal power. Cf. A. L. Bysted et al., Jerusalem in the North: Denmark and the Baltic Crusades 1100–1522 (Turnhout, 2012), 42–3. Other historians portray Knud Lavard merely as a pawn for the German king to play. Cf. H. Paludan, ‘Flos Daniae. Personer og standpunkter i dansk politik under kong Niels’, Historie. Jyske Samlinger, 7 (1966/67), 497–525.
The German king was not alone, however, in having his eyes set on the political developments in the lands of his northern neighbour. The church in Hamburg–Bremen was also very much interested in what happened in Denmark. In 1103 King Erik Ejegod, en route to the Holy Land, had paid a visit to Pope Paschal II (1099–1118) in Rome and presumably en passant secured independence for the Danish church. In about 1103, Paschal established a new church province in the north under the leadership of the Danish archbishopric of Lund (in present day Sweden). The first archbishop was Asser, a relative of the king's wife. With this reorganisation Paschal II radically diminished the size and influence of the see of Hamburg–Bremen, to which the Nordic churches had hitherto owed their obedience. The papal decision of 1103 or 1104 may well reflect the

11 While on a combined Crusade-pilgrimage, King Erik died in Cyprus, while his queen, Bodil, made it to Jerusalem, where she died on the Mount of Olives. She was supposedly buried in the prominent burial ground within the Abbey of St Mary of Jehoshapat and the Church of the Tomb of Virgin Mary.


13 Asser was born c.1059 (at the latest) as one of five sons to Jutland based magnate Svend of the so-called Trund-family and his wife Inga. One of his brothers, Svend, became bp of Viborg, while the remaining three appear in our sources as important magnates in Denmark. One of these, Christern, was father to Asser's successor Eskil, cf. below. Two of his brothers, Svend and Eskil died in Jerusalem while on pilgrimage. In 1089 Asser was elevated to the bpric in Roskilde. As the first Scandinavian archbishop, Asser, would preside over fourteen bprics in Denmark, Sweden, Norway, Iceland, Greenland and the Faroe Islands.

14 *Diplomatarium Danicum*, series 1, vol. 2 [= DD 1/ii], ed. L. Weibull and N. Skyum-Nielsen (Copenhagen, 1963), 62–4 no. 28. We have this information from a note in the so-called *Necrologium Lundense*: 'VI Idus Iulii. Septem fratrem. Kanuti regis et martiris . . . Anniuersarius. regis Erici fratris eius. qui sua industria a Paschali papa pallium impetrauit nostre ecclesie'. The *Necrologium Lundense* is a compilatory manuscript, the earliest part of which is the 'Memoriale Fratrum' dated to c. 1123. It is believed that this list, which itself was established from a non-extant older text, was both the precursor to and source for the later part, the 'Liber daticus Vetustior'. Both these manuscripts are kept in the University Library of Lund. They have both seen critical editions: *Necrologium Lundense. Lunds domkyrkas nekrologium*, ed. Lauritz Weibull (Lund, 1923) and *Libri Memorialis Capituli Lundensis. Lunde Domkapitels Gavebøger*, ed. C. E. Weeke (Copenhagen, 1884–9). For a discussion on this dating, cf. Breengaard, *Muren om Israels hus*, 172 and the comments in DD, 1/ii, no. 28. M. Gelting, 'Da Eskil ville være ærkebiskop af Roskilde. Roskildekrøniken, Liber daticus Lundensis og det danske ærkesædes ophævelse 1133–1138', in *Individ, kollektiv og kulturelle mønster i medeltidens Danmark*, ed. P. Carelli, L. Hermanson and H. Sanders (Lund, 2004), 181–229 argue for a dating of the 'Liber daticus' to c.1137/1138. The martyr king mentioned in the note is the older brother of King Erik Ejegod: Knud 4. ('The Holy'), who was martyred in the church of St Alban in the city of Odense in 1086 and canonised c.1099/1100, probably by Paschal II. The canonisation itself is related in Ailnoth, 'Gesta Swenomagni regis et filiorum eius et passio gloriosissimi Canuti regis et martyris', in *Vitae Sanctorum Danorum* [VSD], ed. M. Cl. Geritz (Copenhagen, 1908), cap. 33–35. Ailnoths mentioning of the canonisation is also related in DD, 1/ii, 58–61 no. 26. See also H. Kluger: 'OTHINSE (Odense)', in *Series Episcoporum Ecclesiae Catholicae Occidentalis ab initio usque ad annum MCXCVIII. Series VI: Britannia, Scotia et Hibernia, Scandinavia. Tomus II: Archiepiscopatus Lundensis*, ed. H. Kluger (Stuttgart, 1982), 54–63, at 55–6.
drastic diminution in the status and importance of the north German see, both internally in the German ecclesiastical and secular hierarchy as well as externally before its northern suffragan churches. Apparently, the metropolitan church of Hamburg–Bremen was already on a downward slope from the 1070s onwards: Archbishop Liemar (r.1072–1101) was suspended by Gregory VII in 1074 and later excommunicated on account of his disobedience and arrogance because he did not attend the Lenten Synod in Rome in February 1075.\(^{15}\) Only once during his archiepiscopacy did Liemar try to wrestle with his northern subjects – and seemingly lost.\(^{16}\) No letters or other writings survive from his successor, Humbert (r.1101–4), who seems to have been only the second choice for the archbishopric.\(^{17}\) Humbert never received his pallium. The lack of the pallium is also noted for his successor Frederick (r.1104–23).\(^{18}\) German annals (mainly northern German ones) give chance references to Frederick participating in assemblies of Duke Magnus of Saxony and Margrave Udo of Nordmark. Only very seldomly does his name pop up in southern German annals or chronicles; Frederick is put forward as a possible member of an imperial negotiating team of early 1106, but so are also the more likely candidates for such a task, namely the archbishops from much more important sees like Mainz, Trier, Freiburg, and Augsburg. Frederick’s signature does not appear in any of the imperial letters from Henry V, and even if we may deduce that Frederick was among the participants at Henry V’s wedding to Maud, the daughter of the English King Henry I, in January 1114,\(^{19}\) Frederick seems to have played no important role either in ecclesiastical or imperial politics during his 19 years as archbishop.\(^{20}\)

\(^{15}\) Liemar seemingly freed himself from the excommunication in the spring of 1075. By 1085 Liemar was excommunicated again following his support of the antipope Wibert from the Brixen synod in 1080, which saw the excommunication of Gregory VII. Cf. G. Glaeske, *Die Erzbischöfe von Hamburg-Bremen als Reichsfürsten (937–1258)* (Hildesheim, 1962), 105–6. The issue with Wibertian schismatics is highlighted in a letter from Anselm of Canterbury to the first Danish abp, Asser, upon his elevation. Anselm therein admonishes Asser to cleanse his country of apostates. Apparently, foreigners, who had been expelled by their own bps, strove for ecclesiastical positions in Denmark. DD, 1: ii, 29–30 no. 29 (dated c. 1103–05).

\(^{16}\) Saxo Grammaticus, *Gesta Danorum*, ii, 72 (bk 12, ch. 5.1).

\(^{17}\) According to Glaeske, *Die Erzbischöfe*, 120, Emperor Henry IV upon the death of Liemar offered the bp’s ring and staff to his own chancellor Otto, who, however, seem to have delayed in taking hold of this see. In 1102 Otto was instead invested with the (somewhat dispersed) see of Bamberg, which he was to rule until his death in 1139. Placed there, Otto was able to earn a great reputation as founder of monasteries and missionary to the Pomeranians. Otto was canonised in 1189.


\(^{19}\) Glaeske, *Die Erzbischöfe*, 122, 123.

\(^{20}\) Glaeske, *Die Erzbischöfe*, 125, gives the following assessment: ‘Einschneidender war, daß das Königstum im Verlauf des Investiturstreites seine Position im Norden Deutschlands aufgeben mußte. Bremen, das bis dahin seine gesamte Politik auf das Zusammengehen mit der Zentralgewalt ausgerichtet hatte, wurde dadurch in eine Isolierung gedrängt, die auf völlige Unterordnung unter die mächtigen weltlichen Machthaber Sachsens hinauslief. Bereits unter Liemar begann sich dieser Prozeß anzubahnen. Seine Nachfolger Humbert und vor allem Friedrich scheinen dann nicht viel mehr als sächsische Landesprälaten gewesen zu sein, die so gut wie ganz aus dem Gesichtskreis der Reichsregierung geschwunden waren, die aber auch nicht das persönliche Format hatten, sich als Reichsfürsten zu behaupten. Unter Humbert und Friedrich was Hamburg-Bremen das bei weitem kleinste deutsche Erzbistum, das faktisch lediglich aus der Erzdiözese bestand’. 
Struggling for independence

This lengthy introduction is partly to emphasise the somewhat uninfluential position held by the metropolitan see of Hamburg–Bremen in the years preceding the schism of 1130. It is one of the hypotheses of this article that events from 1130 onwards concerning Denmark must be interpreted in the light of the weakened position of the northernmost German archiepiscopal see.

Hamburg–Bremen and Lund from the Concordat of Worms to the eve of the schism

With the Concordat of Worms in 1122 and the compromises reached there between the German emperor and the papacy, as well as the ratification at the Lateran Council in the following year, the church of Hamburg–Bremen seems to have sensed an opportunity to reinstate its lost status. Thus, we find the church of Hamburg–Bremen working politically and diplomatically through different channels towards having the papacy thwart Paschal’s 1104 reorganisation of the Nordic church.

In January 1123, Archbishop Frederick of Hamburg–Bremen died and was succeeded by Adalbero, who hastened to Rome to participate in the Lateran council of March 1123. With him Adalbero would have 12 papal documents (all of them spurious) with which he sought to reclaim the metropolitan rights of his church. Calixtus seems to have reacted to Adalbero’s requests with a cautious and partial acknowledgement. Adalbero received his pallium and probably also the right to administer some sort of metropolitan status over Norway, Sweden and Gotland. This compromise might not have been all that Adalbero wished for, but it gave him a platform from which to continue the fight for the reinstalment of Hamburg’s lost status.

The issue concerning metropolitan rights over the Nordic church was once again discussed in Rome, when some time during the early pontificate of Honorius II (1124–30), the pope issued a letter to Adalbero. With this no longer extant letter (it was lost in the allied bombings of Hanover in 1943), which may be dated to 23 May 1126–29, Honorius seems to have adopted a cautious attitude towards this issue. He stated that he had decided to send a legate ad partes vestras to investigate the ‘controversy’ (controversia) between Adalbero and Asser of Lund. Honorius did this since ‘nobody can serve God in a satisfactory manner who is not of the right faith’.

22 W. Seegrün, Das Papsttum und Skandinavien bis zur Vollendung der nordischen Kirchenorganisation (1164) (Neumünster, 1967), 133, n. 165. Cf. also Christensen, ‘Archbishop Asser, the Emperor and the Pope’, 34.
23 Information on the immediate results of Adalbero’s trip to Rome in 1123 is slight. Seegrün, Das Papsttum und Skandinavien, 134, n. 167, refers to an entry in Hamburger Urkundenbuch I, Hamburg 1907, 125 no. 134: ‘Confirmatio Calixti (II) pontificis ad Henricum (V) Caesarem de episcopatu Sueciae, Gothlandiæ Norwegiæ’. JL 7040 is further – slight – evidence of a papal reaction to Adalbero’s trip in 1123: ‘Henrico imperatore (petente), ecclesiae Hamburgensis ius metropolitanum super Danos et Suehos et Norwegos et Scridevingos confirmat eique liberam praedicandi licentiam tribuit, quosque terra ad Oceanum versus partes ad illas extenditur’. The entry here refers to remarks in the Annales Patherbrunnenses, which, however, might pertain to either 1123 or in fact 1133. I shall return to this below.
manner without tranquillity and peace of mind’. Adalbero – and, so we must presume, Asser of Lund – were told to show up for negotiations after the legate had issued a summons.

While the activities of Adalbero after 1123 made their impact slowly, Asser in Denmark seems to have concentrated himself on strengthening his own archbishopric and the building projects of his cathedral in Lund. In June 1123, he consecrated the altar and the new crypt of his episcopal church in Lund, and dedicated it to St John the Baptist and all patriarchs and prophets, and, in July of the same year, he dedicated the left altar in the same crypt to St John the Evangelist.

Not just Asser himself, but also important people in the region definitely considered Asser the proper archbishop and head of the Nordic church province in these years. In 1124 the Norwegian King Sigurd I. Magnusson (i.e. Sigurd Jorsalfar – ‘the Jerusalem-traveller’, r.1103–30) sent one of his clerks to Lund to ask Asser for the position as bishop of Greenland. And when in 1127 (at the latest), Otto of Bamberg (d. 1139, canonised 1189) ‘burning in devotional fervour’ wished to ‘sow the seed of the faith’ in the Rugians while ‘not fearing to expose himself to the wildness of this incredulous people’, he deemed it necessary to ask permission from the archbishop of Lund. Ebbo’s vita of the famed missionary saint relates that Asser was installed by papal appointment to preach among this people. Another vita of St Otto of Bamberg, this one by Herbord, mentions that Otto sent some of his closest co-workers in a ship across the sea to Asser to ask his permission for their missionary work in what they apparently considered to be his ‘parochiam’.

This is to suggest that at around the same time as an unknown papal legate purportedly summoned both archbishops to negotiations on metropolitan status and their internal hierarchy, the emissaries from the future St Otto deemed it necessary to seek Asser’s recognition of Otto’s religious activities. According to the vitae, Asser gave a hesitant answer. He argued that he would

24 DD, 1/ii, 99 no. 49: ‘Quoniam absque quiete et tranquilitate animi nemo potest Deo gratum impen
dere famulatum, ut controuersia que inter te. et fratrum nostrum A. Lundensem archiepiscopum agitatatur. ualeat prestante domino debito fine concludi’. The designation of Asser obviously in itself points to the fact that Lund’s status was successfully upheld in these years.

25 DD, 1/ii, 99 no. 49: ‘... et loco et tempore quo ab eo uocatus fueris. ad eius presentiam uenias. de supranominato negotio tractaturus’. The identity of the legate in this instance is impossible to detect. The letter names him only ‘E’ and entitles him cardinal priest. However, the only cardinal during Honorius II’s pontificate with a name beginning with the letter E was Egidius, cbp of Tusculum.

26 ‘Memoriale fratrum’ in Necrologium Lundense, 80 (f. 147v): ‘Commemoration sancti Pauli. et dedicatio altaris. et criptę beati Laurentii. celebrata a uenerabili Ascero eiusdem sanctę Lundensis ecclesię et omnium Danorum primo archiepiscopo. anno incarnationis domini. M.mo. c.mo. xxmo. iii.o indicțione. i.a pontificatus autem domini Asceri anno. xxx mo iiii.to in honore sancti Iohannis baptiste. et omnium patriarcharum et prophetarum’. (DD, 1/ii, 96–7 no. 46)

27 ‘Memoriale fratrum’ in Necrologium Lundense, 83 (f. 150v); DD, 1/ii, 98–9 no. 48.

28 Mentioned in an Icelandic annal, the so-called Flateyjarbók. Cf. DD, 1/ii, 97–8 no. 47.

29 ‘Ebbonis vita Ottonis’, ed. G.H. Pertz (Hanover, 1856), MGH SS, xii, 877. This is not to say that Asser was in de facto control of the island of Rügen. Only in 1168 was Rügen securely conquered by Danish crusading forces and placed under the bishopric of Roskilde.

30 ‘Herbordi Dialogus de Ottone episcopus Bambergensi’, ed. G.H. Pertz (Hanover, 1868), MGH SS, xx, 762.
need some time to discuss the proposal with the Danish princes and magnates. Rather than wait around for the result of such discussion the emissaries wished to return quickly, fearing that Otto might be saddened by their prolonged sojourn. Asser appeared only too happy to allow them to return. He sent them off with letters and gifts to Otto, among these ‘a big ship filled with butter as a token of his love and friendship’. Asser further promised to later send his own emissaries with the desired answer from the Danish princes regarding Otto’s missionary work (‘de uerbo predicationis’).\textsuperscript{31}

Even if this scanty evidence on the one side points to certain diplomatic activity from the Hamburg–Bremen archbishop and on the other to a seemingly self-assured but perhaps somewhat procrastinating attitude from the archbishop of Lund, tensions were making themselves felt in the Danish realm. The anonymous Roskilde Chronicle relates that a certain magnate, Peder Bodilsen, caused serious trouble when, in 1124, he raised a – Gregorian? – campaign to ensure celibacy in the Danish priesthood. Inspired by his chaplain Nothold, and probably also the canons of the recent Lateran council, Bodilsen’s campaign resulted in the mutilation and killing of some priests, while others were driven out of the country after being convicted in secular, local courts. It would take more than a year before the newly elected Roskilde bishop Peder, a former chaplain to Magnus, the son of King Niels, would save the day for the troubled priesthood. Bishop Peder seems to have struck a – truly Gregorian! – deal with the local nobility, that clerics could not be prosecuted in a secular court. The Roskilde Chronicle does not mention the archbishop of Lund in this connection at all.\textsuperscript{32}

The papal schism and the Danish civil war until 1133

On the eve of the papal schism of 1130, Knud Lavard was still alive and the Danish civil war was not yet a reality, even if tensions were felt. It would still be almost a year before the situation would explode with Knud’s murder. While we should perhaps presume only a slight awareness on the part of the two papal contenders concerning the political situation in Denmark, it is fair to assume a rather deeper knowledge of the issues regarding the relationship between the churches of Hamburg–Bremen and Lund.\textsuperscript{33}

\textsuperscript{31} ‘Herbordi Dialogus de Ottone episcopus Bambergensi’, 762. L. Hermanson, Släkt, vänner och makt. En studie av elitens politiska kultur i medeltidens Danmark (Gothenburg, 2000), 125, argues that Otto’s intentions in undertaking a mission in Rügen would have been the establishment of a Pomeranian see under imperial dominance. With this, Hermanson sees Knud Lavard as part of a complex alliance system consisting of the Pomeranian Prince Vartislaw (c. 1100–48), Knud Lavard and Lothar III. From early in the twelfth century, Denmark had enjoyed an influential position in Rügen and to allow Otto to undertake a mission there would thus further strengthen the positions of Knud Lavard and Vartislaw, which would amount to a potential threat to the Danish king.

\textsuperscript{32} ‘Chronicon Roskildense’, 26. It may be of no special importance that the Roskilde Chronicle does not mention any action by the abp in this connection, since the chronicle stays consistent to its local viewpoint throughout its narrative and in fact depicts Asser rather unfavourably.

\textsuperscript{33} Adalbero’s activities after his consecration in 1123, related above, and the fact that Innocent II while he was still a CD conducted several important legations to Germany and was among the chief negotiators of the Worms Concordat, make it reasonable to expect that he was fully aware of the intricacies in the case of Hamburg and Lund.
Anacletus seems to have been the first to move directly regarding the North. Only 10 days after the tumultuous election, on 24 February 1130, the Pierleoni pope announced to Lothar III that he would send a cardinal to Germany. It would be the task of this cardinal legate – in co-operation with the papal legate already active in Germany, Archbishop Adalbert of Mainz – to make sure that everything ‘pertaining to the honour of Lothar and his realm is procured’. Further, and of interest in this connection, Anacletus announced another quite specific task for this legation: the legate should make sure that Adalbero of Hamburg–Bremen was offered ‘full justice’ and that ‘the privileges held by his church shall be confirmed’.34 The wording in this letter clearly implied that Adalbero had emissaries in Rome at the time of the election – he may even have been there himself – and that from the beginning Adalbero must have sided with Anacletus.35

We have no evidence, however, that a legate from Anacletus ever reached Germany, or Denmark for that matter. Come autumn 1130, Lothar would side with Innocent II and Anacletus would no longer play any part in the history of the North. More importantly in this connection, Archbishop Adalbero would now have to manoeuvre shrewdly and quickly to change sides from Anacletus to Innocent II, if he were to have his emperor’s continued support. This he seemingly managed to do. Adalbero appears in Lothar’s company several times during the late 1120s, even if he did not attend the meeting of the German princes in Würzburg in October when the imperial lot fell on Innocent II.36 However, Adalbero was attendant at the ‘Reichstag’ in Lüttich in March–April 1131, which was attended by participants from all of the imperial lands. Furthermore, we find Adalbero in the imperial entourage when Lothar in 1132 went to aid Innocent II in Rome and receive his imperial crown.37

Adalbero must have been quite upset by the murder of Knud Lavard in January 1131, since he would have thought of the duke of Schleswig, Knés of the Obodrites, arguably one of the would-be-main contenders for the Danish throne after King Niels, as an important ally: In spring 1126, Adalbero had commissioned the missionary Vizelin to preach among the heathen Wends. Vizelin’s initial preaching campaign soon got caught up in the turbulence over the succession to the Obodrite Prince Henrik, who died in 1127, and Vizelin had to temporarily retire to his monastery in Faldera (present day Neumünster in Germany). The victor in the succession struggle in the Obodrites, Knud Lavard, ‘very often availed himself of the hospitality of Faldera and showed his

34 ‘Ceterum . . . ad partes illas de fratribus nostris aliquem mittere disposuimus, qui legati nostri archiepiscopi Moguntini consilio una ubiscum ca, quae ad uestrum et regni honorem pertinente, praestante domino, adimplebit. Per eundem quoque fratrem, quem miserimus, fratri nostro A., Bremensi archiepiscopo, plenam iustitiam fieri pro uestra et totius regni gratia disposuimus et sua ecclesiae illi priuilegia confirmare’. DD, 1/1, 102–3 no. 53, dated to 24 February c. 1130.
35 Glaeske, Die Erzbishöfe, 130, notes that Adalbero might have been quite close to the leonine antipope: An Anacletan letter from 24 February 1130 has Adalbero allowing Abbot Simon of Rastede to wear liturgical gloves, sandals and mitre; on the same date he is designated as the carrier of Anacletus’s letters to Lothar III and on 18 May 1130 he carried Anacletan letters to the Roman nobility. Cf. JL, nos. 8371, 8372 and 8388.
37 Glaeske, Die Erzbishöfe, 131.
friendship toward Vizelin and all who dwelled there, promising them valuable possessions if the Lord directed his affairs in Slavia'.

The German king may not have been that upset, but he knew he would have to react towards the killers. In August 1131, Lothar moved ‘with a formidable army’ towards the Danish southern border at the Danevirke and in the vicinity of the city of Schleswig to ‘avenge the calamitous death of that excellent man’. Even if Magnus was placed with an ‘immense army of Danes to defend his country’ on the other side of the Danevirke, they never came to blows. Helmold relates that Magnus, the killer and son of King Niels – ‘because he was terrified by the valour of the German knighthood’ – bought himself immunity from Lothar with a considerable amount of gold and a promise of vassalage. This submission of the (son of the) Danish king to his powerful, and soon to be imperial, southern neighbour may have caused some anxiety in the mind of the archbishop of Lund. Asser may have been troubled with gloomy thoughts regarding the future of his church province and his own status as metropolitan bishop in the North, when witnessing his possible king submitting to the German king. Adalbero on his side might have been very grateful for the king’s swift demonstration of power: He may have lost an ally in Knud Lavard, but with the Danish king’s submission he might have gained another.

As we shall soon see, things in Denmark did not cool down with the king’s submission to Lothar. However, here it is time to pause and ask: What did Innocent II do? Whereas Anacletus very early on issued his letter to Lothar with the promise to Adalbero of setting things straight for the benefit of Hamburg–Bremen, we have no evidence of such early activity from Innocent II’s side. Only when Adalbero had himself manoeuvred safely to the Innocentian side and with the imperial army in Rome, do we see any action from Innocent II regarding the Nordic churches.

The collection of Danish medieval letters, the Diplomatarium Danicum (DD) series, includes a note about Innocent II’s activity in 1132. The entry is a
short reference in Manrique's *Annales cisterciensis* (sub anno 1132, but with no date) simply stating: 'Cardinal Martin is sent by Pope Innocent II to Denmark to confirm the province for the true pope and to reform ecclesiastical matters in the province'.

The editors of the *DD*, Lauritz Weibull and Niels Skyum-Nielsen, discuss Manrique's dating of this legation to 1132 at length. To the editors of the *DD*, a remark in the famous work by St Bernard of Clairvaux, *De consideratione* (c.1148), in fact offers convincing evidence that Manrique's dating is correct. They presuppose that the cardinal in question was Cardinal Presbyter Martin of S. Stefano al Monte Celio. In his *De consideratione* St Bernard remarks that while he was in Pisa, he encountered said Martin on his way back to Rome from Denmark. Bernard was only in Pisa twice in the 1130s: at the beginning of 1133 and in early summer 1135. Cardinal Presbyter Martin's name appears in papal privileges in the period between 23 January and 4 June 1133 and again in the period between 21 December 1133 and 26 May 1135. To the editors of the *DD* this means that the return of the papal legate must have been either at the beginning of 1133 or in the summer of 1135, making Manrique's dating of the legation mandate to 1132 correct.

This early dating of Martin's legation to 1132 is, however, countered by German scholarship. Seegrün states that a positive dating of Martin's legation is very hard to obtain. He seems to prefer to stick to the views in the older research, that the legation must have taken place in 1133. According to Brixius, Martin may have been elevated as early as 1130. Only on 16 December 1132 is his cardinalate however clearly stated in the sources. Martin's return from his legation to the North and his meeting with St Bernard is accepted. However, Seegrün does not find it plausible that their meeting took place during the Pisan council, since none of the periods in which Bernard was in Pisa seem to fit with any possible itinerary of Martin's. Hence it is preferable to date Martin's legation to between 4 June 1133 and 21 December 1133.

This dating offers a quite different perspective as to the main purpose of the legation, and perhaps this is why Danish historians have been reluctant to accept the 1133 dating. With this dating the purpose of Martin's travels was

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42. The arguments are played out in *DD*, 1/ii, 104–105 no. 55. Christensen, 'Archbishop Asser, the Emperor and the Pope' accepts the arguments in *DD*.


45. The return of Martin to the Curia is put at 1134 in C. Baronius, *Annales ecclesiastici* 18 vols, Lucca 1764 (xviii, 496) and Manrique (i., 263 [ch. 1, 6]). Both works referenced in Seegrün, *Das Papsttum und Skandinavien*, 210. However, both these works date the council of Pisa a year too early.

46. Seegrün, *Das Papsttum und Skandinavien*, 210 admits the – albeit slight – possibility of a further hitherto undocumented stay of St Bernard with the papal Curia around late 1133/early 1134: 'Fallen ein weiterer Aufenthalt des Heiligen beim damaligen Papsthof in Pisa um die Wende 1133/1134 unmöglicher sein sollte, was hier nicht entschieden werden kann, dann ist die Frage eines Zusammen treffens mit Martin nicht zu lösen'.

not to ‘confirm the province for the right pope’ but rather to deal with the still unfinished business concerning the archbishoprics of Hamburg–Bremen and Lund. It seems that the legation of Martin must be seen in connection with a series of letters from Innocent II to multiple addressees in the North from 27 May 1133. These were letters which seemingly reinstated Hamburg–Bremen to its former metropolitan status over the Nordic churches. I shall discuss these letters below. First, however, it is necessary to look deeper into the Danish civil war as it evolved after the murder of Knud Lavard.

We learn in the northern German chronicler Helmold of Bosau’s (c.1120–77) *Chronica Slavorum*, which was probably finished around 1171, that Knud Lavard’s illegitimate brother Erik II Emune, immediately after the killing – ‘hastening over land and sea’ – collected an army to go against Magnus. Helmold states that Erik II Emune, having soon assumed the title of king, challenged Magnus in battle after battle. Helmold also notes, however, that King Erik continuously fled these battles – an approach which earned him the unflattering epithet ‘Harefoot’. Before long, Erik II Emune found himself a refuge in the city of Schleswig, the inhabitants of which greeted him, since Knud Lavard in his time had been a great benefactor to the city. After a long siege of Schleswig had been lifted because of the protracted winter, Erik II Emune managed to escape to Lund, from where he would in the following years organise the resistance against King Niels and his son.

It is at this point that the *Roskilde Chronicle* makes a sweeping statement on the Danish archbishop Asser: ‘He was the first archbishop in Denmark and in Sweden and in Norway, sharp and bitter, wise and without constancy. In the kingdom’s great perturbation he would not stand firm as a wall to the house of Israel, but rather turned himself to wherever the waft would come from, like a reed bending with the wind’.

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47 Helmold (Tschan, 156); *Helmoldi presbyteri Bozoviensis Chronica Slavorum*, 192–4, ch. 49 (‘... currensque terra et mari...’). Helmold’s work, the sources of which were among others Adam of Bremen’s *Gesta Hammahungensis ecclesiae pontificium* from c. 1075 (cf. note 12 above), mainly tells the story of the largely German conversion and missionary efforts towards the regions north-east of the river Elbe (Nordalbingia) from the point of view of the former bishop in Oldenburg. It was probably Bp Gerald of Oldenburg (d. 1163), who commissioned Helmold to write his chronicle. In contrast to Helmold’s account, the Roskilde chronicle has Erik II Emune fighting against King Niels rather than Magnus, cf. *Chronicon Roskildense*, 27.

48 The near contemporary Roskilde Chronicle sides with Magnus and relates that Erik II Emune, with his – also illegitimate – brother Harald Kesja (c. 1080–1135) worked in every possible way to deprive King Niels of both his reign and his title and to kill Magnus: ‘Vnde fratres ius Haroldus et Hercicus sedicionem contra Nicholaum regem et Magnum filium eius excitabant et, ut Nicholaus regno et nomine priuaretur, et Magnus interficeretur.’ (*Chronicon Roskildense*, 27) The initial alliance between Erik II Emune and his brother, Harald Kesja (c. 1080–1135) soon dissolved when Harald Kesja allied himself with King Niels. Saxo Grammaticus states that Harald Kesja could stand his brother even less than he could stand his (other) brother’s killer: ‘Nam et Haraldus, quamquam iram obsequio tegeret, incitatiore odio aduersus Ericum quam Erici impugnatorum ardebat’. (*Saxo Grammaticus, Gesta Danorum*, ii, 128 [bk 13, ch. 9, 5])

49 *Chronicon Roskildense*, 28: ‘Iste primus archiepiscopus in Dania et in Swethia et in Norwegia extitit, vir acer et amarus, et sapiens et nullius constancia. Hic in tanta perturbacione regni se murum pro domo Israel non opponebat, sed, quocunque aura flabat, ut arundo uento agitata illuc se uertebat’. 
Some Danish historians have followed the *Roskilde Chronicle* rather closely in their own judgment of the archbishop. These scholars have considered this harsh evaluation justified, especially because of two elements of Asser’s ‘regal’ and ‘sacerdotal’ policy; Asser seemingly withdrew his support of King Niels sometime between early 1133 and summer 1134 in order to ally himself with Erik II Emune’s party, while the rest of the Danish church stuck with King Niels. With regards to protecting his archbishopric against the demands from Hamburg–Bremen, Asser did next to nothing, these historians claim. For them, it was precisely a complete lack of activity from Asser that caused the issue of Innocent II’s letters of 27 May 1133. The judgment put forward in the *Roskilde Chronicle* was accepted, and it has influenced Asser’s reputation in modern historiography since at least the middle of the nineteenth century – albeit in ‘varying shades and combinations’.

**Innocent II’s letters of 27 May 1133**

It is time to look more closely at the papal letters in question. They are all issued on the same date but to five different addressees. They all deal with the same

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50 On 30 June 1123, Asser had consecrated the crypt of the cathedral in Lund, cf. above, and now he wished to supplement this consecration with a privilege of land to the cathedral chapter. Asser’s solemn announcement of his gift took place on 7 January 1133, the second anniversary of the murder of Knud Lavard and precisely this dating could be a hint that Asser by then had offered his loyalty to Erik II Emune (DD, 1/ii, 105–109 no. 56).

51 Christensen, ‘Archbishop Asser, the Emperor and the Pope’, 28. Christensen offers a short introduction to the views of older historians on Asser at 27–29. One of the most negative assessments was offered by H. Koch in a number of works written in the 1930s to 1950s. Cf. for instance his *Danmarks Kirke i den begyndende Højmiddelalder* (Copenhagen, 1936); his contribution to Schultz’s *Danmarkshistorie*, eds. A. Friis et al., 6 vols (Copenhagen, 1941); his volume 1 in the *Den danske kirkes historie*, eds. H. Koch et al., 8 vols (Copenhagen, 1950–1966); his volume 3 in the *Politikens Danmarks Historie* (eds. J. Danstrup and H. Koch), 14 vols (Copenhagen, 1962–1966). Hal Koch was inspired by the works of Swedish historian Lauritz Weibull who in his works argued for the existence of two ‘parties’ in the Danish civil war. Weibull saw the Roskilde Chronicle as an exponent for one of these parties: A party which with regard to its ‘sacerdotal’ policy supported a Gregorian reform idea and with regards to its ‘regal’ policy fought for a traditional social order (with the local ‘things’ ruled by local magnates) against an encroaching royal power. Cf. the important article by L. Weibull: ‘Nekrologierna från Lund, Roskildekrönikan och Saxo. Grunddrag i Danmarks historia under det 12. århundradet’, *Scandia*, 1 (1928), 84–112. C. Breengaard, *Muren om Israels hus. Regnum og Sacerdotium i Danmark 1050–1170* (Copenhagen, 1982) is a long critique of the ‘Weibull-synthesis’. Breengaard’s highly source critical approach is guided by an overall view of the twelfth century Danish church as a fairly new social and political entity in a traditional Danish society marked excessively by magnates’ kin-lines and their fight for power through alliances within such kin-lines. To secure its own survival in a ‘traditional’ society; the young church would need the support of another young social and political entity: Kingship. Breengaard is himself influenced by the legal historian Ole Fenger and his *Fejde og Mandebod. Studier over slægtsansvaret i germansk og gammeldansk ret* (Aarhus, 1971). Aberdeen-based Danish historian Michael Gelting has worked intensively on the Roskilde Chronicle and has offered a Danish translation of it (Copenhagen, 1979 and later editions). In one of his recent works, Gelting argues that the Roskilde Chronicle should be understood as a veritable treatise against the demands of Hamburg–Bremen. Gelting’s argumentation stems partly from L. Hemmingsen: *By Word of Mouth. The Origins of Danish Legendary History. Studies in European Learned and Popular Traditions of Dacians and Danes before A.D. 1200* [unpublished Ph.D. thesis] (Copenhagen University, 1996). This thesis has not been available to me while writing this article. Cf. Gelting, ‘Da Eskil ville være ærkebiskop’, 182–3.
topic. With these letters, Innocent II seemingly ended the struggle between the two northern archbishoprics by giving back to Hamburg–Bremen the metropolitan status this church had lost by the establishment of the archbishopric of Lund in 1104. None of the original letters are extant. Let us look at the letter to Adalbero first. Herein the Hamburg–Bremen archbishop is readmitted to metropolitan authority over the bishop of Lund as well as the other bishops of Denmark. Innocent II first offers an abbreviated version of the problems so far: Adalbero has presented his case to the papacy on several occasions. He has complained to Innocent’s predecessors Calixtus and Honorius that Asser did not show him the obedience normally offered a metropolitan, and to prove his metropolitan status, Adalbero has referred to old privileges issued by Popes Gregory, Sergius, Leo, Benedict, Nicholas and Adrian. This impressive list of popes is repeated later in the letter, when Innocent’s decision is delivered: On account of these privileges and ‘the pleas from our dearest son Lothar, we confirm the episcopacies of Denmark, Sweden, Norway, the Faroe Islands, Greenland, Hälsingland, Iceland, with the Skridfinns and the Wends to you, and through you to the church of Hamburg, their metropolitan’. The immediate reason for the papal decision is the commonplace that ‘nobody should benefit from their contumacy’, but given the fact that the letters are all issued only a week before the papal crowning of Lothar in the Lateran, we must assume that Lothar’s pleas may have had a decisive effect. The letters end with the customary dating clause, which reminds us of the important position held by the papal chancellor, Aimeric: ‘Given in Rome on the Aventine mountain by the hand of Aimeric, cardinal deacon and chancellor to the holy Roman church on the 6th kalend of June (i.e. 27 May) in the 11th indiction, year 1133 after the Lord’s incarnation in the Lord Pope Innocent II’s fourth year’. The list of former popes is repeated in letters to the Danish king, the Swedish king, and the Swedish bishops. Only in the letter to Archbishop Asser does this list not appear. In the letter to the Swedish king, the king is admonished to obey Adalbero and to make sure that the bishops in his country return to their obedience towards him. The Swedish bishops on their side are told to
show obedience and reverence towards Adalbero as their metropolitan, and not to cause him any trouble in the future.\textsuperscript{58} In the letter to the Danish King Niels, Innocent II again refers to his predecessors’ decisions (a part which the letters to the Swedes omit) to have the bishops of the Danish church present their case in Rome. However, as Innocent II states, ‘they neither came nor sent an answer by letter’. Since ‘we wish each to conserve his right’, Innocent II conclusively explains, ‘we return the bishop of Lund as well as the other bishops in Denmark to our before-mentioned brother, Archbishop Adalbero’.\textsuperscript{59}

The text of the last of the five letters in question has only survived in very poor condition. The text as presented in the \textit{DD} is culled from a seventeenth-century copy and it demonstrates numerous lacunae, tentatively filled out by the editor in 1642. We must assume, however, that this letter was indeed intended for Archbishop Asser, even if in the text both his name and his title – \textit{episcopus} – are conjunctions.\textsuperscript{60} Innocent II opens with a short arenga, which states that it is the law of nature not to hurt another and at the same time it is a duty to help him who has suffered damage.\textsuperscript{61} Innocent II then relates the case: Asser has been negligent in failing to show Adalbero the obedience and reverence he owed to his metropolitan, and while Asser several times was summoned ‘by both them and us, by letters and nuncios’, neither he nor any of his ever went to the Apostolic See. Therefore, Innocent orders Asser ‘with this letter to return to subservience and reverence and to obey him, your metropolitan, in all things’.\textsuperscript{62}

Historians have discussed both the content and the letters’ complicated transmission. The complicated ways in which the texts have come down to us have been a matter of discussion, since this may have an effect on how to evaluate their consequences and – possibly – the papal intentions behind them being issued. Of the five letters, only one survived in the original – until 1943, when it too was destroyed. This letter – to the Swedish bishops – was kept in the archive of the archbishops of Hamburg–Bremen.\textsuperscript{63} Christensen on this account argues that the letters probably never reached their addressees in the

\textsuperscript{58} \textit{DD}, 1/\textit{ii}, 117 no. 61: ‘... mandamus /.../ tamquam metropolitano uuestro. obedientiam et reuerentiam deferatis. et nullam ei super hoc molestiam decetero irrogetis’.

\textsuperscript{59} \textit{DD}, 1/\textit{ii}, 113 no. 58: ‘... nec uenerunt, nec reponsales miserunt’. And: ‘Nos itaque unicuique suam iustitiam uolentes conseruare, communicato fratrum nostrorum consilio, praefato fratro nostro A. archiepiscopo, quemadmodum in antiquis priuilegis praenominatorum /.../, continetur, tam Lundensem quam alios episcopos Dacie restituimus’.

\textsuperscript{60} \textit{DD}, 1/\textit{ii}, 114–15 no. 59. The text is from Philip Caesar, \textit{Triapostolatus septentrionis. Vita et gesta S. Wilhelmi, S. Anscharii et S. Rimberti} (Cologne, 1642). Caesar relates that he has tried to fill out the lacunae in the text at his disposal ‘ex reliquarum tenore, ex ipsius causae conditione et relicti spacii angustia vel amplitudine’. (\textit{DD}, 1/\textit{iii}, 114 no. 59)

\textsuperscript{61} \textit{DD}, 1/\textit{ii}, no. 59: ‘Quemadmodum [iuris naturalis est] alterum non laedere, ita nimirum [nostri officii laesum adiuvar]e’. The text in square brackets is the result of Caesar’s conjectures.

\textsuperscript{62} \textit{DD}, 1/\textit{ii}: 115 no. 59: ‘Qua de re cum et ab] ipsis et a nobis saepe per literas et nuncios euocatus]us sis, nec per te nec per tuos tamen]edem apostolicam uisitasti. Quia igitur nostri officii est singulis sua [conseruare], fraternitati tuae per praesentia scripta [serios] manda[nus, ut ad eius subjecti]onem et reuerentiam redes et ei tamquam metropolitano [tu[o in omnibus paresa]s].’

\textsuperscript{63} \textit{DD}, 1/\textit{ii}: 116–17 no. 61. British bombers destroyed the original letter in October 1943. Until then it was kept in the Hannover Staatsarchiv under the signature Erzstift Bremen nr. 29, i.e. the archive of the abps of Hamburg–Bremen.
North and, consequently, that the archbishop of Lund was able to carry on about his business without the burden of knowledge.64

In opposition to this, Seegrün maintains that the letters did reach the North, because they were brought there by the papal legate, Cardinal Priest Martin of Monte Celio, the legation of whom the editors of the DD place in 1132. As a consequence of this view, which is based on an interpretation of an entrance in the Annalista Saxo, Seegrün maintains that at the time of Adalbero’s visit Innocent II, while considering sending a papal legation to the North, also saw fit to consecrate a new Swedish bishop.65 Seegrün further argues that while the letter to Adalbero is addressed ‘Adalberoni Hammaburgensi archiepiscopo. eiusque successoribus canonice promouendis’, the remaining letters do not mention Adalbero’s successors. Consequently, these other letters seem to demand from the different addressees only obedience and reverence to Adalbero in person. To Seegrün this demonstrates a papal lack of will to stand by its own decisions: ‘Hier zeigt sich die Absicht des Papstes, eine Entscheidung zu fallen ohne den Willen zu weiterem Festhalten daran’.66

Gelting notes in agreement that the letters did not contain an explicit discontinuation of the archiepiscopal status of Lund even if Asser himself was entitled only as bishop, and thus ‘the archiepiscopal status of Lund was simply passed over in silence’.67 He has tried to accommodate the conflicting arguments about the original letter to the Swedish bishops with a somewhat daring new explanation. According to Gelting the letters may simply have been issued in duplicate so that one original was sent to the recipients in the North and another original to Adalbero, who obviously would have wanted to be kept

64 Christensen, Archbishop Asser, the Emperor and the Pope, 33. This argument was also put forward by the editors of the Diplomatarium Danicum and it is acknowledged also in Breengaard, Muren om Israels hus, 221.
65 Seegrün, Das Papsttum und Skandinavien, 208–10 argues that the content of the letters from 27 May 1133 is reflected in an entry in the Annalista Saxo, however incorrectly placed sub anno 1123: ‘Antiqua enim et nobilis illa Bremensis ecclesia iure metropolitano super Danos et Suethos et Norwegon et Scridevingos principatum habuit. Addit quoque domnus apostolicus hanc auctoritatem, ut predicte ecclesie pontifex liberam predicandi licentiam habeat, quousque terra ad oceanum versus partes illas extenditur. His ita actis, in hoc quoque domnus papa honorem sibi adauxit, quod quendam bonae conversationis clericum, qui secum Romam venerat, Suethis episcopum ordinavit. Post ad patriam remeat, addito sibi cardinale, viro religioso, qui ex decreto domni apostolici omnibus Datie episcopis ut ei sicut metropolitano obedirent, ediceret . . .’ (Die Reichschronik des Annalista Saxo, ed. K. Nass [Hannover, 2006], MGH SS, xxxvii, 577.) The Annalista Saxo is a codex with annalistic entries covering the period c. 741–1142. The codex was created between 1148–1152 by an anonymous writer/compiler, possibly originating from the Benedictine monastery of Nienburg in the German region of Saxony-Anhalt. The writer/compiler used a number of sources for his work, among these the Annales Patherbrunnenses. Cf. Seegrün, Das Papsttum und Skandinavien, 208–10. There is wide agreement that the annalist placed parts of the entry in the year 1123 (10 years out).
66 Seegrün, Das Papsttum und Skandinavien, 137.
67 Gelting, ’Da Eskil ville være ærkebiskop’, 186–7. Even the letter to Adalbero only mentions ‘Asser of Lund and the other Danish bishops’ (DD, 1/ii, 111 no. 58; ‘. . . A[s]cerum Lundensem et alios episcopos Dacie . . .’). In opposition to this, Breengaard claims that the difference in formulations simply relates to ‘the varying canonical status in the recipients’. (Breengaard, Muren om Israels hus, 216, n. 314). Breengaard seems to argue that only Asser was on trial here, since he was the only prelate who had received rights hitherto belonging to Hamburg–Bremen (in 1104). Consequently, the Swedish bps could only be instructed on where to guide their obedience. (Cf. Breengaard, Muren om Israels hus, 213, n. 306)
informed about such important developments. Gelting offers this explanation to argue that the mandates in the Innocentian letters were intended to take effect only with the death of Archbishop Asser – soon to be expected, since he was of great age at the time. Accordingly, Gelting understands Innocent’s wording in his letter to Asser to be ‘gentle and indulgent’: Innocent would have wished to spare Asser the humiliation of a public degradation.

Gelting’s solution, however, does not seem entirely satisfactory. It would be the responsibility of an archbishop who obtained papal privileges (in this case Adalbero of Hamburg–Bremen) to see to the circulation of such privileges himself, and especially so in this case, since Lund had no representatives at the Curia. It might of course be that a papal legate, if he were even there, would have circulated the documents. These documents would have been a full privilege with a silk cord (‘cum sero’) to Adalbero and standard mandates with hemp cords (‘in filo canapis’) to the rest of the recipients. One original full privilege would have been considered enough for Adalbero to state his claims. Regarding the other part of Gelting’s argument, it must be stated that nothing in Innocent’s letters seem to suggest a time lapse before the papal decision could take force.

At this point we must briefly touch upon a parallel case from Poland. On Lothar III’s coronation day of 4 June 1133 and on account of promises made to the emperor, Innocent II pronounced the suppression of the metropolitan status of the archbishopric in Gniezno. The pope may have been reacting to older – but forged! – papal letters, which seemed to extend the borders of the Magdeburg see well into Polish territory and thus to establish with the see in Magdeburg a metropolitan status over the churches there. Apparently Jacob of Gniezno (d. c.1148) – like Asser – had sent neither messengers nor responses to Rome answering the claims raised by Archbishop Norbert of Magdeburg (c.1080–1134). Both cases show German archbishops working to enhance their archbishoprics with the aid of their close contact with Lothar III and presumably with a keen eye to the political situation during the papal schism.

68 Gelting, ‘Da Eskil ville være ærkebiskop’, 188. The original of the letter (lost in 1943) to the Swedish bps is described by the editors of the Diplomatarium Danicum as ‘of parchment with remnants of a hemp line passed through the middle of the letter’s plica’ (DD, 1/ii, 116–7 no. 61).


70 Adalbero would probably have set his own chancery to meticulously copy all of the letters issued in the case. A practice where the papal chancery issued bulls in double originals is unknown. I wish to express my thanks to Professor Anne Duggan for enlightening me on this issue.


72 The future St Norbert of Xanten had been installed as abp of Magdeburg in 1126; he was an ardent supporter of Innocent II in the schism, and in his later years he also worked as a chancellor to Lothar III. Norbert of Magdeburg claimed to have found in his archive a copy of a letter from Pope John (?), which extended the borders of the see of Magdeburg to the river Oder and thus encroached upon the borders of the see of Poznan. This however was a forged letter constructed during c. 1004–12.

73 The Polish Prince Boleslas III the Wry-mouthed (1086–1138) paid homage to Lothar and carried his sword (!) in Merseburg 15 August 1135, only a year after Magnus did the same. Interestingly, in 1129 Magnus had married a daughter of Boleslas III, Richia Sventoslava. Cf. Gorski, ‘Lund et Gniezno’, 49.
Norbert of Magdeburg did not have the opportunity to fight for very long for his new enhanced archbishopric and metropolitan status. He died in June 1134. By 1136 we find Innocent II addressing Jacob of Gniezno as archbishop again.\textsuperscript{74}

**Denmark 1134 – chaos and disorder and an undaunted archbishop**

In Denmark the leading secular protagonists may have had worries other than the canonical status of their country’s only archbishopric. For them, their relationship to Lothar III was of primary importance, and, at a time of civil war, they had to be especially careful in considering this. Harald Kesja, the brother of Knud Lavard and Erik II Emune, soon changed his allegiance from Erik II Emune to King Niels. Erik II Emune then besieged Harald’s castle just outside the city of Roskilde, making good use of a number of Roskilde-based Saxons who knew how to work a trebuchet. Having shrewdly escaped the siege, Harald Kesja with the aid of King Niels shortly thereafter took Roskilde and, with the king’s permission, punished the Germans who had assisted Erik II Emune by cutting off their noses.\textsuperscript{75}

The assaults on the Germans by Harald Kesja, allowed by King Niels, forced Lothar III, having just returned from Rome, to act against the Danes again. Possibly, the German emperor was double-dealing in his handling of Danish affairs. Immediately after the murder of Knud Lavard in 1131, both parties had approached Lothar for his support even if only Magnus ended up offering his oath of fealty. In 1134 Magnus was at the imperial Easter diet at Halberstadt where he submitted himself once more to Lothar, who was by then emperor. The Danish king’s son would this time pay a huge fine for the assault on Germans in Denmark, give up hostages and do homage to the emperor. Magnus further promised that neither he nor his successors would accept the royal title without prior assent from Lothar III. Lothar III for his part crowned Magnus king of the Danes. At the solemn Easter processions, Magnus then carried the imperial sword.\textsuperscript{76}

The suspicion that the emperor was double-dealing is strengthened when we learn that on 4 June 1134 300 German knights participated on Erik II Emune’s side in a battle the outcome of which radically altered the civil war.\textsuperscript{77}

In Fotevig, a small inlet in Scania in present day Sweden, Erik II Emune’s forces

\textsuperscript{74} Bullarium Poloniae, i, 6 no. 10.

\textsuperscript{75} Saxo Grammaticus, Gesta Danorum, ii, 128 (bk 13, ch. 9.7) and ii, 130 (bk 13, ch. 11.2). In Saxo, such violent behaviour is a distinct feature of Harald Kesja’s persona and further adds to the impression of his treacherous nature. Shortly before, Harald and Niels had defeated Erik II Emune in a battle in Värebro in the vicinity of Roskilde. Cf. Saxo Grammaticus, Gesta Danorum, ii, 130 (bk 13, ch. 11.1).

\textsuperscript{76} Die Reichschronik des Annalista Saxo has: ‘Imperator celebravit pascha Halberstad; ubi rex Danorum Magnus se in potestatem eius tradidit, obsides dedit, iuramentum fecit, se successoresque suos non nisi permissu imperatoris regnum adepturos, atque ipso sancto die pasche regio more coronatus, coram coronato imperatore gladium eius portavit’ (MGH SS, xxxvii, 597). Cf. also Monumenta Erphesfurtensis, 40; Annales Patherbrunnenses, 127.

\textsuperscript{77} Cf. Monumenta Erphesfurtensis, 40.
took King Niels’ army by surprise. The *Roskilde Chronicle* laments: ‘Woe to this cruel year, this bitter day, the day of death, the day of darkness, so full of grief, so heavy with sobbing. Woe to that day when Magnus was killed, when the flower of Denmark was broken!’ Together with Magnus five bishops fell. King Niels managed to escape towards Schleswig. Before the end of the month, however, the citizens there rebelled and killed their king.

Let us recall the actions of Archbishop Asser during all this time. At first he had remained loyal to King Niels even in spite of the loyalty demonstrated to Erik II Emune by Asser’s own kin. Asser must have been worried by what happened after the murder of Knud Lavard. He may thus have fostered second thoughts about his allegiance: was it wise to stick with the royal party that submitted itself to the German king and, by inference, his church politics? To Asser it must have seemed only too logical, albeit highly alarming, that such submission would also mean that the Danish king neither could nor would back his own archbishop against claims from Adalbero and Hamburg-Bremen. It is unclear precisely when Asser decided to change sides. It may have been as early as January 1133, as hinted above. Or it may have been as late at Easter 1134 (Palm Sunday fell on 8 April), when Asser learnt that Magnus had struck a new deal with Lothar to ward off yet another threat of imperial retaliation. We have, as argued above, no clues as to any reaction on Asser’s part to the papal letters of 27 May 1133. On the eve of the battle of Fotevig in June 1134, however, Asser was decidedly with Erik II Emune. His suffragans still stuck to Magnus and Niels.

Erik II Emune’s victory may well have been the game changer Asser had been looking for. The battle had resulted in the need for a number of new bishops. Five new bishops were (s)elected in Schleswig in late June 1134, when Erik II Emune paid a thank you visit to the citizens there, among them Asser’s nephew, Eskil, and Erik II Emune’s chaplain, Riko. That Erik was grateful for Asser’s support was highlighted effectively with a royal privilege from 6 January 1135, in which Erik II Emune exempted all of the landed property belonging to the church in Lund from royal taxation. Surely Asser was only too happy to bear witness to such a privilege. To honour his slain brother Knud Lavard, Erik II Emune offered the means to establish a society of canons with the church in Ringsted that housed Knud’s remains. These privileges would perhaps have worked to ease whatever pangs of conscience Erik II Emune

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78 ‘Chronicon Roskildense’, 29: ‘Heu crudelis annus, dies amara, dies mortis, dies tenebrarum, doloribus plena, singultibus onerata! Heu dies, in qua Magnus occiditur, flos Danie deprimitur!’
79 Saxo Grammaticus, *Gesta Danorum*, ii, 136–38 (bk 13, ch. 11.13–14)
80 Asser’s brother, Kristiern, and his nephew, Agge, both supported Erik II Emune. Cf. ‘Svenonis Agg-onis filii brevis historia regum Dacie’ in *Scriptores Minores*, 94–143; here chapter xiv, 138, and Paludan, ‘Flos Danie’, 520. Saxo Grammaticus, *Gesta Danorum* has Asser offering King Niels his advice immediately after Magnus’s murder of Knud Lavard (ii, 118 [bk 13, ch. 7.5]).
81 ‘Chronicon Roskildensis’, 30.
82 DD, 1/ii: 119–24 no. 63. This is the earliest Danish royal privilege extant in the original. Erik offers his privilege ‘because God has liberated us from grave tribulations and dangers and has liberated his people and restored reign and heritage for us and placed me upon the throne of my forefathers’. (‘De magnis tribulationibus et angustiis a Deo liberati, magnifice gracias ipsi referimus. quia populum suum liber-auit. quia nobis regnu et hereditatem restituit et meipsum in solio patrum meorum collocuit’).
83 DD, 1/ii, 129–30 no. 65.
might have felt when in true Merovingian fashion he had his brother Harald Kesja and 11 of Harald’s 12 sons killed.  

We find Asser acting as archbishop immediately after Fotevig. In 28 October 1134, he consecrated Magnus Einarsson as the new bishop of Skalholt in Iceland and, as noted, he witnessed Erik II Emune’s great privilege of January 1135. Erik II Emune’s slaying of Lothar’s vassal Magnus at Fotevig would, however, have demanded a new Danish royal reconciliation with the emperor. We learn from German annals that Erik II Emune had representatives at the imperial diet in Magdeburg in June 1135, and it is reasonable to think that the new Danish king would have offered a deal under the same conditions as Magnus had only a year before. We have no clues as to what Asser might have thought of his new king possibly seeking to appease the German emperor in the same way as his predecessors had tried.

If Lothar and Adalbero – and Innocent II for that matter – had hoped for a change in the de facto deadlock between Hamburg and Lund, they must have been disappointed. Nothing seems to have happened to this end during the rest of Asser’s life. The Danish archbishop appears to have warded off the threat from Hamburg–Bremen precisely by his policy of stalling and delaying. Obviously, the fact that Lothar’s forces never actually crossed the Danish border had also helped. The Roskilde Chronicle blamed Asser for his apparent lack of ‘constancia’. His actual behaviour in these troubled years seems, however, to demonstrate exactly such constancy when it came to the fate of his church. In 1127, the emissaries from Otto of Bamberg had made an all-encompassing characterisation of the Danish archbishop: Asser was a good and simple man, and while he may have known his Latin and his religion, in his appearance he was as ‘rustic as a Slav’.

86 Gelting, ‘Da Eskil ville være ærkebiskop’, 189. Erik II Emune’s privilege (DD, 1/ii, no. 63) from January 1135 refers in its dating clause only to Erik II Emune’s government, while another privilege, that of Bp Eskil of Roskilde to St Peter’s monastery in Næstved, from 29 November 1135, refers to the reigns of both Lothar and Erik II Emune.
87 ‘Herbordi Dialogus de Ottone episcopus Bambergensi’, 762: ‘Erat autem vir bonus et simplex, bona-rum rerum cupidus auditor, non mediocris scientiae ac religionis, in exteriobus tamen Slavicae rusticitatis’. The entire passage is a wonderful display of cultural superiority: The Danish cities and castles are ridiculed for their backwardness and lack of proper defense, while the churches and dwellings of even the nobles are low and mean. The people here engage themselves in hunting, fishing and pastoralism, while proper farming is rare: ‘Nam et homines terrae illius sunt, ut videantur quadam duritia omnes incultii et agrestes in maxima ubertud atque divitiis generali. Urbis ibi et castri non possit mentio esse. Ecclesiae et domus nobilium humilies et vili scemate. Studia hominum aut venatio aut piscatio est vel pecorum pastura. Porro in victu vel in habitu vestium parum latui habent aut pulchritudinis. Nostri ergo mediocris in comparatione illorum gloriosi erant. Iwanus vero presbiter archiepiscopo ipso maior esse videbatur’.
This may be true. I find it, however, reasonable to add to this judgment that when it came to church politics Asser may have been ‘cunning as a peasant’.

**Post-schismatic ‘normalisation’ in the North**

By the end of 1137 three of the leading protagonists had died. Asser died on 5 May, Erik II Emune died on 18 July and Lothar III died in early December. In Denmark, Erik III Lam (c. 1120–47), a nephew to Erik II Emune was elected the new king. In Lund, Eskil (c.1100–81), the nephew of Asser, who had been bishop of Roskilde since 1134, was elected archbishop. In Germany, Conrad III was elected the first Hohenstaufen king following Lothar III’s death. The important Welf dynasty would gradually offer resistance to Conrad’s reign in the north of Germany, thus damaging whatever intentions Conrad may have had regarding Denmark and the ecclesiastical organisation there.

The struggle between Hamburg–Bremen and Lund for the metropolitan status over the churches in the north never formally came to an end. However, when in 1138 Eskil of Lund received his pallium from Innocent II, the struggle was in effect over. From here on the strife would find only some smaller outlets. Herman, the former chaplain of Archbishop Eskil, was elected to the see in Schleswig following the translation of former Bishop Riko to Roskilde in 1137. However, Herman was never able to take up his bishopric, since Adalbero of Hamburg–Bremen used a short interregnum around 1137–8 to himself consecrate one Occo (d. c.1161) as new bishop in Schleswig.

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88 Plov, a local magnate, killed Erik II Emune at a meeting in Ribe. In 1144 Erik III Lam married Luitgard of Salzwedel, a sister of Hartwig, who was to become abp in Hamburg-Bremen on the death of Adalbero in 1148. Luitgard, 10 years older than Erik III Lam, was the mother of four children from her first marriage to her uncle, the Count Palatine of Saxony, Frederick VI (c. 1095–1162), whom she was forced to divorce. Nothing suggests the decision to marry Luitgard was because of political relations between Denmark and the northern part of Germany.

89 Initially, Riko of Schleswig was the preferred candidate as new abp. His previous experience as the chaplain to King Erik II Emune may have secured him such a position. When Erik II Emune died, however, Eskil of Roskilde was elected to the see in Lund, while Riko took the see in Roskilde. A magnate from Zealand, Peder Bodilsen – active already in the 1120s in a violent campaign for clerical celibacy – seems to have mediated this election. Cf. ‘Chronicon Roskildense’, 32. Cf. the discussion in Gelting, ‘Da Eskil ville være ærkebiskop’, 198–202.

90 In 1142, Conrad III offered Lothar III’s grandson, Henry the Lion (1129–95), the duchy of Saxony as a part of a ‘reconciliation’ policy towards the Welf dynasty.

91 No papal document to this effect is preserved, however. It was Eskil’s chaplain, Herman, who collected the pallium in Rome. Cf. ‘Annales Rodenses’, ed. G. H. Peitz (Hanover, 1859), MGH SS, xvi, 708.

92 Following a rejected election as abbot to the monastery of Kloosterrade (by Aachen), Herman was asked by the abp of Cologne to found a monastery in Dünewald in the Rhineland. This was not a success and in 1129 he appears as Eskil’s chaplain in Roskilde, and it was as such he collected the pallium for Eskil. Following Riko’s translation to Roskilde in 1137, Herman was selected to the see in Schleswig. Apparently, he was never able to take possession of this see. In 1145, the Danish King Erik III Lam offered Herman a benefice that he could live off for the rest of his life, because he had been deprived of his bprie ‘tumultu et seditione populari’. (DD, 1/ii, 173–6 no. 91). The royal benefice is very striking indeed, in that it seems to be written in two tempi and it has two witness lists. On the second list, we surprisingly find Bp Occo of Schleswig. Cf. Breengaard, *Muren om Israels hus*, 240–1. Occo also witnesses a document from 11 July 1141 in which Adalbero offers several tithes from Holstein to Vizelin and his brothers in the monastery of Neumünster (DD, 1/ii, 154–5 no. 80).
Some historians claim that the death of Lothar III in December 1137 and the end of the schism with Anacletus’ death in January 1138 allowed Innocent II’s true policy towards the North to show. Freed from the unwished for dependency of the German emperor and the struggles for Rome with the antipope, Innocent II could give full support for the independent church of Denmark.93 This is not my impression. Rather, it seems to me that Innocent II used the Nordic church as a pawn to play in his dealings with Lothar III. For Innocent II, his grip on papal power must have been of primary importance. To this end it must have helped to give the emperor what he and his northernmost archbishop wished for, as long as their wishes did not collide too heavily with Innocent’s – ’post Worms’? – ideas about the ideal relationship of secular power and papal power on the question of ecclesiastical provinces and bishops.94 We cannot know this, but Innocent II might have been wise enough to let both Lothar and Adalbero know that his letters of 27 May 1133 were in fact a concession unwillingly admitted: after all, the false letters presented to Innocent II by Adalbero at the time were so clumsily made that they would have fooled nobody.95

In August 1139, only a few months after the second Lateran council, Eskil presided over a bishop’s synod in the North together with the papal legate to Germany, Cardinal Bishop Theodwin of S. Rufina.96 If not there, then at least in 1145, when Eskil finally consecrated the main altar in the cathedral of Lund to the Virgin and St Lawrence, the archbishop of Lund must have felt a sense of true joy and relief and pride. He would consecrate an impressive, three-nave cathedral of international dimensions (as planned by Asser). And he would do so as a by now undisputed metropolitan of the churches in the North (as surely hoped for by Asser).

93 Cf. for instance Christensen, ‘Archbishop Asser, the Emperor and the Pope’, 35 and Seegrün, Das Papsttum und Skandinavien, 137.
94 Cf. the discussion in Robinson, Papacy, 450–3.
95 Cf. Christensen, ‘Archbishop Asser, the Emperor and the Pope’, 35 and the references there.
96 DD, 1/ii, 146–150 no. 77. Bps from Sweden, Norway, and the Faroe Islands showed up, as did the Danish.
9 The transmission of the councils from 1130 to 1139

Martin Brett and Robert Somerville

Introduction

The importance of papal councils in the second half of the eleventh century and on into the early decades of the twelfth is well known. These assemblies were prime vehicles by which the Roman pontiffs of the time adjudicated cases, and defined and circulated their canonical programs. The papal ‘general council’ which emerged after the mid-eleventh century is a new institution, which should not be confused with the ‘ecumenical’ or ‘universal’ councils, from Nicaea in the year 325 to Vatican II (1962–65). This issue of definition can be complicated because the Lateran councils held in 1123 and in 1139 are recognised in the Roman Catholic Church as the ninth and tenth Ecumenical Councils, although these gatherings have much more in common with other papal synods of the time than, for example, with Vatican I or Vatican II. Within recent decades the pontificates of Urban II, Calixtus II, and Innocent II have

1 The foundation of all modern study of these councils rests on the long series of studies by RS, as the annotation here makes transparent. In the preparation of this chapter he is responsible for the introduction, and commented on what follows, which is mostly the work of MB, though following the path that RS had already mapped.


each been singled out for various reasons as crucial in the development of papal synodal ideas and practice. Whatever changes can be discerned in this activity, e.g. shifts in legislative themes, increased authority on the part of the cardinals, increasing attendance, and even progressive lengthening of the texts of the canons, it would be difficult to see papal synods after 1123 as conceived in a manner fundamentally different from those of Popes Calixtus II, or Paschal II and Urban II, or perhaps even of Gregory VII.

Did papal councils occur less frequently as the twelfth century progressed? The pontificates of Calixtus II and Honorius II do reveal a fading of these assemblies from prominence in the sources, but did fewer of them actually take place? The first year of Calixtus II's reign was marked by two relatively well-documented papal synods, in Toulouse and Reims. No trace appears of another until the Council of Crotone, early in January, 1122. Given the virtual non-existence of sources for this assembly, other councils for which all traces have now vanished might have been celebrated between late 1119 and early 1122. After Lateran I Calixtus presided over at least one additional synod, in late 1123 or early in 1124 again at the Lateran, but as with Crotone almost nothing is known about it. In November, 1127, Pope Honorius II presided over a council at Troia, and he seems also to have convoked a Roman synod in April of the following year. Next to nothing is known about either assembly, and both easily could have vanished from sight, so caution is needed in concluding that these were the only papal councils of Honorius's pontificate. The impression remains strong, therefore, that for whatever reason inviting churchmen to participate in synods was a devalued papal activity during the third decade of the twelfth century.


6 Robinson, Papacy, esp. 90–116.

7 Tangl, Die Teilnehmer, 196.


9 Italia pontificia, x, 81 no. *9, referring to post JL 6941.

10 Hefele-Leclercq, Histoire des conciles, v(1), 608–9 saw Calixtus holding a Roman synod early in January, 1121 on the basis of JL 6886 (Italia pontificia, vi(1), 324 no. 7), but that text does not speak specifically of a council or synod.


13 Hefele-Leclercq, Histoire, v(1), 661 (also Foreville, Latran, 54), saw Honorius celebrating a Roman council in July, 1126, on the basis of JL 7266 (Italia pontificia, iii, 323–24 nos 21*–22). The pontiff did gather a group of clergy to deal with a continuing dispute between Pisa and Genoa regarding jurisdiction over Corsica, but there is no evidence that this meeting was a synod.
Yet whether or not in eclipse, the papal schism, spilling from the conclave of early 1130 where a successor for Honorius II was to be elected, revived the institution of the papal council, at least on one side of the ensuing rift. Between 1130 and 1139 Pope Innocent II presided over several synods, although almost nothing is documented for his papal rival Anacletus II, a disparity that has been given less attention than it merits. Innocent held councils at Clermont (November, 1130), Liège (March, 1131), Reims (October, 1131), Piacenza (May, 1132), Pisa (May–June, 1135), and at the Lateran (April, 1139). The Lateran Council of 1123 marked the end of a crisis, and the same is true of Innocent’s Lateran Council of 1139. At that point, however, papal councils seem to vanish for almost a decade. No hint of one appears in JL for the remainder of Innocent’s pontificate, nor for the reigns of Popes Celestine II, Lucius II, and the first three years of Eugenius III’s pontificate. But notwithstanding what occurred after 1139, the focus in this chapter is on Pope Innocent’s councils, and in particular the legislation that emanated from those assemblies. The study of this body of canons remains beset by considerable uncertainty. There has been no systematic account of the acts of any of these councils, and new copies continue to be reported. There are almost certainly several more which have not yet been described, or we have failed to notice. Given the slender body of evidence for the acts of Clermont, Reims and Pisa, such new copies may well impose substantial revision of what is said here. However, even from the printed texts it is clear that canons attributed to the Councils of Clermont in 1130, Reims in 1131, Pisa in 1135 and the Lateran in 1139, form a tight-knit group. The closeness of the relationship is such that the surviving witnesses can be edited effectively as if they were one text, enlarged and adapted over time. This has encouraged the view that they represent a consistent ideological program for the Innocentian party in the schism. Striking though this is, it has the drawback that a number of copies without a full inscription can only be assigned to a specific council with caution, and particularly so in the case of abbreviated or incomplete versions. However, a preliminary study of the manuscripts with an explicit attribution reveals a number of distinctive characteristics of each council. On that basis one can make at least a provisional identification of the known copies, to follow the process of their evolution more closely, and to identify the particular features of each.

14 For Innocent II’s synods in general see JL. Information on several of these gatherings appears in R. Somerville, ‘The Council of Pisa, 1135: A Re-examination of the Evidence for the Canons’, Speculum, 45 (1970), 98–114, repr. as Papacy, Councils and Canon Law in the 11th–12th Centuries (Aldershot, 1990), no. XVI; idem, ‘The Canons of Reims (1131)’, BMCL, 5 (1975), 122–30, repr. as Papacy, Councils and Canon Law; no. XV; idem, ‘Another Re–examination of the Council of Pisa, 1135’ in Readers, Texts and Compilers in the Earlier Middle Ages, ed. M. Brett and K.G. Cushing, Church, Faith and Culture in the Medieval West (Farnham, 2009), 101–10; Robinson, Papacy, 135–40 and Duggan, as in n. 1 above. JL post 8419 spoke of an Anacletian council in Benevento in January; 1130 or 1131, before the feast day of St Hilary (i.e. January 13), and also noted a synod (undated) of Anacletus at Melfi, according to Romuald of Salerno.

15 This synodal hiatus is noteworthy, and remains to be discussed.

16 Setting aside for the moment the set of decrees attributed to Reims in the version of the Codex Udalrici, discussed below.

17 Robinson, Papacy, 135, speaks more than once of the new ‘programme’ of this legislation.
Clermont 1130

Pope Innocent left Genoa in August, and was at St Gilles by 11 September 1130. Little more than two months later, he celebrated his first council at Clermont, after messengers of King Louis of France and Lothar of Germany had announced their adherence. According to the protocol to its acts, it was attended by the archbishops of Lyon, Bourges, Vienne, Narbonne, Arles, Tarragona, Auch, Aix and Tarentaise, with their suffragans, and many abbots, including those of Cluny, La Chaise-Dieu and Dol. The archbishop of Salzburg, the bishop of Munster and the abbot of Gorze were also present on behalf of their king, impressive testimony to the rapidity with which Innocent had gathered adherents north of the Alps.

Acts explicitly attributed to the council of Clermont survive in three reported copies, now widely dispersed, and none apparently derived from another. All include an elaborate dated preface and a list of participants, so identifying the text beyond serious doubt. The only one to have been printed is the latest and shortest, ultimately taken from a collection of the privileges of Barcelona. A preliminary edition of this text, collated with that attributed in the Norman tradition to Reims in 1131, appears as Appendix I to this chapter, giving fuller details of the transmission.

Virtually the same set of canons with their preface occurs in an earlier copy, Staatsbibliothek zu Berlin, Preussischer Kulturbesitz, theol. fol. 337, formerly at Liesborn. Both versions include a form of cc. 1–4, 6–8(pt), 10–17 of the text of Reims 1131 as preserved in some Norman mss, discussed below. The Liesborn copy includes the end of Reims c. 15, ‘et nullus episcoporum illum presumat – mandatum suscipiat’, which is missing in the Barcelona copy. The order of the canons also differs, a point discussed below.

A third copy is found in Freiburg-im-Breisgau, UL ms 454, again with the preface. This was an early addition at the end of Eusebius, Historia ecclesiastica. Unlike the Barcelona and Berlin copies this includes c. 5, and the end of c. 8 and c. 9 of the Reims sequence. This means that the entire substance of the council of Reims in 1131 was already present in some copies of 1130, if with minor differences. Another copy of this tradition of the canons occurs in a short appendix added to a twelfth-century copy of the Panormia in Salzburg, Stiftsbibliothek Sankt Peter, a. VIII. 15. This lacks the preface, but has the characteristic peculiarities of the other Clermont copies. Since it has no proem, it is conceivable that the Salzburg copy represents the decisions of some other synod, but nothing in its text makes this at all likely. Though the Barcelona/Liesborn series has less than the Freiburg/Salzburg set, in detail it preserves some readings in common with the Reims and later versions which Freiburg/Salzburg lack. The Salzburg version alone places Reims c. 5 right at the end, while it is found in the Freiburg copy in the Reims sequence, and omitted in those of Barcelona and Liesborn.

18 In c. 1 all lack ‘emptor ac interventor et interventor’ against Reims and later councils. In c. 10 all lack ‘rustici euntes et redeuntes et in agricultura – et oves”; in c. 8 the Clermont copies have different versions of the ‘vel decanum – vel presbiter ordinatum’ clause, of which none follows those in Reims, Pisa or the Lateran council. There are a number of minor variants of similar character.
There is, however, a puzzling aspect to the text. The canons in the Barcelona copy follow faithfully the order of the Reims council for those canons it includes; the others follow a different one. The Freiburg and Salzburg copies place Reims canons 7–9 after Reims c. 17; the Liesborn copy, like Barcelona, lacks Reims cc. 8b–9, but also puts cc. 7–8a at the end. It is difficult to see why the latest copy alone should follow the sequence of the later councils of Reims, Pisa and the Lateran.19

The substance of the canons has certain distinctive characteristics, always bearing in mind that the transmission of the councils held under Paschal II and even Urban II and Calixtus II remains to some degree problematic. Perhaps the most striking is the preface, with its impassioned denunciation of the abounding iniquity of the times, threatened by the prevalence of self-love, greed, pride and presumption, blasphemy, disrespect for parents and every variety of sin. No similar preface is recorded in the known councils of the recent past, and it does not reappear attached to Innocent’s later councils. However, the sermon put in the mouth of Pope Innocent at the Lateran council of 1139 by the chronicler of Morigny in many ways recalls the rhetoric of 1130, and may encourage the view that the preface does indeed capture something of the pope’s own voice.20

The preface ends by declaring the need both to reassert the earlier statutes of the fathers and to provide new remedies for such a profusion of modern ills. The canons that follow accord well with this prescription. Measures against simony (c. 1), clerical incontinence (cc. 4–5), lay possession of churches (c. 7), the appropriate orders for archdeacons, archpriests, deans or provosts (c. 8), the inheritance of benefices (c. 15) and consanguineous marriage (c. 16) all repeat the substance of many conciliar texts from the preceding two generations, if not precisely in a known formulation.

Others canons, while still treating issues that had been addressed earlier or elsewhere, have a less obvious ancestry. Canon 2 on extravagant clerical dress may owe something to earlier pronouncements by Urban II or Paschal II, though without any direct verbal debt to known forms of their acts. Canon 3, protecting the possessions of deceased bishops, priests and clerks, expands substantially on the precedents one might adduce from Urban II or the Council of Toulouse of 1119, and even more on the auctoritas it cites, c. 22 of the Council of Chalcedon.

Canon 6 is unusually long and carefully drafted. It incorporates verbal citations from Justinian’s Code and the Rule of St Augustine. It addresses what is expressly said to be a new problem, the readiness of monks and canons to practice secular law and medicine for profit. The matter was sufficiently serious for bishops, abbots and priors who refused to correct it to be threatened with deposition from office.21 A concern for the maintenance of the peace of the Church, including the laity, was no novelty in 1130, for it had preoccupied papal councils for many years. Nevertheless, at Clermont a higher proportion of the canons addressed the issue than earlier, and with more originality. The defence

19 There are a few other minor cases where Barcelona agrees more closely with the later versions.
20 Chronique de Morigny ed. L. Mirot (Paris 1912), 72–4, discussed below, p. 240.
of sanctuary in c. 13 may be brief and conventional, but the rest are much less so. Canons 10–11 show some general contact with enactments of Calixtus II, but they are framed as a verbatim rehearsal of c. 2 of the Council of Troia of 1093, followed by an explanatory paragraph which has no known precedent. The prohibition of tournaments in c. 12 seems to make a first appearance here. Canon 13 on violent assaults on the clergy deals with a constant concern, but the provision that offenders could be absolved only by the pope in person was a striking novelty. The impassioned denunciation of arson in c. 17 seems a yet more cogent example of the new remedies promised in the proem.

**Liège 1131**

On 22 March 1131 Pope Innocent, accompanied by a large body of bishops and abbots from France, was received in Liège by Lothar III and many of the German princes and higher clergy. It is said that as many as 50 bishops attended. The wider significance of this meeting is discussed elsewhere, but it is clear that the next fortnight also involved the holding of a formal synod and the recitation of canons. No set of decrees explicitly linked to this assembly survives, but several narrative sources report that they were issued, and give a cursory indication of some of them. The most frequently mentioned was the excommunication of the antipope Anacletus, and Conrad of Hohenstaufen. A denunciation of the antipope and his supporters was part of the proceedings at Clermont, and would surely have been so again at Reims, if the surviving formal acts of neither include it. The condemnation of Conrad the anti-king may be thought more specifically the concern of a German council, though nothing would make it impossible elsewhere.

Two other measures also attracted the chroniclers’ attention. One was the reassertion of the obligation of chastity on priests, with its attendant command to shun the Masses celebrated by the incontinent, reflecting cc. 4–5 of Clermont. The other is only noted in a striking but confused passage in the *Annales Rodenses*, written not long after 1148. The entry wrongly supposes that the Council of Reims in October preceded the one at Liège, but asserts that the same canons were pronounced at both. It also claims that the laity were sufficiently impressed by the canons against unchaste clergy and priests who were paid for their office to refuse to attend their Masses until Pope Eugenius III at Reims and Trier allowed the use of stipendiary priests, provided they enjoyed security of tenure.

23 *Die Regesten des Kaiserreiches unter Lothar III. und Konrad III.*, ed. W. Petke, Regesta imperii. IV. Lothar III. und ältere Stauffer (Köln, 1994–2008), i, no. 266 gives a full account of the sources. The Erfurt continuation of Ekkehard speaks of 50 bishops (MGH SRG xlii, 38), though the Annalista Saxo gives only 36 bishops and princes (MGH SS vi, 767) and Anselm of Gembloux’s continuation of Sigebert 32 bishops and 53 abbots (ibid. vi, 383).
24 The Annalista Saxo (MGH SS, vi, 767); Annals of Magdeburg (ibid. xvi, 183, 185); Vyšehrad continuation of Cosmas (ibid. ix, 137).
25 On the unchaste clergy the Erfurt continuation of Ekkehard, (MGH SRG xlii, 38); Anselm of Gembloux (SS vi, 383); for the *Annales Rodenses*, MGH SS xvi, 709, which appears to refer to the
All these references, with the exception of the excommunication of Conrad, can be associated with pronouncements at Clermont, and later at Reims, but a closer study of what is reported at Reims may suggest that the proceedings of Liège in fact survive more fully under a misleading rubric.

Reims 1131

The Council held at Reims in November 1131 was the last of Innocent’s councils north of the Alps, and reflected his success in securing the support of most of the princes and churches outside Italy. There is widespread evidence for the scale and importance of the gathering. Innocent himself recalled ‘the archbishops, bishops, abbots and other religious who had gathered there from various parts of the world’; the chronicle of Morigny speaks of the presence of a great crowd of archbishops, bishops, abbots, monks, canons and clerks, from France and Germany, and particularly of bishops sent by the kings of Germany, England, Aragon and Castile, as well as Louis VI of France in person. Orderic Vitalis reports that the pope summoned all the bishops and abbots of the Western Church, and that 13 archbishops and 263 bishops and abbots attended, with a multitude of monks and clergy. It may be unwise to place too much confidence in the precision of Orderic’s figures, yet they do not appear unreasonable.

Impressive an assembly though it was, versions of the canons that were declared there have survived only precariously. One set was current in Normandy, and has not yet been identified outside the duchy. It was first printed from Sirmond’s notes, taken from a book from Mont St Michel which is apparently lost. His text has tituli, which may well have been supplied by his editors, but no pream. Sirmond’s note records that the canons he printed were also attributed to Reims in the ‘Collection of Evreux’. This is very probably Paris, BnF lat. 10743, an expanded copy of the Collection in Ten Parts formerly at Evreux, for this includes all Sirmond’s canons except c. 12, though distributed in blocs across the collection, out of sequence. Of these all but cc. 10–11 and 16–17 are attributed to Reims in the rubric, and given a canon number. The fullest form of the rubric is that to c. 3 (ms p. 253): ‘Innocentius papa ii in Remensi concilio. Cui interfuerunt duo Loduwici reges Francie, cp. iii’. The canon numbers generally follow the sequence of Sirmond’s text, but his

condemnation of ‘conductitii presbiteri’ in C. Reims 1131, c. 9 (C. Clermont 1130, c. 16) as well as cc. 4–5; cf. C. Reims 1148, c. 10.

26 Apart from the general literature above, n. 1, see O. Pontal, Les conciles de la France capétienne jusqu’en 1215 (Paris, 1995), 311, where the shelf-mark of BnF lat. 10743 (below) is misreported.

27 PU Spanien, ii, no. 30; Chronique de Morigny, 59–60; Suger, Vie de Louis VI, ed. H. Waquet (Paris, 1929 repr. 1964), 268; The Ecclesiastical History of Orderic Vitalis, ed. M. Chibnall, 6 vols, OMT (Oxford, 1969–80), vi, 420–22. The editor there punctuated differently, so giving 263 bishops, but that figure seems impossible. Anselm of Gembloux also speaks of 300 bishops and abbots (MGH SS vi, 384); JL after 7488 cites the Vyšehrad continuation of Cosmas of Prague (MGH SS ix, 137) for 50 bishops as evidence for Reims later in the year, but the passage can be read as referring to events some time earlier, and its chronology is not entirely clear.

28 Somerville, ‘Canons of Reims’, 125–7. However, they were more probably supplied by his editors, since that was their regular practice.
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c. 9 is numbered as 12, his c. 15 as 10. Another copy, without any inscription or proem, was an early addition to a Jumièges copy of the Collectio Lanfranci, Rouen, BM 701 (E. 78); this follows Sirmond’s sequence. The detailed readings from Sirmond agree in general closely with those of the copies from Evreux and Rouen, though there are sufficient discrepancies between the three to suggest that all derive from different exemplars.29

The relation between this set of canons and those of Clermont is very close. All the canons of Reims are already found in the earlier council as it survives in the Freiburg and Salzburg copies; for the most part the detail of the text is equally close. There are two substantial and instructive differences. Canon 1 of Clermont is relatively conventional, condemning anyone who acquires orders by simony to loss of rank, ‘et nota infamie percellatur’. In Reims (and in the later repetitions of the canon) the apparently limited scope of this penalty is much expanded, so that it runs: ‘Et emptor ac venditor et interventor nota infamie percellantur’.30 In the Clermont version, canon 10, protecting clergy, monks, pilgrims and merchants, was minimal: ‘Precipimus etiam ut presbiteri, clerici, monachi, peregrini et mercatores omni tempore sint securi’. In Reims, and thence in Pisa and the Lateran, the passage ‘rustici euntes et redeuntes et in agricultura persistentes et animalia cum quibus arant et oves’ was inserted after ‘mercatores’, so making the canon much wider as well as more precise.

There is then a direct and relatively straightforward transition and modest development from Clermont to this Norman tradition of Reims. The Reims changes were in turn to be incorporated in the canons of Pisa and Lateran II. It is perhaps no surprise that Normans took a close interest in events at Reims. Archbishop Hugh of Rouen came as the formal representative of King Henry of England, and Abbot William II of Jumièges was also present during a celebrated discussion of the archbishop’s claims to the obedience of the ducal abbeys and in particular the authenticity of the privileges of Jumièges.31 What is perhaps rather more unexpected is that no-one else seems to have shared their concern with the council’s acts.

There is, however, what appears to be another version of the canons, which stands well outside this process of elaborating a core of stable provisions. It is found as an early addition to the Codex Udalrici compiled at Bamberg, and also independently in a copy written at Olomouc around mid-century. The variants between the copies are trivial. The short preface seems clear enough, if not entirely in common form:

Hec sunt exemplaria eorum que a domino Innocentio ecclesie catholice apostolico decreta et a toto sinodo Rhemensi unanimiter sunt recepta.32

29 Somerville, ‘Council of Pisa, 1135’, 109–10 n. 40. The most substantial difference is that Sirmond’s text of c. 11 alone lacks the passage ‘neque hoc aliquus amore aut odio pretermittat’.
30 There are other minor variants that may represent more detailed revision or mere scribal artefacts.
Fourteen canons follow. Most deal with aspects of the same topics as those of Reims in the other version, though the last, condemning Anacletus and the anti-king Conrad, finds no echo there. However, their sequence is quite distinct. The long and innovative cc. 6 and 17, as well as the shorter canons 8 (on the orders of archdeacons, deans and others, and under-age clergy), 13 (on hereditary benefices) and 12 (on tournaments) of Reims are entirely absent. Equally, even where there is a convergence of subject matter, there are wide differences in the framing of the decrees. The celebrated Si quis suadente clause (Reims c. 13) on assaults on the clergy lacks precisely its most striking element – the requirement for offenders to seek absolution from the pope in person. On the other hand, the Norman form of Reims c. 16 is a fairly conventional condemnation of consanguineous marriage, while cc. 13–14 of the Codex Udalrici specify carefully the restrictions that prevent husband or wife attempting to dissolve their marriage. All this is puzzling, for the fact that the same text was known both at Bamberg and at Olomouc makes it unlikely that it was simply an eccentric private summary of the proceedings of Reims. The appearance of the condemnation of Conrad may be an indication that what we have is rather a version of the Liège canons, in some sense ‘received’ at Reims, than of the canons in fact proclaimed there. If there was some ambiguity in the minds of contemporaries about the status of the assembly at Liège, this might explain the otherwise puzzling fact that Cardinal Boso omitted it from his numbered series of Innocent’s councils.

In April 1132 Innocent crossed the Alps, and in June he celebrated a council at Piacenza for the bishops and prelates of the provinces of Lombardy and Ravenna and the ‘inferioris Marchiae partibus’, for which we have no more detailed record. It has recently been suggested that he held a further general council in Rome during his brief and eventful stay to consecrate the Emperor Lothar from the end of April, 1133. This would provide the occasion for a first assertion of the principle that the religious of the diocese should participate by right in the election of a new bishop. This was cited by Gratian in a dictum to D. 63 c. 35 in all the copies of the earliest surviving form of his Decretum, on the authority of Pope Innocent ‘in generali sinodo . . . Rome habita’. This is potentially important, for it seems to provide an awkwardly late terminus post of 1139 for its compilation. However, Cardinal Boso did not mention such a council in a list evidently conceived at least as comprehensive.

34 The problem was stated clearly by Somerville, ‘Council of Pisa, 1135’, 109–10 with nn. 38–41, though there provisionally explained rather differently.
35 Liber Pontificalis, ii, 381, a failing for which he was rebuked by his editor.
36 Liber Pontificalis, ii, 381; Regesta imperii, 4.1.1, 201 no. 319. Here, as sometimes elsewhere, it is natural to read ‘inferior’ as ‘northern’.
More recently Winroth has shown that all these early copies derive at one or more removes from a single defective exemplar, and the passage in question may therefore be an interpolation. If one takes the view that a general council requires a general summons, then it is difficult to imagine an occasion when a general summons could have been issued, specifying a place and time for its meeting, before pope and emperor gained a precarious and temporary foothold in the city.  

### Pisa 1135

The council that met at Pisa in May, 1135, was Innocent’s first in Italy for which canons survive, and was almost certainly the best attended until then. The best evidence comes from a late and poorly transmitted account, only known from a compilation apparently put together by a participant in the Council of Pisa in 1409. This lists seven suburbicarian bishops, 16 patriarchs and archbishops, with the proctors of four more, and 100 bishops or bishops elect, 13 abbots, headed by those of Cluny and Clairvaux and a ‘copious multitude of others’. Even this list of bishops is probably not complete. The Italian dioceses were for the first time represented on a large scale. Of the 122 bishops and archbishops listed, 69 were Italian, 43 French, five from the provinces of Mainz and Trier, and four from Spain.

For all the opportunities this would have allowed for a widespread familiarity with its canons, however, their transmission presents problems yet more
severe than those for Reims. Six canons attributed to the council were early additions in the margins and text of Pistoia, Archivio capitolare C 135, where the canon numbers show that they were taken from a longer text (the highest number is xiv), and are not in the sequence of the source. The rubrics are explicit: ‘Innocentius papa II in generali concilio Pisis residiens’, and the like.

The 1409 document follows the list of participants with eight further paragraphs of acts. One dealt with an agreement by the pope and others of the higher clergy to make an annual payment to the knights of the Temple; another gave a detailed account of the deposition of five bishops and two bishops-elect, with the charges against them; canons 7 and 8 condemn the anti-pope and all his supporters, and particularly those who give aid and comfort to Roger of Sicily, the antipope’s principal lay protector. Given the regularity with which the Innocentian canons in general look back to the precedents of Urban II, it is noteworthy, if not surprising, that c. 8 offers the same indulgences to those who take up arms against Roger of Sicily as had been offered at Clermont in 1095 to those who set out for Jerusalem. Canon 9 deals with the reconciliation of a number of the former schismatics of Milan. The three others were cast in more general form. Canon 2 is of special interest, for it asserts that monks and canons are not to pay tithes on the lands they cultivated themselves, a provision that seems to appear in conciliar acts for the first time, though increasingly common in privileges for individual houses. That Innocent made such a ruling is beyond doubt, for he refers to it often later, but it is striking that it is not reported in any other account of his conciliar acts. Canon 3 condemns the marriages of subdeacons (and by extension presumably any in higher orders), monks and canons after ordination or profession. This resembles the end of c. 7 in the Pistoia version. Canon 4 denounces the selling into slavery of free Christians, Corsican or otherwise.

In 1970 Somerville printed a much longer sequence from the conciliar appendix to the s. xii Panormia in Munich, clm 11316, formerly in the library of Polling, under the rubric ‘Capitula Phisani concilii’. This includes all the Pistoia canons, though not in the order of the Pistoia rubrics, and has a provision after c. 12 against slaving, which is longer than the 1409 text but ends much as that does. The Polling sequence coincides in content, and in phrasing, pretty closely with that of Reims 1131 as far as c. 15, where it ends. The differences, apart from the insertion of the slaving canon, are of two kinds. There are firstly some omissions. Polling lacks Reims cc. 4–5 and c. 12, and omits ‘et nullus episcoporum illum – eius mandatum suscipiat’ from c. 13. This might be explained by Polling’s being a series of excerpts, rather than a complete

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40 For the text and editions see below, Appendix II. The bp of Pistoia attended the council.
41 PU Templer und Johanniter, i. 203–4 no. 2; cf the sequence of later letters beginning with nos 7–8.
42 R. Somerville, The Councils of Urban II, i. Decreta Claromontensia, Annuarium Historiae Conciliorum, Suppl. 1 (1972), 143 no. 3.
43 See G. Constable, Monastic tithes: from their origin to the twelfth century (Cambridge, 1964), 234–70, esp. 240–1. For the enigmatic character of those post–medieval excerpts by Thomasius he cites at 248 see below. Canon 10a of the text of Pisa (Anchin form, below) and 1139 condemns the detaining of tithes by the laity, but is no general privilege for the religious.
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The additions beside the slaving canon are more striking. After Reims c. 1 Polling adds ‘A suis episcopis excommunicatos ab aliis recipi modis omnibus prohibemus’; in place of Reims c. 5 it has the long section ‘Ut autem lex continentie et Deo placens – condignam penitentiam agant. Id ipsum quoque de sanctorialibus – attemptaverint decernimus’. Both these elements reappear in the canons of Lateran II in almost indistinguishable form. To that extent the Polling copy fits exactly into the pattern of progressive clarification and expansion already seen in Reims against Clermont. However, two differences in what had been Reims c. 10 blur the issue; the enlarged grant of protection to the peasantry, noted above, is slightly recast, to specify ‘boves aratorii et pecora’, while the period of the Truce of God runs not to the octave of Pentecost, as in Clermont and Reims, but to the octave of Easter, adding ‘et viii diebus circa festum Assumptionis beate Marie’. These passages recur in the 1139 council, but differently. Here the protection of the peasantry retains the form of Clermont and Reims, not Pisa, while the Truce is sometimes said to extend to Pentecost, sometimes to Easter, but no recorded copy includes the extra eight days around the Assumption.

In 2009 Somerville discussed a further occurrence of the fuller form of the slaving canon in a set of canons added without attribution in a quite different appendix to another twelfth-century Panormia, this time from Anchin, now Douai, Bibl. Marceline Desbordes-Valmore, 584. The book has fairly clearly not moved far from its original home, for it belongs to a close-knit group of mss from the border of northern France and Flanders which have been edited in similar ways from similar sources. This Anchin text is much longer than the Polling copy, for it includes cc. 16–17 of Reims which Polling lacks, adds c. 10a of Lateran II on tithes, and then continues with all the canons otherwise known only from Lateran II as cc. 21–30. Somerville pointed out the considerable importance of this, for if the whole Anchin sequence is a unit, rather than a subsequent conflation of two or more sources, then virtually the entire legislation of 1139 had already been issued in some form four years earlier. He hesitated to make a more positive assertion for lack of secure texts of the remaining Innocentian texts. This gap is still not filled in any definitive form, but such work as has been done goes a long way to confirming that the essence of the Lateran program had indeed been completed earlier.

A detailed comparison of cc. 1–20 of Lateran 1139 with the Pistoia, Polling and Anchin versions shows beyond reasonable doubt that the Pisa copies share numerous peculiarities against the later and earlier texts. Of the features that distinguish the fragmentary Pistoia and fuller Polling version against the Clermont/Reims tradition noted above, Anchin has most of the same omissions and insertions, and has the same distinctive readings in c. 8 of Reims. The texts are clearly independent, for Polling (with Clermont and Reims) lacks Lateran c. 10a, while Anchin inserts it after Reims c. 7 (in Lateran it precedes it), and Anchin has the end of c. 13. More generally, there are a number of cases where

44 See Somerville, ‘The Council of Pisa’, 104 n. 33 for this possibility.
their readings diverge in a way that more or less completely excludes any direct relationship between them. Nevertheless, up to the end of Lateran c. 16 the copies are far more closely related to each other than to any other.\(^{46}\) Theoretically, one might imagine an active compiler, and the director of the Anchin manuscript was certainly that, turning from a copy of the canons of Pisa to another of 1139 to complete his record. However, two considerations make this unlikely. Firstly, if we were dealing with so determined an editor, he did not leap into energetic life until the end of his putative shorter exemplar. Only the insertion of the end of Reims c. 13 might represent a deliberate revision of an earlier section of this hypothetical source, and other equally substantial opportunities were ignored. Secondly, there are a small number of cases in Lateran cc. 21–30 where Anchin has a reading not reported in any other copy explicitly derived from the council of 1139. Not too much should be made of this, for there is much work yet to be done on the text of 1139, and there are no substantial differences of sense between the Anchin version and the provisional text of 1139 printed below.

Nevertheless, unless further and more cogent evidence is uncovered, it seems indeed likely that Pisa did see the promulgation of a more or less complete series of the canons of 1139. Since the tradition of Pisa, however one defines it, is so slender, it may even be that the two sets were originally yet closer than we can now tell. It is also necessary to keep several cautions in mind. Even the Anchin copy of the acts does not include all the provisions reported in the 1409 version, and we cannot now know whether the council at Piacenza in 1132 which Boso treated as Innocent’s third, and his first in Italy, had already made some or even most of the additions which are found in the Anchin form.

Of the ten canons this version added to the surviving texts of Clermont and the Norman form of Reims, the last condemns the ordinations of the antipope Anacletus and his supporters, an obvious corollary of the frequent earlier excommunications, and follows the precedent of Lateran I c. 5 in a similar case.\(^{47}\) Of the remaining nine, cc. 21–22, removing the sons of priests from their office unless they lived under rule in houses of monks or canons, and condemning the imposition of inadequate penances for sin, are near verbal reissues of cc. 14 and 16 of Urban II’s Council at Melfi in 1089.\(^{48}\) Canon 23, defining as heretics all who reject the sacraments of the Eucharist, baptism, sacred orders and marriage, ‘religionis speciem simulantes’, follows closely the terms of Calixtus II’s council at Toulouse in 1119. Canon 25, invalidating any

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\(^{46}\) These distinctive readings suggest that the text of Lateran 1139 cc. 2, 7 (pt), 8, 16, added at the end of Bk IV of the Italian Collection in Thirteen Books of BAV ms 1361, fols 102v–3r, under the bare rubric ‘Innocentius papa II’, also belong to the Pisa version.

\(^{47}\) All subsequent references to Lateran I refer to the edition by C. Leonardi in Conciliorum oecumenicorum decreta, ed. G. Alberigo et all, 3 ed. (Bologna, 1973) [= COD], 187–94, which is fuller and clearer on the transmission than the simplified text offered by G. Gresser in the more recent Conciliorum oecumenicorum generaliumque decreta: editio critica, ed. G. Alberigo et all. ii/1 (Turnhout, 2013) [= COGD], 89–94. For the problems of an edition see L. Hamilton and M. Brett, ‘New evidence for the canons of the First Lateran Council’ BMCL, 30 (2013), 1–20.

grant of care of souls, provostships or prebends by secular authority, is a rather stronger form of c. 4 of the Lateran canon of 1123, which merely required episcopal consent. Canons 26–29, by contrast, seem to represent new measures. Canons 26–27 demand that women are only to enjoy the status of nuns if they live in houses following the rule of St Benedict or St Augustine, observing the full demands of their rule, and forbid their participation in a single choir with canons or monks. Canon 28 requires the filling of all episcopal vacancies within three months, and the participation of ‘religiosi viri’ outside the chapter in any valid election – a principle that echoed around Europe during the disputed election at York after the death of Archbishop Thurstan in 1140 and then largely vanished.49 Canon 29 anathematises all archers and crossbowmen, and seems to derive from the same preoccupations that had led to the sanctuary, peace and arson canons already proclaimed at Clermont.

**Lateran 1139**

The Council at the Lateran in April 1139 was held, like that of 1123, to celebrate the end of a prolonged schism, after the death of the antipope Anacletus II in January 1138 and the resignation of his successor in March.50 A summons to the English clergy had been received before December 1138, when it was debated at Alberic of Ostia’s legatine council at Westminster.51 The sources report even more disparate numbers for those who participated than usual in such cases, though most agree that the assembly was exceptionally large. For the chronicler of Morigny it was ‘universalis Ecclesie principalis concilium’. Boso in his Life of Innocent describes a summons to all the patriarchs, archbishops, bishops and other prelates from every part of the world, which suggests that he was working from a copy of the proceedings comparable to those preserved at Admont and in Florence, which have similar phrases.52 The remarkable number of bulls Jaffé listed as issued around the time of the council for beneficiaries from the Empire, France, Spain, Portugal, and England, as well as Italy, was noted by Tangl in 1922; since then the Papsturkunden project has added many more to Jaffé’s count. These figures far exceed those for any other of Innocent’s councils. All this encourages the view that 1139 was the best attended of them. The absolute numbers given in the sources, however, command no confidence. Some German writers speak of numbers ranging from 500 and more bishops to the thousand or so of Otto of Freising; if these seem impossibly high, the mere 100 of the probably Italian version now in Madrid seem as unlikely in the opposite sense.53

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49 J. Pelzer, *Canon Law, Careers and Conquest* (Cambridge 2008), 26–9, 118, 254 gives a good recent summary with literature.
50 See now further COGD, 97–113.
52 *Chronique de Morigny*, 71; *LP* ii, 383; compare Appendix II below.
53 Tangl, *Teilnehmer*, 199, 205–10; Hiestand, *Initienverzeichnis*, 158–9; for the Madrid copy see below, Appendix II.
Orderic Vitalis, whose abbot was present, describes the pope commanding a huge (‘ingenis’) assembly of prelates ‘to observe the statutes of the fathers inviolably . . . The pope expounded to them many extracts from earlier books and put together a remarkable series of sacred decrees; but evil, which abounds all too freely throughout the whole world, hardened the hearts of men against the canons of the Church’. Accordingly, although the papal decrees ‘were published in kingdoms everywhere’, they were ignored ‘both by princes and magnates and by their subject peoples’. Such references to the dissemination of canons are most unusual for the period. 54

It is accordingly no surprise that the canons survive on a far larger scale, and in a more consistent form, than those of Clermont, Reims or Pisa. However, a preliminary caution is needed. None has an extended preface comparable to that of Clermont in 1130. Its absence may in part be remedied by the chronicle of Morigny, which includes a long account of an address given by the pope at the opening of proceedings. The chronicler thought highly of his presence, eloquence and learning, and the speech is certainly eloquent. The argument proceeds from the unique privileges of the Roman see to the tide of iniquity in the world, much as the Clermont preface had done, but here these ills are attributed entirely to the schism so recently ended. 55 This absence of a shared title or preface is curious and even disconcerting, for only four of the known copies attribute the canons unambiguously to the Lateran council of 1139, and three more to some Roman council of Pope Innocent II. Notoriously Gratian’s citations of them are similarly unspecific. Nevertheless, the attribution seems fairly secure in each case, for the text they offer is clearly distinct from that of any other of Innocent’s identifiable councils, including Pisa.

Orderic’s description of the canons being ‘passim per regna divulgata’ may explain also why the transmitted text is so stable both in content and in the sequence of the canons. There are parallels, in the distinctive case of Piacenza in 1095, or of Reims in 1119. 56 Nevertheless, those are the exceptions. The other widely attested councils between Urban II’s council of Clermont in 1095 and the Lateran Council in 1179 appear in a number of different orders of arrangement; those of Clermont in 1095 and the Lateran in 1123 leave it to varying degrees unclear even what decisions were taken. 57 Many are also preserved in copies marked by an apparently selective omission of particular rulings. The case of 1139 is different. There seems to be only one convincing case of a deliberate abbreviation of the canons, for all the incomplete copies are either damaged, or preserve the shared order but

54 Orderic Vitalis, vi, 528–30, 536.
55 Above, n. 20.
break off before the end.\footnote{58} Only the usury canon discussed below has a
doubtful place among the authentic canons.

A preliminary list of the medieval copies with a substantial sequence of the
canons contains seven examples in manuscripts that have no special focus on law
in the narrower sense. Eighteen more are added to canonical collections, eight to
copies of the Panormia, three to copies of Burchard of Worms, four to collections
less easy to classify, and one each to copies of the Ivonian Tripartita, the Polycarpus
and the Collection in Ten Parts. Though all these clearly represent the same outline
text, and the resemblances between some are sometimes close, none can be shown
to be a copy of another, or is likely to have been. The books are drawn from a
wide area, too. The Empire north of the Alps, and particularly the south-east, is
well represented; a large number are now Italian, and may well always have been,
and at least one in Paris was clearly formerly Italian too. A smaller number are
apparently French, but none has a convincing claim to an Anglo-Norman origin.

The contrast with the case of Lateran I is very striking, for which few copies sur-
vive from the Empire and Italy more generally, while French and Anglo-Norman
ones play a key role in its transmission. This is the more surprising as the Anglo-
Norman delegation to 1139 was very much larger than that of 1123.\footnote{59}

Assessing the extent of the reception of any council on the basis of manuscript
tradition alone is never straightforward. The scale of loss of copies can never
be known, and further discoveries are still being made with some regularity.

There is the further problem that not all copies have the same weight. Where
the canons appear as additions to works of quite different content one can at
least be clear that the compiler thought them worthy of preservation. Where
the addition appears to be an independent supplement to a canonical collection,
then one may perhaps also conclude that the compiler not only thought it valu-
able but saw it as having a similar character to the larger body of inherited law
which had already been copied. When, however, such an enlarged collection
survives in several copies, it is much less certain that each is of equal weight as
evidence for a concern for those canons in particular, rather than for the col-
lection as a whole. Nevertheless, with all those reservations, one may still assert
that the canons of 1139 survive in more independent copies, and over a wider
area, than those of most papal councils of the previous hundred years.

One further group of copies of 1139 requires separate treatment. They are
found among the added materials at the end of a group of at least eight manu-
scripts containing elements of a version of Pseudo-Isidore which Hinschius
placed in his class C. This is generally associated with Reims in the late twelfth
century, though few surviving copies can be so early, and most are of the
thirteenth century or later. When compared with the other known early man-
uscripts all seem to derive from a single exemplar, at least for the material ele-
ments added at the end.\footnote{60}

\footnote{58} See Appendix II below for Salzburg, Stiftsbibl. Sankt Peter, a. V. 36.
\footnote{59} Councils and Synods, ii, 728–30, 779–81.
\footnote{60} See below, Appendix II, for more detail on the mss. S. Williams, Codices Pseudo-Isidoriani, MIC, Ser. C, Subsidia 3 (New York, 1971), nos. 20, 34–5, 39, 53, 55, 69, expresses deep scepticism about the coherence of this group on a wider view.
The text is unique in having a set of *tituli*, which divide the text up in a way which is otherwise unreported and is unlikely to be original, for it is notably unsatisfactory, and differs considerably from the divisions in most other copies, unstable though these are.\(^61\) The explanation seems to be that the director of the archetype wished to make his text conform to the pattern set by the Pseudo-Isidorean councils earlier in his collection, all of which are similarly numbered and supplied with *tituli*. A number of minor variants confirm the coherence of this form of the Lateran canons, and its origin in a single archetype.

Most substantially, it alone among the medieval copies contains c. 13 of the vulgate text, a general condemnation of usury for all Christians, which is not wholly unprecedented, but prescribes exceptionally savage penalties on all usurers – perpetual infamy and deprivation of Christian burial without previous repentance. Compared to earlier condemnations in conciliar acts, the canon is relatively unusual in applying to laymen as well as clerks, and much more unusual in specifying the penalties to be applied. Striking though this is, the canon appears nowhere else where one might expect to find it, in the additions made to the expanded form of Gratian, in the early decretist literature or in the decr etal collections up to and including the *Extra*.\(^62\) Though the penalties prescribed at Tours in 1163 were similarly severe, they applied in the conventional way to clerics only. The Lateran Council of 1179 does apply to the laity too, but its formulation is quite distinct. The framing of the 1139 canon is also unusual, breaking into a rhetorical ‘inquam’ in a text otherwise entirely in the third person. All this might suggest that the Pseudo-Isidore canon was interpolated by a subsequent compiler. However, a development of the condemnation occurs in a late copy of the canons of a council held rather later than 1139. This lays out in detail the treatment of the proceeds of usury secured before and after the Lateran decree, leaving little doubt that such a canon was pronounced. Unless the lost original was not what it seems, then it is the absence of any mention of usury in all other known versions of the canons that presents a curious and intractable problem.\(^63\)

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61 The *tituli* are printed in Somerville, ‘Canons of Reims’, 125–7. See for example c. 10 of the conventional numeration, which is divided more rationally into separate sections in most copies, if not on a consistent pattern. A reverse case is cc.18–20, divided in the Pseudo-Isidore tradition, but treated as one widely elsewhere. The second case alters the natural interpretation of cc. 19–20.


63 See below, the enigmatic set of canons known only from a copy made for the *Correctores Romani*. For c. 13 of 1139 added at the end of a transcript of a quite different version made for the editors of the 1612 text, see below [Appx II, pp. 256–7, n. 72].
Although, therefore, the Pseudo-Isidore group stands outside the main transmission of 1139, it has exercised a potent influence on post-medieval study of the council. The history of the editions is laid out more fully in Appendix II below. In summary, the editio princeps by Baronius was based on BAV lat. 1340, a thirteenth-century copy of the Pseudo-Isidore C form, or something almost exactly similar. The editio Romana of 1612 was complicated. Its editors clearly knew Baronius or his source; they follow his (notably inconvenient) subdivision of the canons; they alone have his c. 13, and they print as their last entry JL 8149 (characteristics otherwise peculiar to the Pseudo-Isidore C version). In other respects their text is clearly composite, for it often follows the readings of copies quite unlike the Pseudo-Isidore ones, and it has a number of minor readings for which no medieval authority is known outside Gratian. In its essentials the editio Romana is the basis of all subsequent published texts. Its broad outline remained that provided proximately by Baronius, and ultimately by the anonymous compiler of the Pseudo-Isidore appendix. In 1962 Leonardi established his edition for Conciliorum oecumenicorum decreta on a collation of the text of Baronius with the editio Romana of 1612, and this in turn provided the base text for the most recent edition of 2013, though there with some revision and annotation. A simplified new text based on a small group of manuscripts, and noting the idiosyncracies of the 1612 edition, appears below as Appendix II.

Compared to the text of Pisa, as far as one may reconstruct it from a conflation of the Pistoia, Polling and Anchin copies, the most widely current version of 1139 in the reported manuscripts shows only modest development. It includes cc. 6 and 7a as they had already been found at Reims, while omitting the slaving canon. Just as Reims and Pisa had enlarged and refined the pronouncements of Clermont, so these Lateran copies expanded the earlier text of canons 2 and 4. Canon 2 now specified the offices of prior or dean among the benefices for which no payment could be made, where the earlier version gave only a generic reference to any ecclesiastical honour or promotion. It also added a long clause forbidding any further payment ‘for hospitality’ or ‘on the pretext of some custom’ before or after the grant of the office. Canon 4 in its earlier form had required the clergy to observe a fitting restraint in dress and conduct to avoid scandal to the faithful. Now it prescribed loss of office for all who failed to obey the bishop’s admonition to amend their lives. Here too the changes seem to represent the outcome of some further reflection, and possibly also a need for greater precision revealed by experience.

A detailed study of the later reception of these canons has yet to be attempted, and only a rough sketch can be offered here. What looks at first sight like the first citation from it appears in a dictum of Gratian to D. 63 c. 24 in the earlier and shorter form noted above. The enlarged Decretum turned to the canons of Innocent II much more widely, though never citing the Lateran Council in express terms. Through these citations at least part of its work passed into the wider decretal literature. There is a little more evidence for the publication of the canons by legates. In an undated circular letter to the clergy and people of his province, written soon after the event, Archbishop William of Auch, who acted as a legate in Aquitaine on several occasions, described the peace legislation of the council, citing passages verbatim from cc. 11–12, though adding more protection than was there provided, and expanding at
length the provisions for enforcement.\textsuperscript{64} In 1143 the legate Guido celebrated a council at Valladolid for a considerable body of bishops of Spain and Portugal, which incorporated, often verbatim, cc. 1–3, 5–8, 10–11, 15–16, 18, 21–22, and 24–25, though partially re-arranged.\textsuperscript{65} No other comparably extensive local rehandling of the canons is known, but they clearly lived on in the Curia.

When conciliar activity is next recorded under Eugenius III at Reims in 1148, the influence of the Lateran provisions was all-pervasive. Of its 18 canons in the conventional numbering, all but three incorporate the substance of the earlier pronouncements, often expressly cited and in part verbatim, though sometimes developed much as 1139 had expanded on Clermont and Reims before it. Reims in 1148 in turn exercised a visible but more restricted influence on Tours in 1163.\textsuperscript{66} In a recent study Dr Summerlin has argued that the afterlife of Second Lateran was longer yet. She noted that four canons of the Third Lateran Council in 1179 quoted directly from 1139, and that in each case the text cited had not already been incorporated in Gratian, and so passed into the bloodstream of the schools.\textsuperscript{67} The program first proposed in 1130 at Clermont had a long and eventful future before it.

One further text should also be considered. Among the papers of the Correctores Romani is a set of 10 untitled canons copied from a manuscript belonging to Girolamo Parisetti. Michael Thomasius, perhaps the ablest of the constellation of iurisperiti brought together to produce an authoritative new edition of Gratian, suggested the canons referred to a Lateran council of Urban II, though on unknown grounds, and dated them accordingly to 1097–99. The first two canons refer explicitly to a Lateran council whose provisions are being modified and extended, but so early a date is wholly improbable. All but one of the canons can be identified among the concerns of 1139, and collectively in no other reported Lateran council earlier or later. Although they are sometimes more developed, there are frequent and close parallels of wording as well as substance. In certain respects the relationship is parallel to that of Innocent’s known later councils to their predecessors.\textsuperscript{68} It is far from clear when the council which declared these decisions was held, or by whom or where. The confident revision of previous Lateran acts certainly suggests that the occasion was a papal council, and the Lateran council seems to be

\textsuperscript{64} GC i, Instrumenta, 162 no. 9; Hoffmann, Gottesfriede und Treuga Dei, 121–2; W. Janssen, Die päpstlichen Legaten in Frankreich: vom Schisma Anaklets II. bis zum Tode Coelestins III., 1130–1198 (Köln, 1961), 163–6.

\textsuperscript{65} PU Portugal, 197–203 nos 39–40.

\textsuperscript{66} Somerville, Pope Alexander III and the Council of Tours (1163), 39–62.


\textsuperscript{68} Canon 1 is a version of 1139 cc. 11–12 partly extended, c. 2 develops 1139 c. 13 on usury, c. 3 = 1139 c.10a, c. 4 = 1139 c. 15b, c. 5 = 1139 cc. 18–19, c. 6 = 1139 c. 15a, c. 7 = 1139 c. 29 (on archers and balistarii), c. 8 is a conventional privilege for crusaders, cc. 9–10 are more loosely related to 1139 c.12b, but with clear verbal echoes.
assumed to be fresh in the hearers’ memory. It is then possible that these decisions belong to an otherwise unreported council of Innocent, or to one of his immediate successors. It is fitting to end this chapter on such an uncertain note. In laying out an account of the present state of knowledge it is conventional and prudent to assert that much more needs to be done before secure conclusions can be reached. It will be clear that this is in one sense true of Innocent’s councils, for a mass of new material has become available in recent years, and surely more will be found. It may well be, however, that the result will be less clarity rather than more. The more closely the material is interrogated, the more difficult it becomes to be certain that we have anything like a comprehensive account of the canons that Innocent pronounced. Even the widely attested canons of 1139 present anomalies. These anomalies in turn are likely to reflect as much an uncertainty among Innocent’s contemporaries as the ignorance of posterity.

Appendix I

The councils of Clermont 1130
and Reims 1131

The text below is based on the text of Reims as found in RjRsRx (below), collated with the four surviving copies of Clermont. It is intended chiefly to provide the evidence for the assertions above, since there is no published copy of the acts of either Clermont or Reims that is drawn from the whole body of known manuscript evidence.

For notes on possible sources and parallels to the canons see the text of 1139 in Appendix II below. There is no pretence to completeness in the literature cited.

Clermont

Editions

E. Baluze from de Marca’s copy in Miscellaneorum liber septimus (Paris, 1715), 74–9 (2 ed. ii, 119–21), and thence in Mansi, xxi, 437–40. F. Fita, ‘Actas del Concilio de Clermont (18 Noviembre 1130); Revisión crítica’, Bol. de la Real Academia de la Historia, iv, (1884), 360–66 identified the source (Cc below) and gave a new transcription.

Manuscripts

Cc Barcelona, Arxiu de la Seu, Liber II antiquitatum cathedralis Barcino-nensis (s. xiii), fols 130rb–131rb. This is the latest copy yet reported, and contains rather less than the remaining three, and in a different sequence. A subsequent hand added eleven unnumbered tituli before the proem, which are not found elsewhere, and are not reprinted here.

Cb Berlin, Staatsbibliothek, Preussischer Kulturbesitz, theol. fol. 337, fol. 189v, ex-Liesborn, as an addition to a s. xii copy of Augustine, De civitate Dei. In Cb the cc. 6–7 of Cc are here at the end of the set, in what Valentin Rose thought another hand; in his Katalog he suggested that this was a correction of a scribal oversight arising from the similarity of the beginnings of cc. 6 and 8. However, similar though slightly variant sequences also occur in two other copies:

Cf Freiburg, UB 454, fols 132v–3v, s. xiii1, following Eusebius, Historia ecclesiastica, Somerville, ‘Another Re-examination’, 106 n. 24, W. Hagenmaier,
Die lateinischen mittelalterlichen Handschriften der Universitätsbibliothek Freiburg im Breisgau (Wiesbaden, 1980), i(3), 140–1 also puts cc. 6–7 of Cc at the end, adding cc. 8b–9, which CbCc omit.

Cs Salzburg, Stiftsb. Sankt Peter, a. VIII. 15, fols 114r–5r, added at the end of a Panormia (s. xii), lacks the prologue of CcCbCf. It is otherwise close to Cf, though agreeing with Cb against CcCf in retaining the first sentence of Reims c. 14.

Reims

Editions

Sacrosancta Concilia ad regiam editionem exacta, ed. P. Labbe and G. Cossart (Paris, 1671–2), x, 982–7 from Sirmond’s transcription of mss at Mont S. Michel (unidentified) and Evreux (= Rs), reprinted with minor differences in Mansi, xxi, 457–62. This alone has a set of capitula at the beginning, with the entry for each canon inserted as its rubric. They were reprinted and discussed by Somerville, ‘Canons of Reims’, 124–7, suggesting at 127 that they stood in Sirmond’s source, but are not repeated here. The Evreux copy is almost certainly Rx below, though the evidence falls short of decisive proof.

Manuscripts

Rj Rouen, Bibliothèque Jacques Villon, 701 (E 78), s. xii, Jumièges, at the end of a Collectio Lanfranci, without inscription, fols 135r–6r. S. Williams, Codices Pseudo-Isidoriani, Excerpta no. 12.

Rx Paris, BnF lat. 10743 (Coll. in Ten Parts), from Evreux, s. xii, has cc. 1–11, 13–7 distributed across the collection: canons 9, 7, 14, 13 (p. 121); 1, 2, 4, 5, 6, 8a, 8b, 15 (pp. 198–9); 3 (p. 253); 10–11 (p. 334); 16 (p. 403); 17 (pp. 449–50). All but cc. 10–11, 16–7 are explicitly attributed to Innocent II at Reims (Somerville, ‘Council of Pisa’, 109–10 n. 40, identifying this as Sirmond’s second copy), and 12 is omitted. If the rubricator’s numbers to cc. 9 (xii) and 15 (x) may be trusted, the order of the canons in the source of Rx differed from that of the Mont-Saint-Michel one.

Concordance of the canons of Clermont and Reims with II Lateran

<table>
<thead>
<tr>
<th></th>
<th>Ct</th>
<th>Cb</th>
<th>Cf</th>
<th>Cs</th>
<th>R</th>
<th>COGD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statuimus ut si quis – usurpavit</td>
<td>1a</td>
<td>1a</td>
<td>1a</td>
<td>1a</td>
<td>1a</td>
<td>1</td>
</tr>
<tr>
<td>Si quis prebendam – percellantur</td>
<td>1b</td>
<td>1b</td>
<td>1b</td>
<td>1b</td>
<td>1b</td>
<td>2a</td>
</tr>
<tr>
<td>Precipimus etiam quod – sanct.</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>4a</td>
</tr>
<tr>
<td>Illud autem quod – subiciantur</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

(Continued)
Decernimus ut hi qui – deservire

Ad hec predecess. – cognoverit

Prava autem consuet. – arceantur

Precipimus etiam ut laici – subiac. 

Innovamus autem – priventur

Prohibemus autem ne adol. – hon. 

Precipimus etiam ne cond. – sacerd. 

Precip. etiam ut presb. – sec. sint

Treugam autem ab – incurrat 

Detestabiles autem illas – sepultura

Item placuit ut si – suscipiat

Precipimus etiam ut in – excom. 

Indubitatum – carebit 

Sane coniunctiones – repellunt

Pessimam siquidem – permaneat

Si quis autem archiep. – abstineat

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Rj has no clear breaks between canons until c. 7, where paragraph marks begin to be inserted. Generally Rx follows those of Rs, except in dividing c. 8, but treating cc. 10–11 as one. For convenience the numbering here is that of Labbe–Cossart and all subsequent editions.

**Clermont, prologue**


Quoniam frigescente caritate superhabundavit iniquitas, et in novissimis die- bus instant tempora periculosa – sunt enim homines se ipsos amantes, cupidi, elati, superbi, blasphemi, parentibus inobedientes, ingrati, scelesti, sine affectio- tione, sine pace, criminatores, incontinentes, immites, sine benignitate, prodi- tores, protervi, tumidi, voluptatum amatores magis quam Dei – invocanda est
The transmission of the councils 249

ab universis<sup>a</sup> cum devotione gratia Sancti Spiritus, ut mala pullulantia resecet, et in servis suis su<sup>y</sup> dona multiplicet, ac tempora quieta conservet. Ad extirpandas igitur<sup>z</sup> vitiorum pravitates<sup>aa</sup>, predecessorum statuta in medium<sup>bb</sup> sunt producta et novitatis<sup>cc</sup> crescentium vitiorum nova medicamina<sup>dd</sup> sunt adhibita.

<sup>a</sup> res- Cf  
<sup>b</sup> pape Cc  
<sup>c</sup> om. Cf  
<sup>d</sup> Viensi Cf  
<sup>e</sup> -ionensi Cf  
<sup>f</sup> Taret- Cb  
<sup>g</sup> ss Cf  
<sup>h</sup> om. Cf  
<sup>i</sup> Salci- Cb; Salsi- Cc; Salz- Cf  
<sup>j</sup> Gorz- Cf  
<sup>k</sup> corr. fr. phon- Cc  
<sup>l</sup> pro Cc  
<sup>m</sup> om. Cf  
<sup>n</sup> -tum Cb  
<sup>o</sup> bonorum Cc  
<sup>p</sup> Indicant Cb  
<sup>q</sup> om. Cf  
<sup>r</sup> -ini Cc  
<sup>s</sup> vero Cc  
<sup>t</sup> cor. fr. frigenscente Cc  
<sup>u</sup> quia Cf  
<sup>v</sup> benigitate Cc  
<sup>w</sup> om. Cf  
<sup>x</sup> omnibus Cf  
<sup>y</sup> omnibus Cf  
<sup>z</sup> et add. Cb  
<sup>a</sup> adicio Cf  
<sup>b</sup> et add. Cb  
<sup>c</sup> -ti- ss Cb  
<sup>d</sup> -amenta Cf

Canons

1 Statuimus ut si quis simoniace ordinatus fuerit, ab officio omnino<sup>a</sup> cadat quod illicite usurpavit, vel<sup>b</sup> si quis prebendas aut honorem<sup>c</sup> vel<sup>d</sup> promotionem aliquam ecclesiasticam,<sup>e</sup> interveniente excreabilis ardore avaritie, per pecuniam acquisivit, honore male acquisito careat, et emptor ac venditor et interventor<sup>f</sup> nota infamie percellantur.<sup>g</sup>

Rx ‘Innoc’ papa II in concilio Remensi, capl’ primo’. <i>COGD</i> 1–2a; C. 1 q. 3 c. 15a.

<sup>a</sup> om. Rs  
<sup>b</sup> Ut Rs  
<sup>c</sup> -ores Cf  
<sup>d</sup> aut Rx

2<sup>a</sup>Precipimus etiam<sup>b</sup> quod tam episcopi quam clerici in statu<sup>c</sup> mentis, in<sup>d</sup> habitu corporis, Deo et hominibus placere studeant, et<sup>e</sup> nec in superfluitate, fissura<sup>f</sup> aut<sup>g</sup> colore vestium intuentium, quorum forma et exemplum esse debent<sup>h</sup>, offendant aspectum, sed<sup>i</sup> quod eorum deceat sanctitatem. 

Rx ‘capitulo secundo’; <i>COGD</i> 4a. C. 21 q. 4 c. 5a.

<sup>a</sup> ii add. Cf  
<sup>b</sup> om Cf  
<sup>c</sup> instu in text, vel in statu in mg. Rx  
<sup>d</sup> vel Rs  
<sup>e</sup> om. CfCs

3 Illud autem<sup>a</sup> quod in sacro Calcedonensi constitutum est concilio<sup>b</sup> irrefragabiliter conservari precipimus, ut videlicet decedentium bona episcoporum a nullo omnino hominum<sup>c</sup> diripiantur, sed ad opus<sup>d</sup> ecclesie et<sup>e</sup> successoris
sui\(^{\text{f}}\) in libera economi et clericorum permaneant\(^{\text{e}}\) potestate. Cesset igitur\(^{\text{b}}\) de cetero illa detestabilis\(^{\text{f}}\) et seva rapacitas. Si quis autem\(^{\text{f}}\) hoc amodo\(^{\text{f}}\) attemp-
tare presumpserit, excommunicationi subiecit. Qui vero morientium pres-
biterorum vel clericorum bona rapuerint\(^{\text{f}}\) simili sententia\(^{\text{m}}\) subiciatur\(^{\text{n}}\).

Rx 'Innocentius papa II in Remensi conc' cui interfuerunt duo Lodu-
wici reges Francie, cp. iii'; COGD 5.

---

4 Decernimus\(^{\text{a}}\) ut hi qui a subdiaconatu et supra uxores duxerint, aut concu-
binas habuerint\(^{\text{b}}\), officio atque ecclesiastico beneficio careant. Cum enim
ipsi\(^{\text{d}}\) templum Dei\(^{\text{l}}\), vasa Domini\(^{\text{d}}\), sacrarium Spiritus Sancti debeant
et dici, indignum est eos cubilibus et impudicitias\(^{\text{f}}\) deservire.

Rx 'Item idem iiii capitulo'; COGD 6; D. 28 c. 2.

---

5 Ad\(^{\text{a}}\) hec predecessorum nostrorum\(^{\text{b}}\) Gregorii VII, Urbani et Pascalis Roma-
norum pontificum\(^{\text{c}}\) vestigiis inherentes, precipimus ut nullus missas eorum\(^{\text{d}}\)
audiat quos uxores vel concubinas\(^{\text{e}}\) indubitans habere cognoverit.\(^{\text{c}}\)

*a Decrevimus Rx
\(^{\text{b}}\) aut conc. hab.\(^{\text{b}}\) vel conc. hab. in mg. Rj
\(^{\text{c}}\) enim ipsi\(^{\text{d}}\) ipsi enim Cs

---

6 Prava autem consuetudo\(^{\text{a}}\) prout accepimus et detestabilis inolevit, quon-
iam monachi et regulares canonici, post susceptum\(^{\text{b}}\) habitum et professio-
nem factam, spreta beatorum magistrorum Benedicti et Augustini\(^{\text{f}}\) regula,
leges temporales et medicinam gratia lucri temporalis\(^{\text{d}}\) addiscunt. Avaritie
namque flammis accensi, se patronos causarum faciunt. Et cum psalmodie
et hymnis vacare deberent\(^{\text{e}}\), gloriose vocis confici\(^{\text{m}}\) munimine, allegatio-
num suarum varietate iustum et iniustum, fasque\(^{\text{g}}\) nefasque confundunt.

Attestantur vero imperialis constitutiones absurdum, immo\(^{\text{b}}\) etiam\(^{\text{i}}\)
oppobriou\(^{\text{l}}\) esse clericis, si peritos se velint dispectionatum esse\(^{\text{k}}\) forensi-
sium. \(^{\text{l}}\)Huissusmodi temeratoribus\(^{\text{m}}\) graviter feriendis\(^{\text{n}}\). Ipsi quoque\(^{\text{o}}\),
neglecta animarum cura, ordinis sui propositum nullatens attendantes, pro
detestanda pecunia sanitatem pollicentes, humanorum curatores se faciunt
corporum. Cumque impudicus oculus impudici cordis\(^{\text{g}}\) sit nuntius\(^{\text{s}}\), illa\(^{\text{r}}\)
etiam\(^{\text{i}}\) de quibus loqui\(^{\text{a}}\) erubescit honestas non debet religio pertractare\(^{\text{a}}\).

*a etiam Rs
\(^{\text{b}}\) const. est conc.\(^{\text{c}}\) conc. est const. Cf; conc. const. est Rx
\(^{\text{c}}\) omn. hom.\(^{\text{e}}\) hom. omn. Cf
\(^{\text{d}}\) corr. fr. opus ad Cb
d ecl. et om. Cc
\(^{\text{f}}\) et add. Rx
\(^{\text{g}}\) permaneat Cc; sint Rx
\(^{\text{h}}\) ergo CICs; iam add. Rj

\(^{\text{a}}\) de cetero illa det.\(^{\text{c}}\) illa det. de cetero Rs; de cetero det. CICs
\(^{\text{b}}\) om Rx
\(^{\text{c}}\) hoc amodo\(^{\text{d}}\) hoc modo CICs; amodo hoc Rs
\(^{\text{d}}\) –erit Rs
\(^{\text{e}}\) pene Rx
\(^{\text{f}}\) subiciat Cc; subiaceant CICs

\(^{\text{a}}\) Decrevimus Rx
\(^{\text{b}}\) aut conc. hab.\(^{\text{b}}\) vel conc. hab. in mg. Rj
\(^{\text{c}}\) enim ipsi\(^{\text{d}}\) ipsi enim Cs

\(^{\text{a}}\) D Domini et Cf
\(^{\text{b}}\) Dei sacra Cf
\(^{\text{c}}\) impudicitias CbC; impudiciis Cf

\(^{\text{a}}\) Et Rj
\(^{\text{b}}\) Nycolai, Alexandri add. Cs
\(^{\text{c}}\) Romanorum pont. om. Cs

\(^{\text{a}}\) eorum missas CfCs; missam eorum Rx
\(^{\text{b}}\) conc. vel. ux. Cs
\(^{\text{c}}\) -erint Rx

\(^{\text{a}}\) etiam Cs
\(^{\text{b}}\) Gregorii VII, Urbani et Pascalis Romanorum pontificum
\(^{\text{c}}\) vestigiis inherentes
\(^{\text{d}}\) audiat quos uxores vel concubinas indubitans habere cognoverit.

Om. CbCc. Rx 'Item idem ibidem v\(^{\text{o}}\) capitulo'; COGD 7a.

\(^{\text{a}}\) dom. missas CfCs; misam eorum Rx
\(^{\text{b}}\) conc. vel. ux. Cs
\(^{\text{c}}\) -erint Rx

\(^{\text{a}}\) Et Rj
\(^{\text{b}}\) Nycolai, Alexandri add. Cs
\(^{\text{c}}\) Romanorum pont. om. Cs

\(^{\text{a}}\) eorum missas CfCs; misam eorum Rx
\(^{\text{b}}\) conc. vel. ux. Cs
\(^{\text{c}}\) -erint Rx
Ut ergo ordo monasticus et canonicus Deo placens in sancto proposito inviolabiliter conservetur, ne\textsuperscript{a} hoc ulterioribus auctoritate apostolica\textsuperscript{w} interdicimus\textsuperscript{w}. Episcopi autem,\textsuperscript{y} abbates et\textsuperscript{a} priores tante\textsuperscript{aa} enornitati consentientes et non corrigentes\textsuperscript{bb} propriis honoribus spoliuntur\textsuperscript{c}.

Rx 'Item vii capl'. \textit{COGD 9}.

\textsuperscript{a} after inolevit Cf; corr. fr. consuedo Rj
\textsuperscript{b} acceptum Rs
\textsuperscript{c} Ben. et Aug. RCC; Aug. et Ben. CbCcCs
\textsuperscript{d} luc. temp. RChCc; temp. commodi Cf; temp. Cs; temp. luc. Cs\textsuperscript{e}
\textsuperscript{e} -bent Rx
\textsuperscript{f} freti Cc
\textsuperscript{g} fas Cf
\textsuperscript{h} et Cc; om. Cf
\textsuperscript{i} opprobrius before corr. Cb
\textsuperscript{j} se vel. disc. esse] se vel. disc. Cf; se vel. esse disc. Cs
\textsuperscript{l} Et add. Rx
\textsuperscript{m} -atores Rx
\textsuperscript{n} Huiusmodi tem. – fer. om. CfCs

7 Precipimus etiam\textsuperscript{3} ut laici\textsuperscript{b} qui ecclesias tenent aut eas episcopis\textsuperscript{c} restituant aut excommunicationi subiaceant.

Rx ‘capitolo vii’; \textit{COGD 10b}.

\textsuperscript{a} om. Rs
\textsuperscript{b} laicis Rx
\textsuperscript{c} episc. eas CfCs

8 Innovamus autem et precipimus ut nullus in archidiaconum vel decanum nisi diaconus vel presbiter ordinetur\textsuperscript{a}. Archidiaconi vero, decani vel\textsuperscript{b} pretiosi qui infra ordinem prenominatos existunt, si inobedientes ordinari contemserint\textsuperscript{c}, honore susceperint\textsuperscript{c}, honore suscepto priventur.

Rx ‘capl’ viii’; \textit{COGD 10c}; D. 60 c. 3a.

\textsuperscript{a} archidiaconum (-atum Rj) vel decanum nisi diaconus vel presbiter ord. RjRs; archidiaconum vel prepositum ord. nisi diaconus, nullus in decanum nisi sit presbiter Rx; decanum, prepositum nisi presbiter in archidiaconum nisi diaconus ord. CfCs; archidiaconum nisi diaconus, nullus in decanum sui vel prepositum nisi pres. ord. Cs; archidiaconum nisi diaconum, in decanum et prepositum nisi presb. ord. Cs
\textsuperscript{b} –dec. vel. C; vel dec. vel. Rj; vel dec. seu Rx; dec. et Rs
\textsuperscript{c} –erit Rs

Prohibemus autem\textsuperscript{a} ne adolescentibus vel infra sacros ordines\textsuperscript{b} constitutis, sed qui prudentia et merito vitae clarescant, predicti concedantur honores.

\textit{Om}. CbCc; Rx ‘capl. ix’; \textit{COGD 10d}; D. 60 c. 3b.

\textsuperscript{a} Proh. autem RjRs; Prohibemus etiam Rx; Precipimus autem Cf; Ad hec precipimus Cs
\textsuperscript{b} ord. sacr. Cf

9 Precipimus\textsuperscript{3} etiam ne conductitiis presbiteris ecclesie committantur\textsuperscript{b}, et\textsuperscript{c} unaqueque ecclesia cui\textsuperscript{d} facultas suppetit proprium habeat sacerdotem.
Martin Brett and Robert Somerville

Omn. CbCc; Rx ‘Innoc’ papa II in con¢’ Remensi, capl’ xii’; COGD 10e; C. 21 q. 2 c. 5.

10 Precipimus etiam ut presbiteri, clerici, monachi, peregrini et mercatores, rustici euntes et redeuntes, et in agricultura persistentes, et animalia cum quibus arant et oves, omni tempore sint securi.

11 Treugam autem ab occasu solis in quartâ feria usque ad ortum solis in secunda feria, et ab adventu Domini usque ad octavam Pentecostes, ab omnibus inviolabili-ter observâ decernimus. Si quis autem treugam frangere temptaverit, post tertiam communionem si non satisfecerit, episcopus suus in eum excommunicationem sententiam dictet et scriptam convicinis episcopis annuntiet. Episcoporum autem nullus excommunicatum in communionem suscipiat, immo scripto susceptam sententiam quisque confirmet. Si quis autem hoc violare presumperit ordinis sui periculo subiacebit.

Et quoniam funiculus triplex difficile rumpitur, precipimus ut episcopi, ad solum Deum et salutem populi habentes respectum, omni tepiditate seposita, ad pacem firmiter tenendum mutuum sibi consilium et auxilium præbeant, neque hoc alicuius amore aut odio pretermittant. Quod si quis in hoc Dei opere tepidus inventus fuerit, dampnum proprium dignitatis incurrat.

COGD 11–12a.

Et detestabiles autem illas nundinas vel ferias in quibus milites ex condicto convenire solent, et ad ostentationem virium suarum et audacie
temerarie\textsuperscript{e} congreduintur, unde mortes hominum et animarum pericula sepe\textsuperscript{f} proveniunt, omnimodo fieri\textsuperscript{g} interdicimus. Quod si quis eorum ibidem mortuus fuerit, quamvis ei\textsuperscript{h} poscenti penitentia et viaticum non negetur, ecclesiastica tamen careat sepultura.

\textit{COGD 14.}

\textsuperscript{a} corr. fr. illis Cb
\textsuperscript{b} sol. conm. before corr. Rj
\textsuperscript{c} om. Cc
\textsuperscript{d} ostensionem Cb(before corr.)
\textsuperscript{e} et aud. tem. om. Cf
\textsuperscript{f} sepe per. CbCtCs
\textsuperscript{g} fieri RCb; om. CcCtCs
\textsuperscript{h} om. Cb

13 Item placuit ut, si quis suadente diabolo huius sacrilegii reatum incurrerit quod in clericum\textsuperscript{a} vel monachum\textsuperscript{b} violentas\textsuperscript{c} manus iniecerit, anathemati subiaceat, et nullus episcoporum illum presumat absolvere\textsuperscript{d} donec apostolico conspectui presentetur et\textsuperscript{e} eius mandatum suscipiat\textsuperscript{f}.

Rx ‘capl xiii’; \textit{COGD 15a}; \textit{C. 17 q. 4 c. 29.}

\textsuperscript{a} -cos Cc
\textsuperscript{b} -uchos Cc
\textsuperscript{c} om. Cc
\textsuperscript{d} pres. abs.] abs. pres. CfCs

14 Precipimus etiam ut in eos qui ad\textsuperscript{a} ecclesiam vel\textsuperscript{b} cimiterium\textsuperscript{c} confugerint\textsuperscript{d} nullus omnino manum mittere audeat\textsuperscript{e}. Quod qui\textsuperscript{f} fecerit excommunicetur.

Rx ‘capitulo xiii’; \textit{COGD 15b.}

\textsuperscript{a} in Rx
\textsuperscript{b} ad add. CbCsRx, om. RjRs
\textsuperscript{c} civitatem CbCs
\textsuperscript{d} confugiunt RjRx; confugerint RsCbCs
\textsuperscript{e} Precipimus – audeat\textsuperscript{f} om. CcCf
\textsuperscript{f} si Cf

15 Indubitatum\textsuperscript{a} est quoniam honores ecclesiastici sanguinis non sunt sed meriti, et\textsuperscript{b} ecclesia Dei non hereditario iure aliquem, non\textsuperscript{c} secundum carnem successorem expetit, sed ad sui regimen et officiorum suorum dispensationem\textsuperscript{d} honestas, sapientes et religiosas\textsuperscript{e} personas exposcit. Eapropter auctoritate\textsuperscript{f} prohibemus apostolica\textsuperscript{g} ne quis ecclesias, prebendas, preposituras\textsuperscript{h}, capellanias aut aliqua ecclesiastica\textsuperscript{i} officia hereditario\textsuperscript{j} iure valeat\textsuperscript{k} vendicare, aut expostulare presumat. Quod si quis improbus et\textsuperscript{l} ambitionis reus attemptare presumpserit, debita pena multabitur et postulatis carebit.

Rx ‘capitulo x’; \textit{COGD 16}; \textit{C. 8 q. 1 c. 7 (Apostolica auctoritate).}

\textsuperscript{a} corr. fr. Indubitum Cb
\textsuperscript{b} om. CbCtCs
\textsuperscript{c} om. Cf
\textsuperscript{d} -nes Cc
\textsuperscript{e} corr. fr. – ione Rj
\textsuperscript{f} -atem Cs
\textsuperscript{g} proh. ap.] ap. proh. Cb
\textsuperscript{h} om. Rj
\textsuperscript{i} om. Rj
\textsuperscript{j} iure aliquem non secundum carnem – hereditario \textit{om. Rx}
\textsuperscript{k} om. Cb
\textsuperscript{l} et CbCsRsRx; aut Rj; \textit{om.} CfCs

16 \textsuperscript{a} Sane coniunctiones consanguineorum omnino\textsuperscript{b} fieri prohibemus. Huiusmodi namque\textsuperscript{c} incestum, qui\textsuperscript{d} iam fere stimulante humani generis inimico in usum versus\textsuperscript{e} est, sanctorum patrum statuta\textsuperscript{f} et sacrosancta Dei detestatur
ecclesia. Leges etiam seculi de tali contubernio\(^8\) natos\(^5\) infames pronuntiant et ab hereditate repellant\(^3\).

**COGD 17.**

\(^{a}\) no break in Rj
\(^{b}\) omnimodo RjRx
\(^{c}\) ss Cf
\(^{d}\) quia RjCfCs
\(^{e}\) versum Cs

\(^{f}\) Cf before sanctorum
\(^{g}\) -nia Cs; Cf uncertain
\(^{h}\) et add. Rs
\(^{i}\) compescunt Rj

17 \(^{a}\) Pessimam siquidem et\(^b\) depopulatrice\(^c\) et horrendam incendiorum malitiam, auctoritate Dei et beatorum apostolorum Petri et Pauli, omnino detestamur et\(^d\) interdicimus\(^g\). \(^{f}\) Hec etenim pestis, hec hostilis vastitas, omnes alias depredationes exuperat. Que quantum populo Dei\(^6\) sit dampnosa, quantumque\(^h\) detrimentum animabus et corporibus inferat, nullo ignorat. Assurgendum est igitur\(^i\) et omnimodis laborandum, ut tanta clades tantaque\(^j\) pernicios pro salute populi eradicetur et extirpetur. Si quis igitur\(^k\) post\(^l\) huius nostre prohibitionis promulgationem\(^m\) malo studio sive pro odio sive pro vindicta ignes\(^o\) apposuerit\(^o\) vel apponi fecerit, aut\(^p\) appositoribus consilium vel auxilium scieret tribuerit, excommunicetur. Et si\(^q\) mortuus fuerit incendiarius, Christianorum\(^r\) careat sepultura\(^s\), nec absolvatur nisi prius, dampno cui\(^t\) intulit secundum facultatem suam\(^a\) resarctio, iuret se ulterius ignem\(^u\) non appositorum\(^w\). Penitentia autem\(^x\) ei detur ut\(^y\) Hierosolimis aut in Hispania in\(^z\) servitio Dei per integrum annum permaneat. Si quis autem archiepiscopus, episcopus\(^aa\) hoc relaxaverit, dampnum restituet, et per\(^bb\) annum\(^cc\) ab officio episcopali abstineat. Sane regibus et\(^dd\) principibus faciende iustitie facultatem\(^ee\), consultis archiepiscopis et episcopis\(^ff\), non negamus\(^gg\).

**COGD 18; C. 23 q. 8 c. 32 has beginning and end.**

\(^{a}\) No break in Cs, but clear in Cb
\(^{b}\) om. C
\(^{c}\) depopulationem Cf
\(^{d}\) det. et] detestantes CfCs
\(^{e}\) interdicimus Cb
\(^{f}\) Rj has paragraph mark here
\(^{g}\) Dei populo C
\(^{h}\) quantum Rj
\(^{i}\) ergo CfCs
\(^{j}\) tuaque Cb
\(^{k}\) ergo CfCs
\(^{l}\) pro Cf
\(^{m}\) prom. proh. before corr. Rj
\(^{n}\) ignes before corr. Cc
\(^{o}\) corr. fr. - eret Cb
\(^{p}\) vel Rj
\(^{q}\) in hoc add. Cc
\(^{r}\) Christiana Rs

\(^{s}\) Et si mortuus – car. sepult. here Rcc, after non appositorum below CbCfCs
\(^{t}\) quod Rs
\(^{u}\) fac. suam CbCcRs; suam fac. CfCs; sec. fac. suam om. Rj
\(^{v}\) om. Cf
\(^{w}\) –urus Cc
\(^{x}\) om. Rs
\(^{y}\) in add. Cc
\(^{z}\) om. Cb
\(^{aa}\) archiep. ep. RjRxCbCc; archiep. vel ep. RsCf; archiep. episcopo Cc
\(^{bb}\) unum add. Cc
\(^{cc}\) per ann. om. Cf
\(^{dd}\) om. RsCc
\(^{ee}\) iust. facult.] facult. iust Rs
\(^{ff}\) et ep.] om. Cf
\(^{gg}\) –emus Cb
Appendix II
The councils of Pisa and Lateran II compared

Pisa 1135

Editions

J–D. Mansi, *Ad Concilia Veneto–Labbeana Supplementum* (Venice 1748–52), ii, 417–8, thence Mansi, xxi, 489–90, printed six canons from scattered additions to a copy of the Collection in Three Books at Pistoia, (Pp below); these were re–edited from the ms in Somerville, ‘Council of Pisa’, 103–4, used here.

Somerville, ‘Council of Pisa’, 105–8 in 1970 printed a much longer set, incorporating what would later appear as most of Lateran 1139 cc. 1–16 in the COGD numeration, with an added canon prohibiting the selling of Christians into slavery, from Munich, clm 11316, (Pm below), used here.

In 2009 Somerville, ‘Another Re–examination’ re–edited the slavery canon from Douai, Bibl. Marceline Desbordes–Valmore, 584 (Pd below), calendar–ing the further material found there and in the Lateran canons, but in neither previous copy.

For a different line of transmission, see above p. [00] with n. 38.

Manuscripts

Pp  Pistoia, Archivio capitolare del Duomo, C 135, early additions on fols 58rb, 68rb, 120va, 226r to a copy of the Italian Collection in Three Books, for which see most recently the literature cited in Collectio canonum trium librorum, ed. G. Motta, MIC, Ser. B, Corpus Collectionum 8 (Vatican, 2005–8), i, xxii–xxxii, including Somerville, ‘Council of Pisa’, as above. Motta, xxiv–v, proposed that these canons were added to the ms soon after the council. The canons are sometimes given numbers; these seem to show that they are not entered in sequence, and that the order of their source differed from that of the other copies.

Pm  Munich, Bayerische Staatsbibliothek, clm 11316, from Polling, among the additions at the end of a copy of the *Panormia*, s. xii ex., fols 113v–4v, Somerville, ‘Council of Pisa’, 104–8, *Piacenza*, 41.

Pd  Douai, Bibliothèque Marceline Desbordes–Valmore, 584, fols 158r–60v, from Anchin, s. xii	extsuperscript{2}, in the appendix to another *Panormia*, described in Somerville, ‘Another Re–examination’, 106–110, comparing cc. 1–13 of
its text with that of Pm cc. 1–9 (COGD cc. 1–16 with omissions and one addition), and cc. 14–23 with COGD cc. 17–30.

Vatican, BAV lat. 1361, the Collection in Thirteen Books, fols 102vb–3rb adds as Bk IV, cc. 42a, 44, 47, under the inscription ‘Innocentius papa II’, cc. 2, 7 (pt), 8 and 16a below, The text follows the Pisa mss more closely than 1139.

Lateran 1139

Editions

C. Baronius, Annales ecclesiastici (Rome, 1593–1607), xii. 234–6 gave the first complete text from ‘libro censuum Vaticanae Bibliothecae, et alio codice Vatichano Decretorum collationis, ex quo Gratianus aliqua capita intulit in Decretum’. The mysterious copy of the Liber censuum is very probably the same book that was cited occasionally by seventeenth–century editors as a source for several councils, but has so far defied identification. In the event it seems to have contributed little to his text, for the other Vatican copy can be pinned down more closely, if not yet with certainty. The text of Baronius has a number of peculiarities which are unique to the Pseudo–Isidore C Appendix version, particularly the inclusion of c. 13 and the awkward division of the canons. There is a medieval copy in the Vatican, BAV lat. 1340, which Baronius could well have known, although a transcript of another very similar Pseudo–Isidore, possibly the Reims ms BM 672 (G. 166), had been sent to Rome for the Correctores Romani in the 1570s by Bishop Amyot of Auxerre.

Concilia generalia Ecclesiae catholicae (Rome, 1608–12), iv, 21–3 printed a new text said to be (iv. aii v) ‘collatum cum codd. mmss. Bibliothecae Vaticanae, et Antonii Augustini Archiepiscopi Tarraconensis’. This is puzzling, as these are the same as those given for Lateran 1123, but no known medieval ms contains the canons of both 1123 and 1139. At least one of them must derive from the Pseudo–Isidore supplement, either directly from Baronius, or from something very close to his source, for the text has many of its idiosyncracies. However, the final text was clearly composite, for sometimes it follows in detail a copy that rather resembled some German manuscripts, but seems otherwise only recorded in a post–medieval copy known to the Roman editors, and


71 Somerville, ‘Canons of Reims’, 128–9; G. Schmitz, ‘Das Konzil von Trosly (909)’, DA, 33 (1977), 341–434 at 357–8. M. Sommar, The Correctores Romani, 120–1. There may be a slight indication of the character of the Liber censuum copy in Baronius’ marginal variant to his c. 2 (the apparently misguided ‘emptionis’ for ‘execrabili’, also printed in the editio Romana), but otherwise there is no cogent case for supposing Baronius based his text on anything other than BAV lat. 1340.

72 BAV Barb. lat. 860, fols 87r–92v [91r–6v] contains a fair copy of just such a version, heavily annotated during and after the publication of the editio Romana, where the main text sometimes has minor readings not otherwise known outside the editio. It ends, without a change of hand, break or canon
sometimes inserts readings from the 1582 edition of Gratian but not reported anywhere else. This was the basis for all succeeding complete editions, including Mansi, xxi, 526–33, Leonardi in COD (1962), reprinted in the third ed. of 1973, 197–203, and by Izbicki in COGD ii(1), 105–13. Leonardi knew of no existing ms in 1962, but collated the later editions with care; Izbicki’s text remains essentially that of 1962, though with some notes in the revised apparatus, including reported variants in some Panormia copies.

Further partial copies were printed in the appendix to the Liber decretorum sive Panormia Ivonis accurato labore summno studio in unum redacta ed. Sebastian Brant, (Basle, 1499), cc. 1–18 med. as viii, 138–54 from an unidentified exemplar, reprinted by Vosmedian in 1557, and thence PL 161, 1339–44. Maria de Palo, ‘Per la tradizione manoscritta del II concilio Lateranense (1139)’, Annali dell’ Università di Lecce, Facoltà di lettere e filosofia, 8–10 (1977–1980), Studi in onore di M. Marti 1 (1981), 331–6, printed cc. 1–10, with a distinctive prologue, from Firenze, Bibl. Med. Laur., Ashburnham 20 (ex 66), fols 108r–9v, s. xii.

**Manuscripts**

The number of known medieval copies of the council is in fact already so considerable that a comprehensive new edition would require a great deal of further labour, and would be in danger of losing coherence by the sheer number of variants to be reported. It is also likely that there are other copies that we have missed. Those known to us are listed below, but the edition is governed by a principle of rigorous economy. We have selected six copies which may be dated within a generation of the council at most, are more or less complete, and are associated in three cases with churches which sent representatives to the council. We have omitted trivial variants, or readings unsupported by other copies.

**Ld** Admont, Stiftsbibliothek 257, fols 69r–72r, a canonical collection which includes abbreviated forms of the Collection in 74 Titles and the Panormia. The text is closely related to that in Munich, clm 12603, fols 149–50, among the addns to a Collectio Tripartita from Ranshofen, which are very similar to those in Admont, Stiftsb. 162 (though that lacks the 1139 canons). See L. Kéry, Canonical Collections of the Early Middle Ages (Washington, 1999), 206, 254 with literature. JL 7983 is a privilege for Admont issued during the council.

**Ll** Madrid, BN 7127, fols 455r–7v, among the early additions to a Polycarpus written very possibly in Rome (C. Leonardi, ‘Per la tradizione dei

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number after c. 30, with c. 13, followed by the two Innocent letters found in the Pseudo–Isidore C version. This makes it unlikely though possible that it is an independent witness to c. 13 elsewhere. See further Vittorio Peri, ‘Due protagonisti dell’ editio romana dei Concili ecumenici: Pietro Morin ed Antonio d’Aquino’, Studi e Testi 231–7 (Mélanges Eugène Tisserant, 1964) 7. 131–232.


Lk Vatican, BAV, lat. 1345, fols 212r–3v, from a fragment of a s. xii ms, perhaps from S. France, now bound at the end of the Sententiae of Sidon. The Sententiae appear to be in a later hand, and if so the Lateran canons cannot be used to date the manuscript, as was done in S. Kuttner, and R. Elze, Catalogue of Canon and Roman Law Manuscripts in the Vatican Library, Studi e Testi, 322 (1986), i, 98–100, following Fournier. 73

Lu Vatican, BAV, Ottob. lat. 3008, fols 83v–5r. This section of the book begins with a set of papal letters for Bishop Wido of Chur, d. May, 1122 (Germania pontificia, ii(2), 86–95. Compare ibid. no. 32, JL 7977, a privilege for his successor, given during the council. The text is generally close to those in London, BL Add. 18371, Munich, clm 17736 and St Petersburg, Hermitage 25 listed below.

Lw Vienna, ÖNB lat. 2178, fos 1–3rb, an early addition to a copy of the Collection in Ten Parts from the chapter library at Olomouc, if not necessarily written there – J.H. Hermann, Die romanischen Handschriften des Abendlandes mit Ausnahme der deutschen Handschriften, Beschreibendes Verzeichnis der illuminierten Handschriften in Österreich, NF iii (Leipzig, 1927), 22–3 no. 21; Reuter, ‘Zur Anerkennung’, 395, n. 3. Bishop Henry was in Rome in 1139, probably for the council (MGH SS, ix, 158).

The idiosyncratic text found in a number of copies of Pseudo–Isidore of the second half of the twelfth century or later requires special treatment, not least because of the profound influence it has exercised on every edition of the council from Baronius onwards. The ‘C’ class of Pseudo–Isidore manuscripts as defined by Hinschius is marked by a concluding section which usually ends with JL 8148–9 of 1141, Lateran 1139 and Reims 1148. 74 For this form we have used:

Paris, Bibl. de l’Assemblée nationale 27, fols 256va–257va (pp. cxxx–xxxii), s. xii ex.

73 This description was provided by Martin Bertram, with his accustomed generosity; the suggestion of a S. French origin is from Michael Gullick.


Vatican, BAV lat. 1340, fols 370r–1v, s. xiii\(^1\), probably the copy used by Baronius.

A further copy is found in Paris, BnF lat. 2244, fols 209v–211r, s. xii med., from S. Amand–les–Eaux.\(^75\) Here the material in the Pseudo–Isidore appendix from Liberatus, *Breviarium causae Nestorianum* to Gelasius, *Thomus de anathematis vinculo*, is followed by the letters of Vitalian, JL 2059, the two letters of Innocent II and the Councils of 1139 and Reims 1148 (Hinschius, lxx–lxxii, Mordek, *Bibliotheca*, 626–8), so omitting the long section of Boniface material found in the fuller versions. As in the complete Pseudo–Isidore copies, the councils are equipped with a *capitulatio* similar to that for the rest of the Pseudo–Isidorean councils in the collection. Although, then, the S. Amand version appears as least as early as any copy of the complete Pseudo–Isidore C, it is treated here as an excerpt from an early exemplar, rather than a source. In practice the texts are effectively indistinguishable.

\(\Delta\) = The consensus of these four mss, ignoring trivial variants.

\(\mathbf{X}\) = The *editio Romana* of 1612, where our text departs from that.

\(\beta\) = BAV Barb. lat. 860, s. xvi/xvii, fols 87r–92v, a transcription from an otherwise unknown copy, for which see above [pp. 256–7 n. 72]. Here we note only significant readings in its uncorrected text related to unusual forms in \(\mathbf{X}\).

We have consulted the following further medieval copies containing the whole text, or a significant part of it, with varying degrees of care.\(^76\) None contains c. 13:

Edinburgh, National Library of Scotland, Adv. 18. 8. 6, fols 101r–2r, cc. 1–10 as addns to a *Panormia*, s. xii\(^2\), under the mistaken rubric ‘Ex decretis Eugenii pape’.


Plut. XX cod. X, fols 55v–56v, ending incomplete in c. 22, an early addn to Anastasius, *Vitae paparum*, s. xii.

Leipzig, UB, Haenel 16, fol. 119v, cc. 6–7, 15 pt, 10 pt, 1–5, as addns to a copy of a Collection in ten distinctions, s. xii med.\(^77\)

\(^75\) The ms does not appear, however, in the celebrated catalogue of the abbey library of 1150x60, or its later additions, L. Delisle, *Le Cabinet des manuscrits de la Bibliothèque impériale* (Paris, 1868–81), ii. 449–58.

\(^76\) We have not seen the fifteenth–century Staatsbibliothek zu Berlin, theol. fol. 162, fol. 242r–v.

\(^77\) Cologne, Hist. Stadtarchiv, 7010 199 (W 199*), elsewhere a copy of this, has only the first four canons in the same sequence on fol. 180r–v of its distinctive appendix.
London, BL Add. 18371, fols 127v–9v, ending incomplete in c. 28, as an addn to another Panormia, s. xiii.

Milan, Bibl. Ambros. I 14 inf., fols 18r–20v, ending incomplete in c. 26, in prefatory matter to the Collectio Ambrosiana II, s. xii med.

Munich, clm 17736, fols 121v–5v, s. xii3/4, perhaps Bavarian with Italian influence.

Oxford, Bodl. Lib., lat. misc. d. 74, fols 96v–7v, ending incomplete in c. 28, from a French copy of the Panormia, s. xii.

Paris, BnF lat. 1568, fols 74v–5v, after the Tabulae Hispanae (Kéry, Canonical Collections, 71), but with a change of hand, s. xii.

lat. 3862, fols 165va–7rb, cc. 1–29, among additions to Tuscan copy of Burchard of Worms, s. xii2/4.

lat. 3870, fols 115va–7rb, as addn to a Panormia, s. xii/xiii.

Rome, Bibl. Casanatense, 335, fols 65rb–66va, as addn to a Panormia, s. xii/xiii.

St Petersburg, Russian National Library, Hermitage lat. 25, fols 55r–6r, as addn to s. xii Panormia from Weissenau.

Salzburg, Stiftsbibl. der Erzbistue St. Peter, a. v. 36, fols 116r–7v, abbreviated copy, s. xii, added after Isidore, De summo bono, s. xii. This begins with cc. 1–5, 10–12, 14–15, numbered continuously as 1–10.

Stuttgart, Wurtt. Landesbibl., Jur. Q 146, fol. 99v, has cc. 1–8 as addn to Panormia, s. xii2.

Vatican, BAV, lat. 1350, fols 57r–8v, as addn to abbreviated Burchard of Worms, s. xii2, perhaps Tuscany.

1359, fols 139v–42r, as a very early addn to a Panormia, with c. 27 after c. 28, s. xii.

3829, fols 284r–7r, among addns to an idiosyncratic canonical collection, perhaps from the chapter library at Verona, s. xii.

**Preface 78**

Ld

Hec sunt decreta Lateranensis concilii, quod habitum est anno incarnationis m.c.xxxviii, presidente eidem domno Innocentio papa secundo, cum maxima multituddine episcoporum, abbatum et aliorum religiosorum, ex diversis mundi partibus congregatorum.


Anno dominice incarnationis M.C.XXXVIII. Rome celebrata est sinodus presidente Domno I. papa secundo. Cui interfuerunt de diversis partibus mundi

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[et] variis regionibus patriarche, primates, archiepiscopi, episcopi, abbates innumerabiles, cum infinita multitutinde clerorum ac laicorum [ . . . ]di ante quadragesima in mense Aprilis, ii nonus eiusdem in Lateranensi ecclesia. In qua per ordinem hec sunt promulgata capitula et tandem ab universo concilio confirmata.

Canons

1 Statuimus ut si quis simoniace ordinatus fuerit, ab officio omnino cadat quod illice usurpavit [2], vel si quis prebendas vel prioratuum seu decanatum aut honorem vel promotionem aliquam ecclesiasticam, seu quodlibet sacramentum ecclesiasticum ut putas chirisma vel oleum sanctum, consecrationes altarium vel ecclesiarum, interveniente execrabilium ardore avaritie per pecuniam acquisivit, honore male acquisito careat. Et emptor atque venditor et interventor nota infamie percellantur.

R 1; P α; L; cf CC. Toulouse 1119 c. 1, Reims 1119 c. 1, C Lat. I c. 1; C. 1 q. 3 c. 15a.

Et nec pro pastu, nec sub obtentu alicuius consuetudinis ante vel post a quoquam aliquid exigatur vel ipse dare presumat, quoniam simoniacum est. Sed libere et absque imminutione aliqua collata sibi dignitate et beneficio perfruat.

om. P α; C. 1 q. 3 c. 15a.

3 A suis episcopis excommunicatos ab aliis suscipi modis omnibus prohibemus. Qui vero excommunicato, antequam ab eo qui eum excommunicaverit absolvatur, sciantem communicare presumpserit pari sententia teneatur obnoxius.

pt only in P; L. To prohibemus, C. Melfi (1089) c. 15, cf C. Lat. I c. 2.

4 Precipimus etiam quod tam episcopi quam clerici in statu mentis, in habitu corporis, Deo et hominibus placere studeant et nec in superfluitate, fissurae aut colore vestium, nec in tonsura intuentium, quorum forma
et exemplum esse debent offendant aspectum, sed potius quod eorum
deceat sanctitatem. Quod si moniti ab episcopis emendari
noluerint, ecclesiasticis careant beneficiis.

R 2; P (pt); L; cf CC. Melfi 1089, c. 13 ed. Somerville, Pope Urban, 256–7,
with discussion at 289–92, Troyes 1107, c. 8, ed. U–R. Blumenthal, The Early
Councils of Pope Paschal II, Studies and texts 43 (Toronto 1978), 94, Lateran
1108 c. 2 (ibid. 106); C. 21 q. 4 c. 5.

5 Illud autem quod in sacro Calcedonensi constitutum est concilio
irrefragabiliter conservavi, ut videlicet decedentium bona epis-
coporum a nullo omnino hominum diripiantur, sed ad opus eccliae
to successoris sui in libera economi et clericorum permaneant
potestate. Cesset igitur de cetera illa detestabili et seva
rapacitas. Si quis autem hoc amodo attemptare presumpserit excommunicationi
subiacet. Qui vero mortientium presbiterorum vel clericorum bona())
rapuerint, similis senten-
tie subicianitur.

R 3, P; L.; much enlarged from C. Chalc. c. 22; cf C. Clermont (1095) L c.
29 in Somerville, Decreta Claromontensia, 81, Somerville, Pope Urban, 258,
294–6; cf too C. Toulouse (1119) c. 4; C. 12 q. 2 c. 47.

6 Decernimus ut hi qui in ordine subdiaconatus et supra uxores
duxerint, aut concubinas habuerint, officio atque ecclesiasticum beneficio
careant. Cum enim ipsi templum Dei, vasa Domini, sacramentum Spiritus sancti
debeat esse et dici, indignum est eos cubilibus et immunditis deserire.

R 4; L, om. P. Cf C. Troyes 1107 c. 3, ed. Blumenthal, Early Councils, 91,
C. Reims 1119 c. 5, C. Lat. I cc. 7, [21]; D. 28 c. 2.

7 Ad hec, predecessorum nostrorum Gregorii VII, Urbani et Pascalis Roma-
norum pontificum vestigiis inherentes, precipimus ut nullus missas eorum
audiat quos uxores vel concubinas habere cognoverit.
R 5; L. om. P α. For Gregory VII the rich material is listed in H.E.J. Cowdrey, Pope Gregory VII and the Chastity of the Clergy, in Medieval Purity and Piety, ed. M. Frassetto (New York/London, 1998), 269–302, repr. in his Popes and Church Reform in the 11th Century (Aldershot, 2000), no. III; for Urban II, Somerville, Decreta Claromontia, 111, c. 7; Paschal II’s C. Troyes c. 3 in Blumenthal, Early Councils, 91 is much less explicit.

Ut autem lex continentie et Deo placens munditia in ecclesiasticis personis et a sacris ordinibus dilatetur b, statuimus quatenus episcopi, presbiteri c, diaconi d, subdiaconi e, regulares canonici f et monachi atque conversi g professi h qui sacrum i transgredientes propositum uxores j sibi copulare presumserint, separentur. Huiusmodi namque copulationem, quam contra ecclesiasticam regulam constat esse contractam k, matrimonium non esse censemus l. Qui m etiam, ab invicem separati n, pro tantis excessibus condigiam penitentiam agant o.

P α(pt), L. C. 27 q. 1 c. 40a.

8 Id ipsum quoque a de sanctimonialibus b feminis c si d, quod absit, nubere attemptaverint e, observari decernimus f.

P α; L. C. 27 q. 1 c. 40b.

9 Prava autem consuetudo prout accepimus et detestabilis inolevit, quoniam a monachi et regulares canonici, post susceptum habitum et professionem factam, spreta beatorum b magistrorum Benedicti et c Augustini d regula, leges temporales et e medicinam gratia lucri temporalis addiscunt. Avaritiae namque flamnis accensi, se patronos causarum faciunt. Et cum psalmodie f et hymnis vacare deberent g, gloriose vocis confisi munimine, allegationum suarum varietate iustum et inijustum, fasque h nefasque i confundunt.

Attestantur vero j imperiales constitutiones absurdum, immo etiam k opprobrium, esse l clericis m si peritos se velint n disceptationum esse forensium o. Huiusmodi temeratoribus p graviter feriendis q. Ipsi quoque r, neglecta animarum cura, ordinis sui propositum s nullatenus attendentes, pro detestanda
pecunia sanitatem pollicentes, humanorum curatores se faciunt corporum. Cumque impudicus oculus impudici cordis sit nuntius, illa etiam de quibus loqui erubescit honestas non debet religio pertractare.

Ut ergo ordo monasticus et canonicus Deo placens in sancto proposito inviolabiliter conservetur, ne hoc ulterius presumatur, auctoritate apostolica interdicimus. Episcopi autem, abbates et priores tante enormitati consentientes et non corrigeant honoribus spoliendentur, ab ecclesie liminibus arceantur.

R 6; P; L. gloriose vocis – munimine, Peter Damian, Sermo XII (PL 144. 563b); Attestantur vero – feriendis, Codex 1.3.40; Impudicus oculus – sit nuntius, Reg. S. Aug. c. 22.

10 Decimas ecclesiaram, quas in usum pietatis concessas esse canonica demonstrat auctoritas, a laicis possideri auctoritate apostolica prohibemus. Sive enim ab episcopis vel regibus quibuslibet personis eas acceperint, nisi ecclesie reddiderint, sciant se sacrilegii crimen committere et periculum eterne damnationis incurrere.

Pd (after Precipimus etiam – subiaceant below); L. C. Rome 1078 c. 6] C. 16 q. 7 c. 1 a.
Innovamus autem et precipimus ut nullus in archidiaconum vel decanum nisi diaconus vel presbiter ordinetur.

Archidiaconi vero, decani vel prepositi qui infra ordines prenominatos existunt, si inobedientes ordinari contemptserint, honore suscepto priventur.

R 8a; P; L. Cf C. Lat. I, c. 6; D. 60 c. 3a.

Prohibemus autem ne adolescentibus vel infra sacros ordines constitutis, sed qui prudentia et merito vitae clarescunt, predicti concedantur honores.

R 8b; P; L. D. 60 c. 3b.

Precipimus etiam ut presbiteris ecclesie committantur, et unaque ecclesia cui facultas suppetit proprium habeat sacerdotem.

R 9; P; L. C. 21 q. 2 c. 5.

Precipimus etiam ut presbiteri, clerici, monachi, peregrini et mercatores, rustici euntes et redeuntes et in agricultra persistentes et animalia cum quibus arant et oves, omni tempore securi sint.

R 10; P; L. For sources cf c. 12.

Treguam autem ab occasu solis in quarta feria usque ad ortum solis in secunda feria, et ab adventu Domini usque ad octavam Epiphanie, et a quinquagesima usque ad octavam Pasche, ab omnibus inviolabiler observari. Si quis autem treguam frangere temptaverit, post tertiam commotionem si non satisfecerit, episcopus suus in eum excommunicacionis sententiam dictet, et scriptam vicinis episcopis annuntiet.

Episcoporum autem nullus excommunicatum in communione suscipiat, immo scripto susceptam sententiam quisque confirmet. Si quis autem hoc violare presumperit, ordinis suis periculo subiacebit.

P; L. C. Troia 1093 c. 2; cf in general C. Clermont (1095) in Somerville, Decreta Claromontensia, 73, 94–5, 106, 124; the True regulation at Reims 1119 (Mansi, xxi, 236–7), and C. Lat. I c. 15B (the β version as pr. in COD 193n).
Et quoniam a funiculus triplex difficile rumpitur, precipimus ut episcopi b, ad solum Deum et salutem populi c habentes respectum, omni tepiditate d seposita, ad pacem firmiter tenendum mutuum sibi consilium et auxilium e prebeant, neque f hoc g alicuius amore aut h odio pretermittant i. Quod si quis in hoc Dei operi j tepidus inventus fuerit, damnum propriae dignitatis incurrat.

R 11; P; L. D. 90 c. 11.

13 Porro detestabilem et probrosam divinis et humanis legibus per scripturam in veteri ac a novo testamento abdicatam, illam inquam insatiabilem feneratorum rapacitatem, damnumus et ab omni ecclesiastica consolatione sequestramus, precipientes ut nullus archiepiscopus, nullus episcopus vel cuiuslibet ordinis abbas, seu quivis in ordine et clero, nisi cum summa cautela usurarios presumat, sed in tota vita infames habeantur, et nisi resipuerint christianae sepultura priventur. Δ, β only. cf C Tours 1163 c 2, though wording quite distinct.

PdPm here insert

Illam sane a inhumanam et Deo odibilem consuetudinem, qua b videlicet pro ambitione pecunie c filii matribus et mariti auferunt uxoris, necessario duximus corrigendam. Si enim redemptor noster, cum d dives esset, ut nos a servitute diaboli liberaret dignatus est morte turpissima condemnavit, indignum valde est ut liber homo ad imaginem et similitudinem eius conditus, quasi brutum animal caro aut vili precio comparetur. Ideoque omnemis a prohibemus ut nullus de cetero marchio, nulla prorsus magna f humilis personae, quemlibet liberum Christianum Corsum vel alium g vendere audeat. Quod qui h facerit excommunicationis sententia feriatur.

a vero Pd
b quia Pm
c et add. Pd
d omnium add. Pm
e vero Pd
f modis omnibus Pd
g om. Pd
h om. Pm
i om. LdLuβ
j vel Lu
k – atur LyΔ
l Dei op.] op. Dei LdΔ
m ob LdLuLw
n ob Lu
o subiaceat PdLl
p cons – Pd; servari Lu
q ann. XPβ
r —tos Δ
s –ionem X (with several other copies not collated here)
t scripto susceptam sent.] scriptam sent. Pd; scripto suspeto sent. Pm
u om. LdLuLw
v om. Lu
w subiaceat PdLl

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14 Detestabiles autem illas nundinas vel ferias, in quibus milites ex conducto convenire solent et ad ostentationem virium suarum et audacie temerarie congregiuntur, unde mortes hominum et animarum pericula sepe proveniunt, omnimodo fieri interdicimus. Quod si quis eorum ibidem mortuus fuerit, quamvis ei poscenti penitentiae et viaticum non negetur, ecclesiastica tamen careat sepultura.

R 12; om. P; L

a e \(\Delta\)  
b ostensionem Lu  
c temere Lu  
d omnino Ld\(\times\)b  
e \(\text{iam Lu}\)  
f om. Lw

15 Item placuit ut si quis, suadente diabolo, huius sacrilegii reatum incurrit
g quod in clericum vel monachum violentas manus iniecerit, anathematis subiaceat, et nullus episcoporum illum presumat absolvere, nisi mortis urgente periculo, donec apostolico conspectui presentetur, et eius mandatum suscipiat.

R 13; P; L. Cf Truce at Reims 1119 (above c. 12); C. 17 q. 4 c. 29.

a Item – ut si] Precipimus etiam ut Pp  
b om. Ld  
c incurrit X\(\beta\)  
d viol. manus iniec.\] man’ iniec. violenter \(\Delta\)  
e anathematis\] anathematis Pm; anathematis vinculo X (with Gratian, 1582)  
f et nullus – suscipiat] om. Pm

Precipimus etiam ut in eos qui ad ecclesiam vel cimiterium confluunt nullus omnino manum audiet. Quod qui fecerit, excommunicetur.

R 14; P; L. cf Truce at Reims 1119, ut sup.

a \(\text{erit} \Delta X \text{with other uncollated mss.}\)  
b manus PmLdLl

16 Indubitatum est quoniam honores ecclesiastici sanguinis non sunt sed merits, et ecclesia Dei non hereditario iure aliquem non secundum carnet successorem \(\epsilon\) expectet, sed ad sui regimen et officiorum suorum dispensationem honestas, sapientes et religiosas personas exposcit. Eapropter auctoritate prohibemus apostolicae ne quis ecclesias, prebendas, preposituras, capellanias aut aliqua ecclesiastica officia, hereditario iure valeat vendicare, aut expostulare presumat. Quod si quis improbus aut ambitionis reus attemptare presumptet, debita pena multabitur et postulatis carebit.

R 15; P \(\text{a}\) (Pm ends); L. In gen. cf CC. Melfi 1089, c. 14, Toulouse 1119 c. 8, Reims 1119, c. 4a; C. 8 q. 1 c. 7 (Apostolica auctoritate).

a Indubitandum est Pd; Indub. Ld  
b aliquem om. \(\Delta\)  
c non\] neque X; om. Ld\(\beta\)  
d per \(\alpha\)  
e successores L\(\times\)a  
f expectat LuX\(\beta\); expetit P \(\alpha\)  
g sui regimen] sua reginma \(\Delta X\)  
h om. Ld  
i \(\text{nes} \Delta X\)  
j \(\text{esque} Ld\)  
k \(\text{scat} \Delta\)  
l Eapropter; Propter\(\alpha\)a ∆X

\(\times\) with other uncollated mss.
Sane coniunctiones consanguineorum omniño fieri prohibemus. Huiusmodi namque incestum\(^a\), qui iam\(^b\) fere\(^c\) stimulante humani generis inimico in usum versus\(^d\) est, sanctorum patrum instituta et sacrosancta Dei\(^e\) detestatur ecclesia. Leges etiam\(^f\) seculi de tali contubernio natos infames pronuntiant, et ab hereditate repellunt.

\(^{16}\) R 16; Pd; L. Cf C. Lat. I c. 9.

Pessimam siquidem et depopulatrice\(^a\) et horrendam incendiorum mali-tiam, auctoritate Dei et beatorum apostolorum Petri et\(^b\) Pauli, omnino detestaturum et interdictum. Hec etenim\(^c\) pestis, hec\(^d\) hostilis vastitas\(^e\), omnes alias depredationes\(^f\) exuperat. Que quantum populo Dei sit damnosus, quantumque\(^g\) detrimentum animabus et corporibus inferat\(^h\), nullus ignorat. Assurgendum est igitur\(^i\) et omnimodo\(^j\) laborandum ut tanta clades, tantaque\(^k\) pernicies, pro salute populi\(^l\) eradicetur et extirpetur. Si quis igitur post huius nostre prohibitionis promulgationem, malo studio sive pro\(^m\) odio sive pro vindicta, ignes\(^n\) apposuerit vel apponi fecerit, aut\(^o\) appositoribus consilium vel auxilium scienter\(^p\) tribuerit, excommunicetur. Et si mortuus fuerit\(^q\) incendiarius, Christianorum\(^r\) careat sepultura\(^s\), nec absolvatur nisi prius, dampno\(^t\) qui intulit secundum facultatem suam resarcito, iuret se ulterior ignem non\(^u\) appositum. Penitentia autem\(^v\) ei detur\(^w\) ut Hierosolimis aut\(^x\) in Hispania in servitio Dei per annum integrum permaneat.

\(^{17}\) Si quis autem archiepiscopus, episcopus\(^y\) hoc relaxaverit\(^z\), dampnum restituat et per annum\(^aa\) ab officio episcopali\(^bb\) abstineat. \(^{20}\) Sane regibus,\(^cc\) principibus faciende iustitie facultatem\(^dd\), consultis archiepiscopis et episcopis\(^ee\), non negamus.

\(^{18}\) Si quis autem ambitionis reus\(^aa\) non legum detraherit, damnum\(^bb\) restituat et per annum\(^cc\) ab officio episcopali\(^dd\) abstineat.
The transmission of the councils

21 Presbyterorum filios a sacri a altaris ministeriiis movendos decernimus\(^b\), nisi aut in cenobiis aut in canoniciis religiosi\(^e\) fuerint conversati.

*Pd; L. C. Melfi (1089) c. 14 almost verbatim*; cf D. 56 c. 1 as Urban II.

22 Sane, quia inter cetera unum est quod sanctam maxime perturbat ecclesi- siam, false videlicet penitentie\(^a\), confratres nostros et presbiteros admone- mus\(^b\) ne falsis penitentiis laicorum animas decipi\(^c\) et in infernum pertrahi patiantur.

Falsam autem apumentiament esse constat cum, spretis pluribus, de uno solo penitentia agitur\(^d\), aut cum sic agitur de uno ut non discederetur de\(^e\) alic. Unde scriptum est, Qui totam legem observaverit\(^f\), offendit\(^g\) autem in uno, factus est omnium reus, scilicet\(^h\) quantum ad vitam eternam\(^i\). Sicut enim si peccatis esset omnibus\(^j\) involutus: ita si in uno tantum\(^k\) maneat, eterne vitæ ianuam non intrabit.\(^l\)

Falsa etiam\(^m\) fit penitentia cum penitens ab officio vel curiali vel negotiati non recedit\(^n\), quod sine peccatis\(^o\) agi nulla ratione prevaleat, aut si\(^p\) odium in corde gestetur, aut si of- senso\(^q\) cuilibet\(^r\) non satisfaciat\(^s\), aut si non\(^t\) offendenti of- fensus\(^u\) indulgeat\(^v\), aut si arma quis contra iustitiam gerat.

*Pd; L. C. Melfi (1089) c. 16* *De pen. D. 5 c. 8* (Fratres nostros et presbiteros).

23 Eos\(^a\) qui, religionis\(^b\) speciem simulantes, dominici\(^c\) corporis et sanguinis sacramentum\(^d\), baptismæ puororum, sacerdotium et ceteros ecclesiasticos ordines et legitimarum dampnant\(^e\) federa nuptiarum, tamquam hereticos ab ecclesia Dei pellimus et damnamus, et per potestates exteras\(^f\) coherceni
precipimus. Defensores quoque ipsorum eiusdem damnationis vinculo innodamus.

Pd; L. Cf C. Toulouse 1119 c. 3, and c. 2 above.

1 Hos PdLw Baroniuss (with Vat. lat. 1340);
   Eos autem Xβ
2 religiositas Xβ, X with religionis in mg.
3 domini LX Baroniuss (with Vat. lat. 1340)

24 Illud quoque adientes precipimus ut pro chrismatis, olei sacri et sepulture acceptione nullum venditionis pretium exigatur.

Pd; L. C. Toulouse (1119) c. 9.

25 Si quis preposituras, prebendas vel alia ecclesiastica beneficia de manu laicali\(^{b}\) acceperit, indigne suscepto careat beneficio. Iuxta decreta namque\(^{c}\) sanctorum patrum laici, quamvis religiosi sint, nullam tamen habent\(^{d}\) disponendi\(^{e}\) de ecclesiasticis facultatibus potestatem.

Pd; L. Cf C. Lat. I c. 8.

26 \(^{a}\) Ad hec perniciosam et detestabilem consuetudinem quarundam mulierum que, licet neque secundum regulam beati\(^{b}\) Benedicti neque Basilii\(^{c}\) Augustini vivunt\(^{d}\), sanctimoniales tamen vulgo censeri desiderant, aboleri decernimus\(^{e}\). Cum enim iuxta regulam degentes in cenobiis\(^{f}\) tam in ecclesia quam in refectorio atque\(^{g}\) dormitorio\(^{h}\) communiter\(^{i}\) esse debeant, propria sibi edificant receptacula et privata domicilia, in quibus, sub hospitallitate velamine, passim hospites\(^{j}\) minus religiosos contra sacros\(^{k}\) et bonos mores suscipere nullatenus erubescunt. Quia ergo omnis qui male agit odit lucem, ac per hoc ipse abscondite in inustorum\(^{l}\) tabernaculis\(^{m}\) opinantur se posse latere ante\(^{n}\) oculos iudicis cernentis\(^{o}\), hoc tam\(^{p}\) inhonestum detestandumque flagitium ne ulterius fiat omnino prohibemus, et sub pena anathematis\(^{q}\) interdicimus. [27]. Simili modo\(^{r}\) prohibemus ne sanctimoniales simul cum\(^{s}\) canonici\(^{t}\) vel\(^{u}\) monachis in ecclesia\(^{u}\) in uno choro convenien ad psallendum.

Pd; L. C. 18 q. 2 c. 25.

1 Almost all c. 26 is lost by physical damage in Ly
2 beati sancti Pd; om. Lu
3 neque Bas. aut et Lu
4 vivant LdAX; Pd uncertain
5 decrervimus Δ
6 in cen. om. Ld
7 ac Ld; et Lu
8 atque dorm. om. Lk
9 om. Lu
10 et add. ΔX
11 canones add. X (with Gratian, 1582)
12 –enti Pd
13 –ent LdLrLu
14 om. Lu
15 Xβ
16 continentis Pd; continentis LkLw
17 tamen PdLk
18 omnino add. Lu
19 Sim. modo Similiter Δ
20 clericis add. Ly
21 vel X (with Gratian, 1582)
22 in eccl. om. Lu
23 X
24 Xβ
25 X
26 X
28 Obeuntibus① sane episcopis, quoniam ultra tres menses vacare ecclesiam② patrum prohibit sanctiones③, sub anathemate interdicimus ne canonici de sede episcopali ab electione episcoporum excludant religiosos viros④, sed eorum consilio honesta et idonea persona in episcopum eligetur. Quod si exclusis eisdem religiosis electio fuerit celebrata, quod absque eorum assensu⑤ et convenientia⑥ factum fuerit irritum habeatur et vacuum.

Pd; L. D. 63 c. 35, with d.a.

① Abeunt– Pd
② –ias Xβ
③ pat. proh. sanctiones (et add. Lk)] pat. proh. sacrationes Ll; pat. sanctiones proh. et Lu;
proh. pat. sanctiones X; proh. sanct. β

29 Artem autem① illam mortiferam et② Deo odibilem ballistariorum et sagittariorum adversus Christianos et③ catholicos④ exerceri⑤ de cetero⑥ sub anathemate prohibemus⑦.

Pd; L. X 5.15.1.

① om. Pd
② om. Xβ
③ om. Lw
④ et cath. om. Lu

30 Ad hec① ordinationes factas a Petro Leonis② et aliis③ schismaticis et hereticis evacuamus et irritas esse④ censemus.

Pd; L. cf C. Lat. I c. 5.

① Ad hec] om. Lu
② Leonis] Petri Leonis filio Ld
③ et aliis om. Pd

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① ab el. – viros] ab el. – rel. viros per episcopatum constitutos Ld; rel. viros ab elect. episcoporum excludant Llly
② consensu Pd
③ coniuentia LwΔ; et con. om. Lu
Nothing is known about the early life of the man who was elected as one of the two popes in February 1130 and given the name of Innocent (II). He seems to have come from an undistinguished background in Trastevere—undistinguished because he did not have a cognomen attaching him to one of the leading families, and it is presumed that he was educated in Rome where he became a canon regular of the Lateran. He burst onto the historical stage in 1116 when Paschal II appointed him cardinal deacon of S. Angelo in Pescheria, *alias* Sancti Angeli in Foro Piscario. As Cardinal Gregory he established a reputation as a skilled diplomat in the turbulent final years of the dispute with the Romano–German emperor, discharging legations to Pavia, Pisa, and Genoa in 1116–18 (for Paschal II); to Metz and Verdun representing Calixtus II (1119–24) in meetings with the emperor Henry V (1119); then to France in 1121 with Cardinal Peter Pierleone, later Anacletus II, his rival for the papacy. Their autograph subscriptions, authenticating their settlement of a dispute involving the great Cluniac monastery of Montierneuf, are preserved in the Archives départementales de la Vienne at Poitiers. Gregory crowned his diplomatic career in September 1122 when, with Cardinal Lambert of Ostia, he finalised the details of the Concordat of Worms. That successful mission established a close bond between the Lateran canon regular from Trastevere and Lambert, the Bolognese canon regular from S. Maria in Reno (outside Bologna), a bond which was consolidated when Lambert became Pope Honorius II (1124–30) and Gregory became one of his closest advisers for the five-plus years of his...
pontificate. Whether discharging the office of legate or advising the pope on the problems and cases that came before the papal audience (*audientia Sacri Palatii apostolici*) he was drawn into the increasingly formalised practices of ecclesiastical courts in Rome and elsewhere.

The emergence of the Roman Church as the jurisdictional apex of the Latin Church remains highly controversial. Many have seen it as the consequence of a deliberate policy of papal aggrandisement,\(^7\) while others, among whom I number myself, see it as the result of something much more pervasive which occurred from the end of the eleventh to the middle of the twelfth century. The first position is well represented in Anselm of Havelberg’s report to Eugene III of the debates with Archbishop Nicetas of Nicomedia during the imperial mission to Constantinople in 1136, when Emperor Lothar III sought an alliance with the Byzantines against Sicily. The aim was political, but the question of relations between the Greek and Latin churches inevitably surfaced, strongly coloured by the differences in theology and ritual that divided the two parts of Christendom, many of which Anselm thought resulted from misunderstanding on the part of the Latins. More intractable than these, however, were the Roman claims to jurisdictional primacy. As Archbishop Nicetas saw it, the Roman Church (*Romana ecclesia*) had split the unity of the Church Universal when ‘it seized a monarchy which did not belong to it’.\(^8\) ‘If the Roman pontiff,’ he is claimed to have said,

> seated on the lofty throne of his glory, wishes to thunder against us and, as it were, to hurl his commands from on high, and if he wishes to judge – nay rule – us and our churches, not according to our advice but according to his own will and pleasure, what kind of brother or what kind of father can he be? . . . Who would ever wish to support this with equanimity? For then we could truly be called – and indeed be – slaves not children of the Church.’\(^9\)

The processes of appeal and consultation, which were consolidated but not invented in the twelfth century, reveal a very different picture, however,\(^10\) and one that is increasingly recognised by specialists. Martin Brett (1995), for

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\(^8\) *Anselmi Havelbergenis episcopi dialogi*, iii.8 (*PL*, clxxxviii, 1139–1248, at 1219): ‘quando monarchiam, quod sui officium non erat, invasit’.

\(^9\) *Anselmi Havelbergenis*, iii.8 (col. 1219), quoted with minor variants in Robinson, *Papacy*, 182.

example, wrote ‘that the popes of the eleventh and twelfth centuries were less the architects of a new sense of the law than its servants’. 11 Charles Duggan (1995) saw the growth of appeals as ‘a reflection of a widespread desire to substitute lawful process for arbitrary judgment: to place the authority of the law above that of the person’; 12 Ian Robinson (1990) recognised the ‘enthusiasm . . . for papal justice . . . which had spread throughout the western Church’, although he had placed the focus somewhat later, in ‘the middle of the twelfth century’ and saw Innocent II pursuing a campaign to increase the amount of judicial business referred to ‘Rome’. 13 Most recently, writing about the transformation of the Irish Church in the twelfth century, Marie Therese Flanagan concluded (2010) that ‘Papal supervision . . . appears to have emanated less from active papal initiative than from the wish of the Irish clergy to secure it’. 14

There was, however, an even wider context which explains both the external pressures and the papal response. To understand this broader dynamic it is necessary to examine the legal and intellectual advances which not only encouraged that centripetalism but sustained it and gave it a particularly legal and interactive character. For, just as papal intervention in judicial cases in distant regions was determined primarily by appeals and consultations from local litigants and prelates, so the legal and intellectual environment was transformed by developments as much outside Rome as within it. 15

The first factor was the recovery of the whole corpus of Justinian’s law and its study and application, not only in Bologna but across a wide swathe of territory embracing Septimania, Catalonia, Provence, Lombardy, Tuscany and Rome, for which we may cite especially the work of André Gouron for
the langue d’oc and Provence. Peter Classen, Antonio Padoa Schioppa, and Chris Wickham for Italy. Simultaneously, significant elements of the Justinianic corpus were imbedded in the works composed by or attributed to Ivo of Chartres (c.1090–1115). Martin Brett has commented on the ‘mass of texts of the Institutes, Code, Digest and Autenticum (combined with the Epitome Juliani) which Ivo was the first to incorporate on a significant scale’, notably in his widely circulated Decretum. Ivo’s letters also disclose an interest in judicial process. One response to a consultation from Bishop Liziard of Soissons (1108–c.1126) on the case of a wife accused by her husband (which must have been written between the bishop’s accession in 1108 and Ivo’s death in 1115), cited ‘the institutes of the New Laws (instituta legum novellarum), which the Roman Church approves and observes’.

18 Especially Book XVI, De officiis laicorum et causis eorum: M. Brett, ‘English Law and Centres of Law Studies in the Later Twelfth Century’, in Archbishop Eystein as Legislato, T. Iversen, Trondheim Studies in History (Trondheim, 2011), 87–102, at 91; cf. W. P. Müller, ‘The Recovery of Justinian’s Digest in the Middle Ages’, BMCL, 20 (1990), 1–29, at 3. The Digest was cited under its original title of Pandecta (e.g. Ivo, Decretum, 9.2; 10.32, 118; 16.74, 78, 103, 163A. Ivo’s Decretum is cited here from the online draft being prepared by Martin Brett and Bruce Brasington: http://project.knowledgeforge.net/ivo/decretum.html; cf. PL, clxii, 566–600. For the Authenticum and Epitome Juliani, see below, n. 20.

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The second, which occurred at much the same time, was Gratian’s compilation of the *Concordia discordantium canonum*, a sophisticated collection of ecclesiastical law, whose complex history is being unravelled by Anders Winroth, Carlos Larraínzar, José Miguel Viejo-Ximénez, Ken Pennington and others. An early version of this *Decretum/Decreta*, as it came to be known, may have existed by the mid-late 1120s, an intermediate version probably existed in the 1130s, and the much expanded Vulgate (Winroth’s ‘Recension II’) had appeared by 1140x45, the result of complex evolution *por etapas* (described by Larraínzar, Viejo-Ximénez, and Pennington), which included the incorporation of elements of Justinianic law. Diffused throughout Europe, where it became the basis for teaching canon law, the Vulgate continued to receive further additions (*paleae*) until the 1180s. The *Decretum* was thus very much a *texte vivant*, designed for the classroom and the court, especially in Part II (*Causae*), whose dialectical structure encouraged disputation and debate. This fruitful symbiosis between Roman and canon law laid the foundations of a new academic jurisprudence orientated towards process and practice.

The recovery of Justinian’s Roman law and the compilation of Gratian’s *Decretum* did not, however, occur in scholarly isolation detached from the world of conflict and confrontation. Rather, they were the product of this world, and should be understood as responses to the need to prepare new

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generations of lawyers to meet the demand for legally expert personnel by bureaucratic agencies, ecclesiastical and secular, and the papacy was no stranger to this development. As I have argued for the popes of the second half of the twelfth century, so shall I argue for those of the first half: the popes were the beneficiaries and in some senses also the victims of the scholastic and litigation explosion of the time.

There is no reason to believe that Pope Innocent had any formal training in the law, canon or Roman, but he was brought up in the environment of Rome, which had a corps of *judices* and *advocati* attached to the Lateran palace. It was to them that he assigned an annual stipend of 100 pounds Pisan, probably in 1138, when they were obliged by oath to discharge their office *secundum constitutiones et leges* without charge, save for customary payments, as long as Pope Innocent and his successors paid the stipend. He would have been thoroughly familiar with the employment of notaries who recorded judgments and drew up contracts, leases, wills, and other legal documents, and his involvement in the hearing of cases brought before the papal Curia during what we may call his apprenticeship as cardinal deacon would have accustomed him to the changing character of the legal world into which he entered as pope.

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26 For their origin, nomenclature, and evolution, see L. Halphen, *Études sur l’administration de Rome au moyen âge (751–1252)* (Paris, 1907; repr. Rome, 1972), 37–52; the holders of the titled officers (*primicerius*, *secundicerius*, *arcarius*, *primus defensor*, *nomenclator*, *sacellarius*, *protoscriniarius*) are listed ibid., 89–146. Cf. the Siena-Arezzo case, below, at n. 40.


Judicial cases

i. Siena vs Arezzo

One of the most legally interesting lawsuits in which he was involved as cardinal was the case between the bishops of Siena and Arezzo (1124–5) about jurisdiction over 18 parish churches (pievi). The dispute, which had arisen from the expansion of Siennese communal jurisdiction over parts of the diocese of Arezzo and had remained unresolved since the early eighth century, had been raised again at the First Lateran Council in 1123, and after various hearings it was decided in an interim judgment by Calixtus II on 30 March 1124. The judicial processes were summarised in a letter for Gualfredo of Siena two days later (1 April 1124). Calixtus had ‘listened patiently to the various (legal) arguments and lengthy altercations (nobis patienter audientibus diversis rationibus et longis alterationibus) energetically presented both by you [the two bishops] and by your legally learned advocates (tam per vos quam per advocatos vestros legisperitos contendistis),’ but he had accorded more weight to the evidence of the aged Siennese witnesses who testified that they had seen envoys of Pope Nicholas II invest their bishop, John (in 1059), than to the words of the documents (nos magis vivis testium vocibus quam scriptorum verbis fidem adhibebamus). Finally, acting on the ‘collective deliberation and judgment of our brother bishops and cardinals (ex communi fratrum nostrorum episcoporum et cardinalium deliberatione), he awarded possession to Siena on the basis of Pope Nicholas’s investiture (de investitione a predecessore nostro papa Nicolao facta), but with the crucial reservation, ‘saving the (proprietary) right of the church of Arezzo (salvo nimirum iure aretine ecclesie).’

The principle underlying that judgment was the Roman recognition of the difference between ownership (dominium/proprietas) and (physical) possession

30 Gualfredo of Siena vs Guido of Arezzo.
31 This is the conventional designation, but its accuracy is doubtful: cf. G. Gresser, Die Synoden und Consilien in der Zeit der Reformpapsttums in Deutschland und Italien von Leo IX. bis Calixt II, 1049–1123 (Paderborn, 2006), 476.
33 Documenti . . . di Arezzo, ed. Pasqui, 432–4 no. 318 (Rome, I April 1124), at 433. Padoa Schioppa cited an example of causidici acting in a case involving the monastery of S. Prospero de Reggio as early as 1098: ‘Le rôle du droit savant’, 353 n. 43.
34 This formula referred to the College of Cardinals: see below, n. 145.
35 Among the 22 subscribing cardinals was Lambert CB of Ostia, who succeeded Calixtus as Honorius II (1124–30); Documenti . . . di Arezzo, i, 433–4. Pasqui states (Documenti . . . di Arezzo, i, 573 no. 390) that Arezzo’s possession was re-confirmed by Alexander III in 1179 or 1180, but gives no source, and Kehr (Italia Pontificia, iii, 156 no. 48, n.) was unable to find one.
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(possessio), upon which depended the whole complex edifice of leasing and lending and with it much of the estate and commercial management of private individuals and corporations, ecclesiastical and secular, in regions where the relevant Roman law was adopted. Its application to ecclesiastical property disputes was to have significant long-term effects not only within the Church but also in secular jurisdictions. In England, for example, the distinction became enshrined in Henry II’s possessory and proprietary assizes in the 1160s and 1170s (novel disseisin and the Grand Assize), which protected occupants against unjust dispossession (disseisin) carried out iniuste et sine iudicio. As in the ecclesiastical courts, success in a possessory action resulted in repossession but did not prevent a claimant bringing a plea for ownership before the Grand Assize to establish proprietas.

Calixtus II’s judgment in 1124 was a standard procedural device, which granted possession to the claimant while allowing the defendant to bring a proprietary action if he thought that he had a better case. Almost immediately, indeed, Guido of Arezzo did bring a proprietary action before the papal Curia, where, Calixtus having died (13 December 1124), the case was reopened before the new pope Honorius II in an action which Chris Wickham described as ‘the most Romanist hearing hitherto known in Tuscany’. The case was recorded in Honorius’s confirmation of the judgment of his iudices in favour of Arezzo (5 May 1125). After an arenga that echoed Ulpian’s definition of justice (Sicut autem iuris praecpta servantibus convenit honeste vivere, ita expedit unicuique ius suum tribuere), the bull rehearsed the evidence and the legal arguments presented by the parties. Ten different ‘imperial pronouncements

36 See for example the dispute between the Roman churches of S. Prassede and S. Croce in Jerusalem heard in the presence of Eugenius III at Segni in 1151: Fedele, ‘Tabularium S. Praxedis’, 46–9 no. 25; facsimile: Archivio paleografico italiano, Monumenti paleografici di Roma, dir. E. Monaci, ii (Rome, 1882), no. 71. For further discussion of the significance of this case for an understanding of legal procedure before the Curia, see A. J. Duggan, ‘“Justinian’s laws, not the Lord’s”: Eugenius III and the Learned Laws’, in Eugenius III, the Cistercian Pope, ed. A. Jotischky and I. Fonnesberg-Schmidt (Abingdon and New York, 2016).
38 Which is what Nicholas II had done in 1059. His award of possession to Siena was made salva querela, allowing Arezzo to re-open the case: Italia Pontificia, iii (Etruria), 151 no. 25. For the analogous principle affecting the restitution of public reputation and all the rights attaching to it, see T. J. Feeney, Restitutio in integrum. An historical synopsis and commentary, Catholic University of America Canon Law Studies, 129 (Washington, D.C., 1941), 1–21. In later canon law, it became restitution of losses suffered through force, fraud, negligence, etc.: X 1.41.1–10.
39 Courts and Conflict, 286.
40 Documenti ... di Arezzo, ed. Pasqui, 438–42 no. 322. The judicial bench comprised Ferrucius, primicerius of the judges of the holy Lateran palace, the judges: Benedict, judge assignate (dativus), Guitto, first defender and judge, Ildicio of Tivoli, and the advocates Nykolas and Seniorile (ibid., 440). For this extraordinary dispute, which involved the two bishoprics on and off for 500 years, see Wickham, Courts and Conflict, 286–91, and the magisterial study by Besta, ‘Il diritto romano’ (above, n. 32).
41 Cf. Inst. 1.1.3 and Dig. 1.1.10§1: ‘iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere’; cf. Inst. 1.1.pr: ‘Iustitia est constans et perpetua voluntas ius suum cuique tribuens’ and Dig. 1.1.10.pr: ‘Iustitia ... tribuendi’.
(constitutions)\textsuperscript{42} were cited, five from the Codex and five from the Digest, accurately, appropriately, and mostly in extenso.\textsuperscript{43} Not only did the respective advocates demonstrate mastery of the relevant Justinianic law, but the judges and assessors had no difficulty in following the arguments. Finally, the judgment went in Arezzo’s favour and Gualfredo of Siena was ordered to make immediate restitution of 16 of the churches, while judgment was reserved on the question of two of them.\textsuperscript{44} Cardinal Gregory (the later Innocent II), who had been one of the executors of the earlier interim judgment in 1124,\textsuperscript{45} was among the cardinals who subscribed to Honorius II’s judgment in 1125.\textsuperscript{46}

Less than five years later (February 1130), this same Cardinal Gregory was Pope Innocent II.\textsuperscript{47} No less than the three predecessors whom he had served as cardinal, Innocent found that his Curia was drawn into the complexities of the evolving law as practised in Rome, Tuscany, and elsewhere. On his accession he already had two legally experienced colleagues, the Burgundian Aimeric, cardinal deacon of S. Maria Nuova and Chancellor since 1123\textsuperscript{48} and Master Guido di Castello, cardinal deacon of S. Maria in Via Lata from 1128, cardinal priest of S. Marco from 1133 (and Innocent’s successor as Pope Celestine II: 1143–4).\textsuperscript{49} Aimeric, who had perhaps been a canon regular of S. Maria in Reno

\textsuperscript{42} For this translation of constitutio, see Justinian’s Institutes, trans. P. Birks and G. McLeod (with the Latin text of P. Krueger) (London, 1987; repr. 2001), 9b.

\textsuperscript{43} Cod. 7.50.1, Imperator Cordianus; 7.52.1, Imperator Antoninus; 7.50.3, Imperator Antoninus; 8.4.7, Imperatores Valerius (recte Valentinianus) et Archadius, etc.; 7.39.8.3, Imperator Justinianus. Dig. 4.2.13, (Pretor ait:) Exstat decretum divi Marci (cf. 48.7.7); 41.2.3§3, Paulus; 41.2.23pr, Celsus (recte Iavolenus); 41.2.1§21, Paulus; 41.2.3§1, Paulus: Documenti . . . di Arezzo, ed. Pasqui, 439–40; cf. Besta, ‘Il diritto romano’, 77–9. This array of Roman citations should be compared with that in the advice (consilium) for a bishop (Guido?) of Arezzo in Documenti . . . di Arezzo, ed. Pasqui, 25–6 no. 9: Cod. 9.19.3, de Sepulchro violato; Dig. 50.17.152§2, Ratihabitatio; Cod. 8.4.7, Si quis in tantam; Cod. 9.12.7pr, ad legem Iuliam, de vi publica et provata, Si quis se + 9.12.7§1, Quod si omissa; Dig. 5.1.37 (allusion); Cod. 4.1, de rebus creditis. If Besta’s redating is correct (‘Il diritto romano’, 74), it was prepared for Bp Guido between 1128 and 1130.

\textsuperscript{44} The execution of this judgment – viz. the missio in possessionem of the bp of Arezzo – was recalled by witnesses in 1177: Documenti . . . di Arezzo, i, 519.

\textsuperscript{45} Although Pope Calixtus had personally invested Bp Gualfredo with the churches, he sent Cardinal Gregory and a subdeacon Richard to repeat the investiture in the presence of the clergy and people of Siena: Documenti . . . di Arezzo, i, 432 no. 317. For his part, Bp Gualfredo ensured maximum publicity by perambulating around the churches and taking formal possession as ostentatiously as he could. This event was later recalled in great detail when Bp Gunteramo of Siena re-opened the case (against Bp Eliotto of Arezzo) before Cardinal Laborans in c. 1177: Documenti . . . di Arezzo, i, 519–73 no. 389; cf. Wickham’s penetrating discussion of the witness depositions gathered here, Courts and Conflict, 286–92.

\textsuperscript{46} Documenti . . . di Arezzo, i, 438–42 no. 322, at 441. Pasqui states that Arezzo’s possession was re-confirmed by Alexander III in 1179 or 1180, but gives no source, and Kehr was unable to find one: ibid., i, 573 no. 390; Kehr, Italia Pontificia, iii, 156 no. 48, n.

\textsuperscript{47} Elected in the monastery of SS. Andrea e Gregorio on the Coelian Hill on 14 February; consecrated 23 February 1130. For the circumstances, see Doran, ‘Two Popes’, at nn. 3–11.

\textsuperscript{48} CD of S. Maria Nuova 1123–41: Brixius, 32, 71 n. 2; Zenker, 142–4, 237–8. Anacletus II singled him out for particular obloquy in Veteris amicitiae (JL 8379), sent to an unidentified friend on 1 May 1130: PL, clxxix, 699–700 no. 9, at 700.

before appointment by Calixtus II in 1123, was the recipient, after 1135, of a specially composed memorandum on Roman judicial process written for him by his friend Bulgarus (†1165), the most prominent teacher of Justinianic law at Bologna. Bulgarus described the short tract as ‘a share in the mysteries of the law (eorum quae iuris sunt archana, participem)’. Master Guido’s magisterial title also suggests legal learning, a supposition supported by the fact that the library of 56 volumes which he bequeathed to the cathedral of Città di Castello in 1144 included the Liber Digestorum et codicum and, in a separate entry, Epistolas decretales in duobus volumnibus. Guido’s possession of such books indicates more than a passing interest in the written law, and one which bore fruit during his short career as Pope Celestine II. Peter Landau has recently found citations from Gratian’s Decretum and the codex Justinianus in a decretal issued by him (Videtur nobis). Not only did Aimeric and Guido remain active throughout Innocent’s pontificate, but Innocent greatly expanded the legal expertise of the Curia by appointing a further four magistri to the College of Cardinals, and Cardinal Goizo, another elevation, who belonged to the reforming circle of Guido di Castello and the Bolognese Gerard of S. Croce


52 A. Wilmart, ‘Les livres légués par Célestin II à la cathédrale de Città-di-Castello’, Revue Bénédictine, 35 (1923), 98–102, at 101. The ‘two volumes of decretal letters’ have not been identified, nor is it known how much of Justinian’s Digest and Codex was comprised in the Liber Digestorum et codicum. A single volume could not have contained both compilations. For the piecemeal recovery of the Digest, see ibid., 8–14 and 28–9. This division may have reflected the stages in which the work was brought back into scholarly use at Bologna: ibid., 8–14 and 28–9.

53 ‘Papst Cölestin II. und die Anfänge des kanonischen Eheprozeßrechts’, in De processibus matrimoniali-bus. Fachzeiten zu Fragen des Kanonischen Ehe- und Prozeßrechts, ed. E. Guthoff and K.-H. Selge, 13 (Frankfurt am Main/Berlin, etc., 2006), 57–71, esp. 67 and 70–1. Although variously attributed to an unspecified ‘Celestinus’ (Decretum, C. 35 q. 6 c.2 [palea]) and to Clement III (X 4.18.3), attribution to Celestine II has been established: Holtzmann, ‘Kan. Erg.’ [1], 84 no. 22; WH 1086. For knowledge and use of the codex in Norman Sicily in the same period, see Pennington, ‘The Birth of the Ins commune’, esp. 26–8, reassessing the evidence of the collection of legal sources (including royal legislation usually attributed to the ‘Assize of Ariano’, 1140) in Vatican, BAV ms lat. 8782.

54 Master Boetius, CD of SS. Vito e Modesto 1135–8, CP of S. Clemente 1138–43 (Brixius, 41, 87 n. 49; Zenker, 116); Master Ivo of Chartres, from St-Victor, Paris, pupil of Gilbert de la Porrée, CD of S. Maria in Aquiro 1136–8, CP of S. Lorenzo in Damaso 1138–42 (Brixius, 44, 92 n. 69; Zenker, 77–9); Master Thomas of Milan, CP of S. Vitale 1141–6 (Brixius, 47, 96 n. 86; Zenker, 114); Master Hubald, CP of SS. Giovanni e Paolo 1141–9 (Brixius, 43, 90 n. 64; Zenker, 136); cf. Robinson, Papacy, 106–07.
(later Pope Lucius II, 1144–5) consulted Gratian in Venice in 1143, when Guido was Innocent’s envoy there.55

**ii. The Grottaferrata libellus**

As the Siena vs Arezzo case is the most striking evidence of the Romanisation of process under Honorius II, so the complaint brought before Innocent himself in 1140 by the great Basilian monastery of Grottaferrata provides precious but tantalising evidence of appeal to the processes of Roman law at the end of his pontificate. The monks were complaining against the powerful Count Ptolomy II of Tusculum (1126–53) and his wife for violent seizure or detention of a long list of substantial properties.56 Not only was the monks’ complaint presented in a *libellus* — a written accusation — in conformity with the requirements of Justinianic law as stated in the *Digest*,57 but it opened with the assertion that ‘the power of the courts and the law was established in the community for the protection of the public, lest anyone be able to allow vengeance to himself’,58 and justified employment of the *actiones* of the Roman law (*iura Romana*) on the ground that they ‘were devised by divine favour (*actiones etenim sunt invente divino nutto*)’.59 Clearly, the Basilian monks of Grottaferrata did not share Bernard of Clairvaux’s later well-known discomfort at what he called ‘the clamour’ of Justinian’s laws in the palace of the Lateran.60 From their perspective, the processes of the *iura Romana* were not hostile to Christian values but beneficial products of divine providence.

The case was brought by the provost, dean, 18 named members of the house and its dependencies, and the whole community against the aggression


56 I. Aldibrandi, ‘Osservazioni giuridiche sopra un ricorso de’ monaci di Grottaferrata al pontefice Innocenzo II’, *Studi e documenti di storia e diritto*, 8 (1887), 201–12. For the text, see T. von Sickel, ‘Documenti per la storia ecclesiastica e civile di Roma’, *Studi e documenti di storia e diritto*, 7 (1886), 101–22, 195–212, 316–36, at 111–13 no. 4. The surviving papal documents relating to the monastery are registered in *Italia Pontificia*, ii (Latium), 41–5; cf. 44 no. 10 (the *libellus*). Grottaferrata was subject to the protection and jurisdiction of the holy Roman Church: *ibid*, 43 no. 9.

57 Dig. 48.2.3pr §§1–4 (from Paulus). This text was inserted in a *dictum Gratiani* in Gratian’s ‘Recension II’: C.2 q.8, end of *dict. post* c.5, ‘Quo uero . . . obseruandi sunt’.

58 Sickel, ‘Documenti’, 111: ‘. . . vigor iudiciorum iurisque publici tutela ideo in medio est constituta, ne quisquam sibi ipsi permittere valeat ulitionem’: *Cod.*, 1.9.14pr, from an imperial constitution on the protection of Jewish properties.

59 Sickel, ‘Documenti’, 111. An action (*actio*) was defined in *Institutes*, 4.6.pr as ‘the right of suing before a court for that which is due to one (*jus persequendi judicio quod sibi debetur*)’. 

60 ‘Every day the laws make a great clamour in the [palapal] palace, but they are Justinian’s laws, not the Lord’s (*quotidie perstrepunt in palatlo leges, sed Justiniani, non Domini*): from his famous admonition *De consideratione* (Concerning Reflection), addressed to Eugenius III (1154–9): S. Bernardi *Opera*, ed. J. Leclercq and H. M. Rochais, 9 vols in 10 (Rome, 1957–98), iii (1963), 399 (PL, clxxxii, 732).
of dominus Ptolomy and his wife, and they based their complaint on Roman grounds of action available to victims of violent dispossession: the interdictum ‘Unde vi’ (Cod. 8.4; Dig. 43.16), the conductio ex lege ‘Si quis in tantam’ (Cod. 8.4.7), the conductio ex lege ‘Non ab re est’ (Cod. 8.4.10pr), and the actio iniuriarum in factum constructa (based on the facts of the case), reinforced by the constitution Male agitur cum dominis (Dig. 7.39.2pr). Unfortunately, nothing is known about the outcome of the case, but Aldibrandi concluded that the mastery of the relevant leges displayed in the libellus represented the work of a iuris peritus, a man learned in the law, whose skill went far beyond the basic knowledge of ordinary notaries who could draw up legal documents by copying and modifying ancient formularies. He suggested, not only that the monks of Grottaferrata employed a consultant from Bologna, but more importantly, that the complaint was written in the expectation that the pope and the members of his auditorium were well versed in the science of the Roman law. 62

iii. Bagno di Romagna vs S. Maria de Trivio

Although Calixtus II had given more credence to the voices of living witnesses than to the words in documents in the possessory stage of the Siena–Arezzo case in 1124, 63 that evidence spoke only to the missio in possessionem. Possession alone did not confer absolute right, and Nicholas II’s earlier grant had in fact reserved Arezzo’s proprietary claims (salva Aretini episcopi usque ad alteram synodum querela). 64 In such actions, documentary evidence, or its absence, could be decisive. Such was the situation in the case brought by the archpriest John and the Augustinian canons of Bagno di Romagna (dioc. Sarsina–Bobbio) 65 against the abbot and monks of the Camaldolesian house of S. Maria de Trivio, which was decided in the papal court at Pisa in 1135. 66 In dispute was jurisdiction over 12 chapels, with all the rights to tithes, offerings, and other parochial dues, which Archpriest John claimed had been violently taken by the monks. Both parties were ordered to appear before the pope on 1 May, adequately (sufficienter) prepared to conduct the case (ad agendum causam). There the abbot of Trivio supported his claim with ‘a certain script in the name of our predecessor

61 Cited in full in the advice (consilium) prepared for the bp of Arezzo 1128–30, together with five further citations: above, n. 43.
63 Above, at n. 33.
64 Italia Pontificia, iii, 151 no. 25 (Lateran, May 1059).
65 S. Maria Balneensis: Italia Pontificia, v, 123–6, at 125 nos *3,*4, and 5 for this case (*texts lost). Originally a Benedictine monastery under papal protection, it was subjected to Sarsina under Benedict IX (1041: cf. Italia Pontificia, v, 118 no. 3). Paschal II (1099–1118) introduced canons regular of S. Frediano of Lucca and placed it under papal authority (123 no. 2); Calixtus II (1121) restored it to Sarsina (118, no. 1); Innocent II’s judgment (1135: below, at n. 67) confirmed its place in the papal patrimony. Boniface VIII granted it to Camaldoli in 1299 (Italia Pontificia, v, 123).
66 Italia Pontificia, v, 121–2.
67 Summarized in the confirmatory privilege, Officii nostri, granted to Bagno di Romagna in 1136: PL, clxxix, 283–5 no. 235; JL 7782 (Pisa, 11 June [1136]); Italia Pontificia, v, 125 no. 5. This date, a correction of the transmitted ’11 Jan. (iii. Id. Jan.’, was suggested by JL, because it correlates better with the seventh regnal year which began on 23 Feb. 1136.
Pope Paschal’. Upon inspection, however, Innocent found much to raise suspicion. There were erasures in the document and some names were changed for others. Moreover, it was ‘clearer than day’ 69 that chapels should be subject to their parish churches and that Bagno di Romagna belonged to St Peter’s patrimony (massa) and ‘was established by proprietary right under its lordship (et sub ipsius dominio proprietario jure consistere)’. When the pope was about to proceed to judgment, however, the abbot of Trivio sought a further delay, promising that he would come fully prepared with a ‘certain document, which he had left at home’. 70 But when he returned (17 November 1135) ‘he produced a certain old scroll (quemdam veterem tomum) in which [Innocent] could find nothing to help his case (in quo nihil, quod ad commodum suae pertinens invenire potuimus)’. That tomus, which Kehr presumed was a charta in papyro conscripta, 71 has not been found. Under Innocent’s questioning, 72 the abbot admitted that the chapels were within Bagno’s parish, that their priests usually (solebant) visited the parochial church with litanies and offerings every year, and that the church and the whole territory of Bagno belonged to the right (jus) of St Peter. So, Innocent proceeded to judgment:

After examining the authority of the sacred canons (sanctorum ergo canonum auctoritate perspecta) and receiving the advice of our brethren and of the many learned archbishops, abbots, and others who were present, since the aforesaid abbot could offer no authentic document (nullum possit instrumentum authenticum exhibere) relating to their acquisition. 73

The tithes and all rights in the 12 listed chapels were awarded to the archpriest John and through him to Bagno di Romagna. The whole case was later recorded in a great privilege (Officii nostri), which in turn formed the basis for the series of confirmations by Adrian IV (who quoted it at length, 1156), Alexander III (1170) and Celestine III (1193). 74

68 PL, clxxix, 284: ‘. . . quoddam scriptum sub nomine praedecessoris nostri papae Paschalis in argumentum causae suae in medium protulit. Quod diligentius intuentes suspectum atque fallatum subtiliter deprehendimus, eo quod quaedam rasurae in ibi invenire et alia pro aliis mutatis descripta nominibus’.

69 First used by Tertullian and Augustine, ‘luce clarius’ remained in ecclesiastical discourse: Tertullian, De resurrectione carnis, PL, ii, 867; Augustine, De libero arbitrio, PL, xxxii, 1305; De civitate Dei, PL, xli.


70 PL, clxxix, 284: ‘instrumenta quaedam, quae domi reliquerat’.

71 Italia Pontificia, v, 121.

72 For similar papal examination of a litigant, see Abbot Hariulf’s account (1141), Müller, ‘Der Bericht des Abtes Hariulf’ (above, n. 3), 107–11.

73 PL, clxxix, 284.

74 Officii nostri (above, n. 67). Italia Pontificia, v, 125–6 nos 7, *8, and 9; cf. PL, clxxviii, 1471–2 no. 106 (Adrian IV); PL, ccxi, 1112–13 no. 131 (Celestine III). Alexander III’s is known only from later references. Documents, of course, could be forged or, as Innocent suspected in Trivio’s case, falsified, and Alexander III later instructed Bp Roger of Worcester that documents whose witnesses were dead had no validity unless drawn up per manum publicum or with an authentic seal: Meminimus nos, §Super eo quod: WH 649 (§j); JL 13162; App. 8.5: X 2.22.2. This opinion was echoed by Innocent III (6 April 1199): Reg. Inn. III, ii, 60–6 no. 37, at 63; PL, ccxiv, 568–73 no. 37, at 570; cf. H. Bresslau, Handbuch der Urkundenlehre für Deutschland und Italien, 2 vols, 2nd edn (Berlin-Leipzig, 1931), i, 657–8.
Although there is no reference in the surviving documents to the employment of professional lawyers in the Bagno vs Trivio case, they are prominent in the dispute in which Gualterio of Ravenna claimed the right to consecrate the new bishop of Ferrara. Innocent ordered Ravenna to send ‘learned and discerning men (sapientes ac discretos viros)’ to the next synod (Lateran II, 3 April 1139) ‘with authentic documents and other proofs (cum instrumentis authenticis et aliis rationibus)’. Innocent’s judgment was recorded in his privilege for Ferrara:75

Having seen and carefully examined the privileges and other proofs both of the Ferrarese and of the said plaintiff archbishop (Visis itaque et diligentem inspectis tam Ferrariensium, quam prefati archiepiscopi conquerentis privilegiis et rationibus), we [Innocent] recognised that the Ferrarese documents prevailed (Ferrariensium scripta prevalere cognovimus).

The status of Ferrara as a diocese sub iure et dominio apostolice sedis was confirmed, and Cardinal Grypho, its new bishop, was consecrated by Innocent.76

iv. The St Augustine’s case

Evidence that increasing juridical sophistication in line with the principles of the learned law was not confined to the regions of southern France, Lombardy, and Tuscany is provided by a dispute between the abbey of St Augustine’s in Canterbury (England) and Archbishop Theobald of Canterbury over the payment of dues to the value of 50s and 7d a year.77 On the complaint of Abbot Hugh and monks, Innocent II had ordered the archbishop to desist, and when Theobald ignored the mandate, he summoned both parties to present themselves before him on 18 November (1142).78 Since Theobald did not appear in person and his proctors cited witnesses in defence who were still in England, the case could not be concluded in Rome, and so the essence of the case was summarised and sent to two English bishops for judgment.79

Three different arguments had been presented in the papal court. On Theobald’s side, it was claimed that the monks’ refusal to pay the money represented (unlawful) seizure without judgment (sine judicio spoliatio) and that he should

75 Ad locum in apostolicae sedis cathedra: PL, clxix, 454–7 no. 396, esp. 455 (Lateran, 22 April [1139]); Italia Pontificia, v, 213 no. 22, citing privileges from six popes from Adrian I to Paschal I, the first two of which (Adrian I and Leo III) are spurious: Italia Pontificia, v, 207–8 nos 2 and 3.
76 Grypho, CP S. Pudenziana and archpriest of S. Peter’s (Rome), 21 June 1138 to 1 March 1139; bp of Ferrara 22 April 1139 to post 2 June 1152: Brixius, 42 no. 19, 88 n. 58. He had been chosen by the cardinals (ex cardinalibus nostris electum): PL, clxix, 455.
77 The various stages of the case are described, with ample citations from the relevant papal letters, in William Thorne’s Chronicle of St Augustine’s Abbey Canterbury, trans. A. H. Davis, with a preface by A. Hamilton Thompson (Oxford, 1934), 70–81 (x.6). For the period to 1220–21 Thorne relied on the earlier chronicle of Thomas Sprot.
78 Quoniam absit spoliis, Lateran, 14 December 1141: PUE, i, 248 no. 23.
not have to answer the monk’s complaints until restitution was made (\textit{ nisi primum denarii restitueruntur, quibus Cantuariensem ecclesiam sine judicio spoliatam esse conquerebantur}). This was a somewhat strained attempt to protect himself by the \textit{exceptio spolii}, an anticipation of which had been employed in England in 1088, when William of St Calais, bishop of Durham, raised it (unsuccessfully) against King William II.\textsuperscript{80} William’s source, and Theobald’s, was almost certainly the version of the ninth-century Pseudo-Isidore that Lanfranc had brought to England when he was made archbishop of Canterbury in 1070.\textsuperscript{81} The same principle, that a dispossessed person could not be tried until he had been restored (\textit{Quod autem expoliatus ante iudicem stare non possit, multis auctoritatis probatur}), was transmitted in Gratian’s \textit{Decretum}, supported mainly by authorities from Pseudo-Isidore.\textsuperscript{82}

On the monks’ side, it was argued that such payments were illegal, since Cardinal Alberic had prohibited payments for chrism and oil and ‘other ecclesiastical sacraments’ (in the legatine council held at Westminster in 1138),\textsuperscript{83} and produced witnesses to prove it; and, they added, such payments had again been forbidden by Pope Innocent (Lateran II, 1139). Theobald’s envoys replied that the payments were a \textit{census}, unrelated to the grant of chrism, to which witnesses in England could testify; to which the monks responded that they were indeed related, since the money was paid at the same time and on the same table on which they received the chrism and oil, and that they were not given the sacred materials until they had paid the money. Since the archbishop and the English witnesses necessary to prove his claim that the payments were a traditional \textit{census} were not present, the pope could not decide the matter, so:

\begin{quote}
We therefore mandate you [Henry of Winchester and Robert of Hereford] to summon both parties before you at an appropriate place and time (\textit{congruis loco et tempore}), so that when you have heard and diligently examined the arguments of both parties you may with God’s help bring the matter to
\end{quote}

\begin{footnotes}
\item[82] \textit{Decretum}, C.2 q.2 cc.1–3; C.3 q.1 cc. 1–4, 6 and 8; \textit{dictum ante} c.1.
\item[83] \textit{Councils and Synods}, 1/ii, 774, c.1.
\end{footnotes}
That English monks should be quick to use a very recent legatine and papal decree as grounds for suing their archbishop before the papal Curia, which the archbishop countered with the defence of unlawful despoliation (exceptio spoliī), demonstrates three aspects of the legal change which was gathering pace at the time: increasing knowledge of what was becoming the formal law, increasing exploitation of the right of appeal to the Curia and regularisation of the practice of delegating papal judicial authority in specific cases to local ecclesiastics. Equally significant is the similarity between the language of the papal mandate and the description of the judge’s responsibilities in the Summa Trecensis on the Codex, compiled by the Provençal Master Géraud shortly before 1140.

Not long after this arresting case, Archbishop Theobald armed himself with a legal specialist when he recruited the civilian Master Vacarius from Bologna (c.1143). Generally regarded as the man who established the study of Roman law in England, Vacarius compiled the Liber pauperum, a nine-book abbreviated and glossed conflation of the Codex Justinianus (Books 1–9, with material from Books 10 and 11 added to Book 1) and the Digest. He was only the first of a number of Italian lawyers to make a career in the service of English ecclesiastics, however. Master Peter de Melide, from Meleti (near Lodi), was recruited by Bishop Robert de Chesney of Lincoln in c. 1148, and in 1153 Robert’s nephew, the exceptionally learned Gilbert Foliot, then bishop...
of Hereford, enabled Ambrose, probably the Bolognese jurispritus Master Ambrose to correct and gloss a copy of the Digest for his uncle. Earlier still, between 1140 and 1148, the same Gilbert, then Cluniac abbot of Gloucester, quoted Ulpian’s definition of justice in the report of a dispute involving Tewkesbury abbey sent to Bishop Uhtred of Llandaff, and he did so more accurately than Honorius II’s allusion in the Siena vs Arezzo case above.

**Due process**

Moreover, the use of the formula of what one may call due process illustrates the extent to which procedural law based on the new legal learning had already penetrated as far as the province of Canterbury. Innocent’s instruction to the judges (auditis hinc inde rationibus et diligenter inquisitis) is a variant of the formula auditis utriusque partis rationibus, which was commonplace in his own judgments and in the instructions given to judges delegated to hear and conclude cases in his name. It is found, for example, in mandates to Stephen Harding, the English abbot of Citeaux, who was instructed to decide the case between the abbots of St-Étienne of Dijon (OSA) and St-Seine l’Abbaye (O.Cist.) on 4 November 1131, and to Archbishop Wulgrin of Bourges, commissioned to try a case on the complaint of Abbot Suger of St-Denis, also in 1131, and Berthold, abbot of the imperial monastery of St Blasien in the Black Forest (1125–41) was informed on 8 August 1134–6 that his dispute with the monks of Schaffhausen (Switzerland) would be determined by Innocent’s legate, qui auditis utriusque partis rationibus eidem liti debitum finem imponere justitia dictante curabit. Papal legates

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93 *GFL*, 51–2 no. 16, at 52. The editors cite *Institutes*, 1.1.3, but the same definition occurs in *Dig.* 1.1.10§1. For later citations, see *ibid.*, 191, 212, 284. Gilbert had acquired his legal knowledge during the 1130s: Morey and Brooke, *Gilbert Foliot*, 53, 56, 59–69. On the Anglo-Norman legal milieu, see Duggan, ‘Northampton’.

94 Above, at n. 42.

95 For the wider picture, see Fried, ‘Die römische Kurie’.

96 *PL*, clxxix, 112 no. 64 (Reims, 4 Nov. 1131). This was after an earlier tribunal had awarded possession to St-Étienne, against which the abbot of St-Seine brought a proprietary action. The case was settled by Stephen of Citeaux with the advice of Bernard of Clairvaux, *per concordiam*, in which each abbot (and his abbey) was assigned a half share in the two churches in dispute. These details are in the confirmatory privilege issued to St-Seine at Cluny on 18 Feb. (1132): *ibid.*, 125 no. 86.

97 *PL*, clxxix, 72 no. 24 (*Querelam dilecti nostri*, before 29 Sept. 1131): *ibid.*, 125 no. 86.

also used similar formulae, as when Cardinal John of S. Crisogono settled a dispute between the abbots of Luxeuil and Bèze at Langres in 1131, *inspectis utrinque monumentis et allegationibus pleniter auditis*.\(^99\) Recipients and litigants across Europe thus became familiar with the formalities of canonical procedure. The formula *utriusque partis rationibus/allegationibus . . .* was certainly no new invention. It had appeared in papal judgments as early as the mid-fifth century\(^100\) and reappeared in the legal vocabulary of the papal court from the end of the eleventh century,\(^101\) but its systematic employment by Innocent and his successors marked a significant stage in the professionalisation of legal practice. Although it did not say anything about the nature of the *rationes* or *allegationes*, the formula was shorthand for the formal presentation and critical examination by judges in a court of the evidence and arguments of the opposing parties, an examination that included careful scrutiny of documents and witnesses.\(^102\) At the same time, it made more specific the formal legal process (*judiciarius ordo*) on which Bishop Ivo of Chartres (*c.* 1090–1115) was insisting a generation earlier,\(^103\) although Ivo used the *utriusque partis* formula only once, when he paraphrased the instructions of the papal legate, Bruno of Segni.\(^104\)

### i. The Pisan letters: *Tunc pax et caritas, Pisa, 30 May 1134–36, probably 1135*

Part of the legal process was the right to appeal to a higher tribunal against malicious prosecution or unjust judgment. In two much discussed general letters addressed from Pisa on 30 May (1134–36), respectively to all archbishops and bishops ‘in the German kingdom’ and to the archbishops of Reims, Sens, and Tours, and their suffragans, possibly after the council of Pisa in 1135,\(^105\)

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\(^99\) *PU Frankreich* [Series 1], ii, no. 3; Weiss, 99.

\(^100\) For example, Leo I’s judgment on the dispute between Arles and Vienne (440–61), *PL*, liv, 883–4 no. 66; ‘Consideratis enim allegationibus utriusque partis . . .’. Symmachus confirmed Leo’s judgment in 513: *PL*, lxxi, 64–5 no. 8, at 65.

\(^101\) E.g. Gregory VII’s summons (1074) to Abbot Arnold of S. Severo, ‘utriusque partis perquisitis rationibus’ (*PL*, clxviii, 330–1 no. 51) and his announcement that legates would be sent to settle the Tours–Dol dispute (1080), ‘auditis utriusque partis rationibus’ (*PL*, cxlvi, 558–9 no. 15, at 559); Urban II’s judgment (1092) in the dispute between monasteries in Angers and Vendôme (*PL*, clvi, 354–6 no. 69, at 355); ‘Cum enim utraque pars suis nobis allegationibus obviaret . . .’; Paschal II’s (1113) instruction to a judge-delegate (*PL*, clxiii, no. 363): ‘utriusque partis ratiocinationibus diligentiter discussis et canonice examinatis’.

\(^102\) As judges delegate reported (1107) to Paschal II (*PL*, clxiii, 220 no. 222): ‘Auditis enim utriusque partis allegationibus, visis etiam litteris et munimentis quae utrinque proferebantur . . .’. Cf. Gouron, ‘*Utriusque partis allegationibus auditis*’.

\(^103\) Above, n. 19.

\(^104\) Ivo, *PL*, clxii, 169–70 no. 166, at 169. Lanfranc of Canterbury also used it in a mandate to Herfast, bp of East Anglia (1070–84), announcing that he would listen to the claims of both parties with due care before imposing a lawful conclusion: ‘auditis utriusque partis rationibus’ (*PL*, cl, 525 no. 19): ‘utriusque partis assertiones diligenti cura audiemus’.

\(^105\) *Tunc pax et caritas*: *PL*, clxix, 226–7 and 342–3 nos. 178 and 295. The letters appear with different dates in *PL* (no. 178: ‘Data Pisis .III. Kal. Junii’; no. 295: ‘II. Kal. Decembris, indict. .I., Incarnationis Dominicae anno 1137’), but there is no authority for the second (Pennington, ‘The “Big Bang” ’, 50 n. 31). The Pisan place–date establishes the limits 1134 x 1136 for 30 May, but it is possible that both letters were issued together on 30 May 1135, following the council of Pisa, which met on 26 May 1135.
Innocent reiterated the ancient canonical maxims that *causae maiores* should be referred to the Apostolic See, and the oppressed appeal to her (ad eam) without fear. Whether or not these letters should be seen as part of ‘a sustained attempt to expand the judicial business referred to the papal Curia’, there was in fact little new in the assertions, for popes from Innocent I (401–17) onwards had repeated their essential principles. But in Innocent II’s Pisan letters they were supported by a sequence of quotations from the *Digest* and *Codex*:

(a) [The pope] should ‘render to everyone his rights (jura sua unicuique tribuatur)’,

(b) ‘Everyone knows how necessary is the practice of appeal, inasmuch as it corrects the wickedness and ignorance of judges (Quam sit namque necessarius appellandi usus, nemo est qui nesciat, quippe cum judicantium iniquitatem et imperitiam corrigat)

(c) ‘Once the appeal is interposed, everything should remain in its present condition, and nothing should be changed until the appeal is determined by him to whom the appeal has been made (Appellatione autem interposita, omnia in statu suo permaneant, et tantiu nihil erit innovandum, quandiu de appellations ab eo ad quem provocatum est fuerit pronuntiatum)

(d) ‘But certainly, according to the imperial sanctions, if *judices ordinarii* reject appeals they will be fined thirty pounds in gold, and their assessors and officials the same, unless they resist publicly and take

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110 *Dig*. 49.1.1.pr: ‘Appellandi usus quam sit frequens quamque necessarius, nemo est qui nesciat, quippe cum iniquitatem iudicantium vel imperitiam corrigat’; cf. the different formulation in Bulgarus, *De judiciis* (above, n. 51), 10.

111 *Codex*, 7.62.3: ‘Appellatione interposita, licet ab iudice repudiata sit, in praejudicium deliberationis nihil fieri debere et in eo statu omnia esse, quo tempore pronuntiationis fuerint’; cf. the variant in Bulgarus, *De judiciis*, 8.
observable action against (it) (At vero juxta imperiales sanctiones, si judices ordinarii provocations aestimaverint respuendas, XXX pondo auri multantur, et assessores et officiales eorum totidem nisi publice restiterint, et actis evidentibus contradixerint). 112

Ken Pennington rightly considered these citations highly significant as indicators of legal learning in the Innocentian Curia; but his further arguments, that (b) and (c) were derived from Bulgarus’s De judiciis, and that the little treatise must have been in Alberic’s hands by May 1134–36, 113 do not stand close examination. Bulgarus certainly alluded to the principles, but he did not provide precise quotations nor did he cite either (a), which Honorius II had echoed earlier in 1125, 114 or (d). André Gouron demonstrated conclusively that all four depended on Justinian’s Digest and Codex. 115 Nor was Tunc pax et caritas ‘a mandate to fine episcopal courts for hindering appeals to Rome’. 116 The mandatory style is not used and there is no hint that Innocent intended the enormous fines in (d) to be levied. The imperial decree was cited merely to give ancient authority to the assertion of appellants’ rights. The letters, in fact, called for mutual respect between the different orders in the Church and urged (exhortamus) the recipient prelates, ‘inasmuch as they wished their own dignity to be defended by the Apostolic See’, to treat their subjects with mildness and make no attempt in future ‘to diminish or infringe the right of audience’. 117

Professor Robinson saw the Pisan letters as part of a determined campaign to increase the judicial business of the Apostolic See, 117 but they were neither picked up by canonical collectors nor cited by commentators and they had no impact on the written law, probably because they contained nothing new. Not only were the principles they stated already imbedded in the law transmitted by Ivo and Gratian, 118 they were being asserted in practice. It was litigants like the abbey of St Augustine’s and Albereda de Tresgoz who activated the system;

113 Pennington, ‘The “Big Bang”’, 50–2.  
114 Above, n. 41. Cf. n. 145, Innocent’s letter (1133) to Asker/Asser (Ascerus) of Lund.  
116 Pennington, The “Big Bang”’, 52. Robinson (Papacy, 181), more accurately, called the German version ‘a reminder’.  
117 Robinson, Papacy, 106, 458–9; cf. ibid., 181, where Innocent’s deposition (Pisa, 1135) of Bp Alexander of Liège (for simony and failure to answer three papal summonses) after an appeal by Nicholas, one of his canons, is cited as ‘an impressive demonstration of his judicial authority’. For the case, see Rudolf of St Trond, Gesta abbatum Trudonensium, 13.1: MGH SS, x, 312).  
118 Ivo, Decretum, 5: 3–4, 9, 9A, 15, 27, 31, 244, 248, 257, 261, 281–5, 295, 303; 6: 318, 323, 325, 329. In its earliest version Gratian’s Decretum, C.2 q.6 presented a string of authorities supporting appeal; these were augmented in the Vulgate (c.1140s45) with further authorities and citations from Roman Law, and four standard appeal letters were inserted, in stages, into the dictum post c.31: C. Duggan, ‘Judges Delegate’, in The History of Courts and Procedure in Medieval Canon Law, ed. W. Hartmann and K. Pennington (Washington, D.C. 2015), in press. Cf. also Gratian, Decretum, C.9, q.3, c.17, from Gelasius I.
but in defending the right of appeal, Innocent was equally defending the right of the Apostolic See to receive such appeals.\textsuperscript{119}

In the same way, Innocent’s condemnation of Peter Abelard and Arnold of Brescia\textsuperscript{120} was a response to appeals from interested French prelates (Archbishops Henry of Sens\textsuperscript{121} and Samson of Reims; Bishops Joscelyn of Soissons, Geoffrey of Châlons-sur-Marne, and Alvise of Arras),\textsuperscript{122} supported by a barrage of letters from Bernard of Clairvaux addressed collectively and individually to the pope and cardinals,\textsuperscript{123} following their own condemnation of propositions attributed to Master Peter Abelard at the council of Sens (2 June 1140).\textsuperscript{124} Innocent’s letter, indeed, was ‘merely an acceptance of the report of the judges at Sens’\textsuperscript{125} and its reference to the condemnation of ancient heretics\textsuperscript{126} was prompted by Bernard’s assimilation of Abelard to Arius, Pelagius, and Nestorius. It was as the unworthy occupant of St Peter’s chair (\textit{cathedra sancti Petri}), responsible for the defence of orthodox faith, and with the advice of the cardinals,\textsuperscript{127} that Innocent commended the French bishops who were ‘striving to oppose the claims of the new heretic (\textit{qui novi haeretici studeant calumniis obviare}).’

Having received the advice of our brethren the bishops and cardinals, by the authority of the sacred canons we condemn the \textit{capitula} which your

\textsuperscript{119} See his fierce denunciation of Abp Henry Sanglier (1122–42) of Sens in January 1136, who had proceeded with a case after it had been appealed to him: \textit{PL}, clxxix, 264–5 no. 217 (15 Jan. 1136).

\textsuperscript{120} \textit{PL}, clxix, 515–17 no. 447, JL 8148 (dated 1141), \textit{Testante apostolo} (Lateran, 16 July 1140); Mansi, xxi, 564–6. Note that \textit{PL} and Mansi mistakenly call the abp of Reims ‘Raymond’ (†1138) instead of ‘Samson’ and the recipient of the imperial ‘letter’ appears as ‘John’. Emperors Valentinian III (West) and Marcian (East) had jointly addressed the whole empire, and the pope was Leo I (440–61). For an excellent discussion of the theological dispute surrounding Abelard, see D. E. Luscombe, \textit{The School of Peter Abelard}, Cambridge Studies in Medieval Life and Thought, 2nd Series, no. 14 (Cambridge, 1970), 29–38, 103–42.

\textsuperscript{121} \textit{PL}, clxxxii, 540–2 no. 337 (written by Bernard of Clairvaux in the names of Abp Henry of Sens and Bps Geoffrey of Chartres, Elias of Orléans, Hugh of Auxerre, Atto of Troyes, and Manasses of Meaux), reported Abelard’s condemnation at Sens (Octave of Pentecost, 2 June 1140).

\textsuperscript{122} Also written by Bernard of Clairvaux: \textit{PL}, clxxxii, 357–8 no. 191; Mansi, xxi, 563–4.

\textsuperscript{123} \textit{PL}, clxxxii, 350–3 no. 188 (to all the cardinals); 353–7 no. 189 (to Innocent II); 357 no. 190 (printed as a separate ‘Tractatus’: see n. 124); 358–9 no. 192 (to Master Guido de Castello, then CP of S. Marco 1133–43: above, n. 49); 359 no. 193 (to Master Ivo of Chartres, CP of S. Lorenzo in Damaso 1138–1142); 536–7 no. 330 (to Innocent II); 536–7 no. 331 (to Stephen, CB Praeneste); 537–8 no. 332 (to Cardinal G.); 538 no. 333 (to another Cardinal G.); 538–9 no. 334 (to Guido of Pisa, CD SS. Cosma e Damiano: below, n. 164); 539–40 no. 335 (to a certain cardinal priest); 542–4 no. 338 (to Cardinal Aimeric, the Chancellor). Nos 188, 189, 192, 193, 330–5, and 338 are translated in \textit{The Letters of Saint Bernard of Clairvaux}, ed. and trans. by B. Scott James (London, 1953), 315–27 nos. 238–47.

\textsuperscript{124} See Bernard’s ‘Tractatus’, which formed the basis of the Curial confirmation of the French prelates’ judgment: \textit{PL}, clxxxii, 1053–72. For an excellent assessment of Abelard’s condemnation in 1140, see D. E. Luscombe, \textit{The School of Peter Abelard} (Cambridge, 1970), 102–42.

\textsuperscript{125} Luscombe, \textit{School of Peter Abelard}, 34.

\textsuperscript{126} \textit{PL}, clxxxix, 515–17 no. 447, at 516.

\textsuperscript{127} The phrase ‘bishops and cardinals’ in the following quotation comprised the cardinal bishops together with the other cardinals (priests and deacons), and may have included the Roman subdeacons who were sometimes called ‘cardinal subdeacons’: cf. the five \textit{subdiaconi cardinales} listed by name in the account of the consecration of St Paulinus in Trier in 1148: A. J. Duggan, ‘The Benefits of Exile’, in \textit{Eugenius III, the Cistercian Pope}, at n. 83. Ian Robinson (\textit{Papacy}, 100) traced the beginning of this practice to the pontificate of Victor III (1086–87).
discretion sent to us, and all the teachings of the said Peter (destinata nobis a vestra discretione capitula, et universa ipsius Petri dogmata), and impose perpetual silence on him as a heretic. And we declare (censemus) that all followers and defenders of his error should be separated from the fellowship of the faithful and bound with the chain of excommunication. 128

That judgment was prefaced by a summary of the imperial pronouncement (constitutio) which had imposed penalties on all who publicly disputed the conclusions of the Council of Chalcedon (451) on the nature of Christ. Although Innocent mistakenly called it a letter from Marcian to ‘Pope John’, 129 his quotation was reasonably accurate:

No cleric or person of any other condition may attempt (conetur) to argue about the Christian faith in public. For if anyone tries to reopen and dispute what has been adjudicated and rightly settled once and for all (semel) it is an offence against the judgment of the most reverend synod, and there is a penalty against despisers of this law as against those who profane sacred things (sacrilegos). Therefore if any cleric dares to debate (tractare) religion in public he is to be removed from the fellowship of the clergy. 130

An even more telling indication of the use of Justinianic law in Innocent’s Curia is the almost casual reference to the Roman law relating to legitimatio per rescriptum principis in the schedule of reforms which Hugh of Amiens, the new archbishop of Rouen, obtained in 1131. After stating that unsuitable men should not be promoted to sacred orders, §h added, ‘for those not born of lawful matrimony, called vulgo concepti in the laws (leges), whose father is uncertain, or a bastard (spurium), are not admitted to paternal succession without an imperial rescript ( nisi permissione imperiali solemniter indulta)’. 131 Ivo of Chartres had been familiar with the phrase vulgo concepti, for he gave its definition from the Digest (1.5.23) twice, 132 but imperial legitimisation is nowhere to be found in his work.

128 PL, clxxix, 517.
129 Issued jointly by Valentinian III (425–55) and Marcian (450–57) and addressed to the whole Roman Empire. The pope was Leo I (440–61).
132 Decretum, 8.69 and 16.193.
Innocent or his legal advisers, however, had in mind the process where in certain cases those born outside matrimony could be legitimised by application to the emperor. These few words in a letter to Rouen, which do not seem to have left any traces in the later legal tradition, are nevertheless a significant straw in the wind. The practice of popes granting dispensations pro defectu natalium, allowing such men to be ordained, can be traced to these Roman roots.

The legal colouring of the Innocentian Curia manifested itself in the canons of his councils (below) and in his firm admonition to Archbishop Hugh in the schedule just cited, to apply ‘the law’ and correct the flagitia in Normandy (Northmannia). ‘A bishop (sacerdos) who does not know the law’, he wrote, echoing St Jerome’s commentary on Haggai, ‘demonstrates that he is not a bishop: for a bishop must know the law and reply to an enquiry on the basis of law’. It is found also in the apparently commonplace confirmation of the rights and properties of religious houses, virtually every one of which confirmed their right to elect their superior ‘according to the rule of St Benedict’ or ‘according to the rule of St Augustine’. The language of free election became part of the texture of privileges for Benedictine and Augustinian foundations, both male and female. That issued at Rouen on 9 May 1131 for the ancient Benedictine abbey of St-Denis, where he had just spent Easter ‘in the Roman fashion (more Romano)’, read:

On the death of you [Suger], presently abbot of the same place, let no one be promoted there by any kind of subtle contrivance or by violence, but only he whom the brethren by common consent, or the part of sounder counsel, shall choose in the fear of God and according to the rule of St Benedict.

133  *Authenticum*, 74, pr, 1 and 2; 89, pr, 9, 10, and 15.  
134  PL, clxxix, 99, ‘Sacerdos ignorans legem ipse se arguit sacerdotem non esse: sacerdotis enim est scire legem, et ad interrogationem respondere de leges’, ultimately from St Jerome, *Commentary on the Prophet Haggai* (PL, ccv, 1406), ‘Si sacerdos est, sciat legem Domini: si ignorat legem, ipse se arguit non esse Domini sacerdotem. Sacerdotis enim est scire legem, et ad interrogationem respondere de leges’.  
136  PL, clxxix, 93–5 no. 44, at 94: ‘Obeunte vero te nunc ejusdem loci abate, nullus ibi qualibet sub-reptionis astutia, seu violentia praeponatur, nisi quem fratres communi consensu, aut pars consilii sanioris secundum Dei timorem, et beati Benedicti Regulam elegerint’; *PU Frankreich*, ix (Paris II), 148–51 no. 35, *Decor domus Domini*, at 150. The same clause was used in Paschal II’s privilege of 21 Mar. 1102: *ibid.*, 131–3 no. 25 at 132. For other French examples, see: *PU Frankreich*, viii (Paris I), 164–7 no. 12 at 166 (St-Victor, Paris). *PU Frankreich*, vii (Nordliche Ile-de-France und Vermandois), 287–9 no. 42 at 289 (St-Vincent, Senlis); *ibid.*, 299–300 no. 50 at 300 (St-Leger, Soissons: new); *ibid.*, 300–2 no. 51 at 301 (Notre-Dame, Chauny: new); *ibid.*, 306–8 no. 54 at 307 (St-Léger, Soissons: renewal). *PU Frankreich*, vi (Orléanais), 1068 no. 50 at 108 (Micy, renewal). *PU Frankreich*, v (Touraine, Anjou, Maine und Bretagne), 127–31 no 55 at 129 (St-Florent, Saumur: renewal). *PU Frankreich*, iv (Picardie), 100–2 no. 23 at 101 (Corbie, renewal); *ibid.*, 117–8 no. 32 at 118 (St-Nicholas in Arrouaise, new); *ibid.*, 119–20 at 120 (St-Vincent, Laon: renewal); *ibid.*, 130–2 no. 42 at 131 (St-Crepin-le-Grand, Soissons: new). *PU Frankreich*, iii (Artois), 65–9 no. 22 at 68 (St-Omer, election of provost: new).
That for the Augustinian house at Klosterneuburg near Vienna (30 November 1137) declared: 137

On the death of you [Hartmann], presently provost of the same place, or any of your successors, let no one be promoted there by any kind of subtle contrivance or by violence, but only he whom the brethren by common consent, or the part of the brethren of sounder counsel, think should be elected in the fear of God and according to the rule of St Augustine, saving the canonical right and respect of the diocesan bishop [. . .].

And although in deference to their munificent founder, Leopold III of Austria (1073–1136) the canons were instructed to choose their advocate from among the members of his family, they were given the right to dismiss anyone who proved inutilis, if he did not mend his ways after a second or third admonition, and appoint another in his stead. 138

Similar insistence on the freedom of electors is found in letters relating to episcopal elections when an opportunity presented itself. English specialists will know that the intervention of his legate (Alberic of Ostia) helped to secure the election of Theobald of Bec as archbishop of Canterbury in 1138 — an election that Margery Chibnall judged ‘as fully canonical as anyone could make it’. 139 The same emphasis is found in privileges for Roger of Salisbury (1102–39) and his nephew Alexander of Lincoln (1123–48), issued on 26 and 28 April 1139, which contained clauses common in contemporary monastic and collegiate privileges. That for Alexander read: 140

On the death of you, our venerable brother Alexander, or any of your successors, let no one be promoted in the church of Lincoln by any kind of subtle contrivance or by violence, but only he whom the clergy and people by common consent, or the part of sounder counsel, shall decide to elect in the fear of God and with knowledge of the sacred canons.

137 PL, clxxix, 339–41 no. 293, at col 340: ‘Obeunte vero te ejusdem loci praeposito vel tuorum quolibet successorum, nullus inibi qualibet subreptionis astutia, seu violentia praeponatur, nisi quem fratres communi consensu, aut fratrum pars consilii sanioris, secundum Dei timorem et beati Augustini regulam praeviderit eligendum, salva nimirum dioecesani episcopi canonica justitia et reverentia [. . .].’

138 PL, clxxix, col. 340: ‘dum tamen nullum gravamen vel exactio eidem loco pro ejus patrocinio inferatur. Quod si ipse inutilis praefatae ecclesiae apparuerit, et secundo tertiove commonitus non emendaverit, liceat vobis ac vestris, eum a procuratione hujusmodi removere, eique alium idoneum substituere.’

139 M. Chibnall, 'Innocent II and the Canterbury Election of 1138', in Mediaevalia Christiana (XIe–XIII siècles), Hommage à Raymonde Foreville, ed. C. E. Viola (Brussels, 1989), 237–45, at 240; Duggan, 'Sicut ex scriptis vestris accepimus' (Ch. 3), at n. 167.

140 PL, clxxix, col. 466–8 no. 404, at col. 467–8: ‘Observe vero te venerabili fratre Alexandro episcopo, vel tuorum quilibet successorum, nullus in Lincolniensi Ecclesia qualibet subreptionis astutia seu violentia praeponatur, nisi quem clerus et populus communi assensu, aut pars consili sanioris, secundum Dei timorem et sanctorum canonum scita duxerint eligendum. The privilege issued two days earlier to Roger of Salisbury is PUE, ii, 160–1 no. 20, Que ad perpetuam.'
When it is remembered that Cardinal Alberic’s legatine synod at Westminster in 1138 had been silent on the question of canonical election, this subversive insertion of a clause on the electoral rights of the Lincoln canons into a privilege for the current bishop a year later represents the infiltration of canonical principles into the heart of the English church. Roger of Salisbury had been Henry I’s principal minister for nearly all his reign, and he and Alexander owed their episcopal appointments to the king.

In the same year (1139), responding to a letter from Louis VII, Innocent sent instructions about the Reims election:

\[. . .\] we grant to the canons of Reims the licence to elect as archbishop a suitable and honourable person (idoneam et honestam personam) [. . .] with the advice of our venerable brothers Bishops Geoffrey of Chartres, legate of the Apostolic See, Hugh of Auxerre, Gossuin of Soissons, and Alvise of Arras, under the guidance of the Holy Spirit.

Running through virtually every activity of his papacy was an emphasis on lawful conduct and due process, whether in legal cases, monastic and episcopal elections, or in the governance of dioceses. This was a philosophy that commended itself to all ecclesiastics and laymen who sought to substitute orderly government and fair judgment for arbitrary justice and irresponsible rule.

**Councils**

Despite – or because of – the distractions of the Anacletan schism (1130–8), Innocent’s pontificate was characterised by frequent conciliar activity. There were five councils in the first five years (Clermont–Ferrand/en-Auvergne, Liège, Reims, Piacenza, Pisa). In addition to demonstrating the legitimacy of his papacy across France and northern Italy, they laid the foundation for the Second Lateran Council which opened on the Monday (3 April) following Letare Sunday (2 April) 1139. There is no doubt that the Second Lateran was held to celebrate the ending of the schism following the death of Anacletus II and the restoration of ecclesial unity. Attended by 100 bishops, including the

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141 Councils and Synods, 1/ii, 768–79.
142 Nor had canonical election been in King Stephen’s charter confirming the Church’s liberties (Oxford, 1136: Stubbs, Charters, 143–4), although Henry of Huntingdon had said that the king had promised that when bishops died, he would not keep their churches in his hand but, ‘agreeing immediately to the canonical election, he would confer them on the bishops (statim electioni canonice consentiens, episcopis eas investiret)’: Henry Archdeacon of Huntingdon, Historia Anglorum, ed. and trans. D. T. Greenway, OMT (Oxford, 1996), 704–5.
144 PL, clxxix, 497 no. 432.
145 When Innocent met Lothar III (1131): Chronica Sancti Petri Erfordensis moderna, in Monumenta Erphesfurtensia, Sae, XII, XIII, XIV, MGH SRG, xlii, 168. On Atria Larson’s suggestion that Innocent held a council in ‘Rome’ in 1133, see Appendix. For these councils, see Brett and Somerville, ‘Transmission of the Councils’ (ch. 9).
Latin patriarch of Antioch, and about 400 abbots and lesser prelates, it was a significant assembly of the Latin Church. Of its 30 canons, no fewer than 25 were drawn from his own earlier councils at Clermont-en-Auvergne (18 November 1130), Reims (18–26 October 1131), Piacenza (1132), and Pisa (opened 26 May 1135), and eight of the 25 echoed or repeated canons from the councils of his predecessors from Gregory VII onwards. New they mostly were not, but there was novelty, if that is the word, in the systematic attachment of penalties for those who infringed the decrees or aided and abetted their infringement. Whereas the First Lateran Council, for example, had issued a general condemnation of simony, the Second Lateran's *Si quis praebendam* (c. 2) detailed the categories of office and spiritual ministry which were included in the prohibition, and added the penalty of *infamia*: anyone receiving ecclesiastical preferment of any kind (prebends, priories, deaneries, etc.) for payment was to be deposed and they and all traffickers in such offices and other sacred things (chrism, holy oil, consecration of altars, etc.) were subject to *infamia* (c. 2). No money could be taken for chrism, holy oil, or burial (c. 24).

Similarly, Lateran II was more explicit on clerical morality and discipline. Not only was marriage forbidden to clerics in the subdiaconate and above (c. 6), but lay people were forbidden to hear the Masses of incontinent clergy (c. 7); inheritance of ecclesiastical office was forbidden (c. 16), sons of priests were not to serve churches unless they had first lived in monasteries or houses of canons (c. 21: *Presbyterorum filios*), and clerks must maintain the tonsure and


147 For Clermont, Reims, and Pisa these statistics depend on Mansi, augmented by Somerville for Pisa (below, n. 150) and by Alberigo (*COD*, ii, 197–203) for Lateran II, but there remains considerable uncertainty about the precise form and content of the councils before Lateran II: see R. Somerville, below, nn. 149 and 150. There is no record of the canons issued at Piacenza.


wear appropriate ecclesiastical dress (c. 4). To Lateran I’s prescriptions about the requisite sacerdotal grade for archdeacons and deans, Lateran II added that such offices were not to be conferred on unordained youths and those who refused to receive the appropriate ordination were to be deprived of office (c. 10: end). The misdeeds of religious or self-styled religious were also condemned in specific terms. Following Gregory VII, Urban II, and Paschal II, professed nuns were forbidden to marry (c. 8), monks and regular canons were not to study secular law or medicine for money (c. 9); men and women religious could not use the same choir (c. 27), and women who called themselves nuns but did not live according to the Rule of St Benedict, St Basil, or St Augustine were condemned (c. 26). On the other hand, the rights of religious to participate in episcopal elections were confirmed (c. 28).

Equally, the attack on lay abuse of ecclesiastical institutions was continued. On the authority of the Council of Chalcedon (451, c. 22), the seizure of the goods of deceased clerics was forbidden (c. 5); lay persons could not appropriate ecclesiastical tithes: lay owners of churches must restore them to the bishop’s power, on pain of excommunication (c. 10); ecclesiastical offices could not be received from laymen; laymen could not dispose of ecclesiastical goods (c. 25); and false penitents, who feigned repentance but did not give up the sin, were condemned (c. 22).

Another section responded to the continuing disorder and violence in many parts of Christendom by reiterating with greater emphasis and precision Lateran I’s embrace of the Peace movement and confirming the ‘Truce of God’. This required the cessation of military action during the sacred seasons of Christmas and Easter (from the beginning of Advent until the Octave of the Epiphany [13 January] and from Quinquagesima Sunday until the Octave of Easter) and from sunset on Wednesday until sunrise on Monday every weekend throughout the rest of the year (c. 12) and proclaimed the general security of priests, clerks, monks, pilgrims, merchants and rustics (c. 11). Even more widely applicable was *Si quis suadente*, which imposed automatic excommunication on anyone who laid violent hands on clerks or monks and reserved absolution to the Roman pontiff (c. 15). The condemnations of tournaments

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155 Cf. Lat. I, c.15.
156 For discussion of the implications of excommunication ‘latae sententiae’ in connection with this canon, see Vodola, *Excommunication*, 28–31, although she ignores the comments of Eugenius III at Reims (1148), reported by John of Salisbury (*Historia Pontificalis*, 9–10), as well as the modifications to its operation introduced by Alexander III in *responsa* to Bps Bartholomew of Exeter (1172: *Sicut dignum*: X 5.12.6, 5.39.1–3; *PL*, cc, 894–6 no. 1014) and John of Chartres (c. 1176/7: *Causa sacrosancta*: 1 Comp. 1.2.3, 2.13.13 + 2.14.1, 1.21.8, §1f), and Celestine III in a *responsum* to Abp Eirik of Nidaros/Trondheim (1191/2, *Causa non ab homine*: §§bc: X 5.39.14, where wrongly attributed to Clement III); cf. Duggan, ‘*Manu sollicitudinis*, 200–03 and 231–5. See also R. H. Helmholz, ‘“Si quis suadente”’ (C.17 q.4 c.29): Theory and Practice’, *Proceedings* . . . *Cambridge*, 426–38. Cf. Clermont, c.10; Reims, cc.13–14; Pisa, cc. 7–8 (Somerville, ‘Council of Pisa’, 103–4, 108, 110).
(c. 14), of ‘the murderous art of crossbowmen and archers’ (c. 29), of arsonists, and those who laid waste the country-side (c. 18), were part of the same commitment to peace and security. The ultimate sanction of denial of Christian burial[157] was applied against those who died in tournaments or in the commission of arson; and one year’s service in Jerusalem or Spain was proposed as an appropriate penance for arson (cc. 14, 18). Bishops who relaxed the arson law were to be deprived of episcopal office for a year (c. 19), and, in consultation with archbishops and bishops, kings and princes were permitted to act against such persons (c. 20). In a similar and highly significant manner, the council condemned those who impugned the sacraments, and ordered them to be coerced by potestates exteros (c. 23). Also significant for the future, if it was indeed promulgated during the council,[158] was the strong condemnation of usury, which carried not only the penalty of infamia but also denied Christian burial to the unrepentant (c. 13).[159] The greater detail of these canons in comparison with those of the First Lateran Council, and the emphasis on consequences and penalties seems to reflect the influence of legally trained minds in their formulation. Prelates who did not enforce the law were subject to sanctions for non-compliance and some actions carried not only automatic excommunication but also denial of Christian burial (participation in tournaments, usury, arson).

Orderic Vitalis (†1142), the chronicler from St-Évroult (Normandy) who probably attended with his abbot, spoke of the large council (ingens concilium) which Pope Innocent held in Rome, where he ordered the multitude of prelates to observe the statutes of the holy fathers. There, wrote Orderic, ‘the pope expounded (propalauit) to them many things drawn from old books (codices) and compiled a notable edifice of sacred decrees (insignemque sacrorum decretorum textum congressit).’ Orderic was broadly correct in his estimation of their unoriginal character, but he singled out not a single canon for comment, since, in his opinion, they were considered of small value by the princes, magnates, and their subject peoples (a principibus et opimatibus regnorum cum subjectis plebis parvipensa sunt). Orderic, however, had died in 1142, before the long-term effects became visible.[160] Jean Leclercq thought that he saw echoes of Lateran II in the canons issued by Bernard of Saintes (1141–66) in a

158 M. Brett, ‘Lateran II and Usury’, forthcoming in Proceedings . . . Toronto 2012, shows that this canon occurs only in eight manuscripts, all associated with Reims.
diocesan synod c.1150, but the influence seems remote. Nevertheless, the St Augustine's monks cited one of its canons in 1142 and 13 years later (1155) Archbishop Theobald of Canterbury reminded Bishop Robert Warelwast of Exeter of the decree against the inheritance of ecclesiastical property (c. 16), which they had both heard promulgated (promulgato canone) in the Lateran Council.

More striking is the evidence of wholesale reception in the Iberian peninsula. There, in September 1143, the last month of Innocent’s life, Cardinal Guido of Pisa presided as papal legate over a very important council in Valladolid. Held in the presence of Alfonso VII of León and Castile (1126/27–57), the self-styled ‘Emperor of all the Spains’, and attended by prelates from Portugal, León, and Castile, this was a great assembly representing most of Christian Spain. Here Guido reissued 16 of the Lateran decrees, virtually verbatim, in 22 capitula, together with two additional canons. They were not, however, identified as canons of a Lateran Council, although one (c. 8, on clerical continence) was referred to the authority of Pope Innocent (iuxta quod a domino papa Innocentio statutum est). Instead, the formal record treated them as decrees of the local council. One must presume that Cardinal Guido brought a copy of the Lateran decrees from which those deemed most

161 J. Leclercq, ‘Les décrets de Bernard de Saintes’, Revue du Moyen Age latin, 2 (1946), 167–70, ‘vers 1150’. Four of the Saintes decrees (cc. 4, 6, 7, 9) refer to matters treated in Lat. II (cc. 6, 24, 3, 6 and 13), but there is no verbal dependence, and the topics were hardly unique: ‘suspect women’ not to live in clerics’ houses (c. 4); no charge for burials (c. 6); interdicts and excommunicates not to be received without satisfaction (c. 7); the church should not accept clerics living in public concubinage or practising usury (c. 9).

162 Above, at n. 83.

163 JohnS, Letters, i, 9–10 no. 6, at 10.

164 Guido of Pisa, CD SS. Cosma e Damiano 1132–49, Chancellor 1146–9: Zenker, 146–8; Brixius, 43, 89 n. 61. With Alberic, Guido was one of the most active of Innocent’s legates, with very important missions to Spain in 1134, 1135/7, and 1143; to Milan in 1135; and (under Eugenius III) to Germany in 1147. Among his friends, one may count Anselm of Havelberg, Diego of Compostela, Bernard of Clairvaux, and Wibald, abbot of Stavelot-Malmedy.

165 PU Portugal, 199: Abps Raymond of Toledo and Peter of Compostela; Bps Peter of Palencia, Peter of Segovia, Bernard of Sigüenza, Stephen of Osma, Berengar of Salamanca, Enrico of Ávila, Navarro of Coria, Juan of León, Peter of Burgos, Bernard of Zamora, Bernard of Coimbra, Pelagius of Tuy, Martin of Orense, Guido of Lugo, Pelagius of Mondeno, Amadeus of Astorga, P. of Najera, Lupus of Pamplona, and Arnold of Oleron.

166 PU Portugal, 198–203 no. 40: Lat. II, cc. 1–2 = V.1–2; c.3 = V.3 + 4; cc. 5–6 = V.5–6; c.7 = V.7 + 8; c.8 = V.9; c.10 = V.10–12; c.15 = V.14; cc.21–2 = V.15–16; c.24 = V.17; cc.25(in.) + 16 = V.18; c.25(ex.) = V.19; c.11 = V.20; c.18 = V.21; c.15(ex.) = V.23.

167 PU Portugal, 202, cc. 22 (Ignotos clericos) and 24 (Illud preterea dicimus). The first forbade bishops to receive or to ordain unknown clerics from other dioceses without letters of commendation (cf. Chalcedon, c.13) or to ordain clerics without diligent scrutiny. The second declared that the September Ember days were to be observed in the week in which the feast of St Matthew (21 Sept.) was celebrated. This latter may have been a recognition of Spanish practice, for it was a week later than the more usual observance on the Wednesday, Friday, and Saturday following the Exaltation of the Holy Cross (14 Sept.).

168 Lisbon, Arquivo Nacional, Torre do Tombo, Livro Preto da Sé de Coimbra, fol. 242v (a late twelfth-century cartulary from Coimbra, Portugal). This unique copy opens with a solemn declaration of the date, place, and attendance at the concilium at which the decrees were promulgated.
relevant to the Iberian peninsula were selected, in consultation with local prelates, and it was these that were re-promulgated with the authority of the legate and the hierarchies of the three kingdoms in the presence of King (Emperor) Alfonso. Ten years later (1153), something similar happened in Scandinavia, when Cardinal Nicholas Breakspear issued decrees, probably at Nidaros (Trondheim) and Linköping, for Norway and Sweden. The texts are lost, but a letter sent by Anastasius IV to the Swedish bishops in 1154 suggests that they contained elements of the Lateran decrees. Most striking is its relaxation of the penalty ‘for laying violent hands on a cleric established in the general council’, which clearly referred to *Si quis suadente* (c. 15). 169 Lying behind ‘our said brother’s decrees concerning the freedom of your churches . . .’, which a parallel letter instructed King Sverker and the Swedish nobles to observe, 170 one can detect the Lateran decrees against lay abuse of ecclesiastical persons and property. 171

Nor could Orderic have known that 18 of the Lateran canons entered Gratian’s *Decretum* between 1140 and 1145 under Innocent II’s name (although few were attributed to a council), and so remained part of the tradition of Western canon law, 172 and a 19th (c. 29) was received into the *Decretales* of 1234, where it was ascribed to Innocent III. 173 Of these, four canons can be shown to have had particularly wide reception: *Decemimus* (c.6), forbidding marriage to clerics in the subdiaconate and above (cf. Chalcedon, c. 14); *Indubitatum est* (c. 16) forbidding the inheritance of ecclesiastical office, whose second paragraph *Apostolica auctoritate* was included in Gratian’s *Decretum*; 174 *Presbyterorum filios* (c. 21), forbidding sons of priests to serve in their fathers’ churches, unless they had first lived in monasteries or houses of canons; 175 and *Si quis suadente* (c. 15),

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170 PL, clxxxviii, 1086–7 no. 87, *Inter cetera*, 28 November (1154), at 1087: ‘prefati fratris nostri statuta de libertate ecclesiarum uestrarum . . . firmiter obseruetis’.

171 Lateran II, cc. 1, 2, 5, 10, 16, 25.

172 Lateran II, cc. 2, 4–6, 8, 19–21, 26–28; part: cc. 7, 10, 12, 15–16, 18, 22; c. 2 = Gratian, *Decretum*, C. 1 q. 3 c. 15; c. 4 = C. 2 q. 4 c. 5; c. 5 = C. 12 q. 2 c. 47; c. 6 = D. 28 c. 2; c. 7 (from ‘Ut lex’) = C. 27 q. 1 c. 40; c. 8 = C. 27 q. 1 c. 40 (end); c. 10 (‘Innoamus . . . honores’ and ‘Preticipimus . . . saccardotem’) = D. 60 c. 3 and C. 21 q. 2 c. 5; c. 12 (from ‘Preticipimus’) = D. 90 c. 11; c. 15 (‘Si quis suadente . . . suscipiat’) = C. 17 q. 4 c. 29; c. 16 (from ‘auctoritate’) = C. 8 q. 1 c. 7; c. 18 (‘Pessimam . . . interdicitur’ + ‘Si quis igitur . . . permaneat’) = C. 23 q. 8 c. 32; c. 19 = C. 23 q. 8 c. 32 (penultimate sentence); c. 20 = C. 23 q. 8 c. 32 (end); c. 21 = D. 56 c. 1 (ascribed to Urban II); c. 22 (from ‘[con]fratres’) = D. .5, de poenitentia; c. 26 = C. 18 q. 2 c. 25; c. 27 = C. 18 q. 2 c. 25 (end); c. 28 = D. 63 c. 35. Gratian’s direct dependence on the decrees of Lateran II has been challenged by Pennington, ‘Biography of Gratian’, 687–8, who proposes that, for the most part, Gratian used the decrees of earlier councils. If confirmed, this argument would remove the need to date the pre-vulgate *Decretum* to post 1139.

173 C. 29 = X 5.15.1. The ascription to Innocent III was probably a simple mistake, for *Compilatio prima* (5.9.1) correctly ascribed it to Innocent II.

174 *Decretum*, C. 8 q. 1 c. 7. This canon also had been issued at Clermont (c.11) and Reims (c.17).

175 This was a rephrased version of c. 14 of the council of Melfi (1089), part of which had appeared in Gratian’s ‘Recension I’ as D.56 c. 1 (Winroth, *The Making of Gratian’s Decretum*, 202), attributed (correctly) to Urban II (1088–99). The reference to residence in a religious house ‘nisi aut . . . conversari’ was added in ‘Recension II’. 
imposing automatic excommunication on those who ‘laid violent hands’ on clerics or religious, a sentence from which they could be absolved only by the Apostolic See, which they must visit in person.176 In his biography of Innocent, Cardinal Boso made special mention of this canon, quoting it in full;177 and in the 1170s it was cited directly by Alexander III in mandates to Archbishop Richard of Canterbury and to prelates and other ecclesiastics in Scotland relating to attacks on Cistercians.178 Its wide-ranging scope, however, raised difficulties, and Alexander restricted its application in responses to Bishops Bartholomew of Exeter and John of Chartres in 1172 and 1176/7;179 and almost 20 years after that, Celestine III (1191–2) added further precision in response to consultations from Archbishop Eirik of Trondheim (1189–1203).180

Decretals (epistole decretales)

Apart from his conciliar activity, Innocent’s contribution to the development of canon law revolved round four themes: forms of proof (1–2), baptism (3), burial rights (4), and, most important of all, the primacy of consent in the making of a marriage (5).

i. Purgation

Quotiens (Quoties) frater noster181 to the patriarch of Aquileia and others, concerned the difficulty of establishing the veracity of accusations. Bishop Altmann of Trento had been accused of virtually selling the church of S. Pietro de Pado to the priest Paul for four measures of grain (pro quatuor modiis frumenti)

176 Similar canons had been issued at Clermont in 1130 (c. 10), Reims in 1131 (c. 13) and Pisa in 1135 (c. 12), and also by Cardinal Alberic at Westminster in 1138 (c. 10): *Councils and Synods*, 1/ii, 776–7.

177 *Vita Innocentii*, 383.

178 *PUE*, iii, 430–1 no. 313 (1174–81) at 431; *ibid.*, 422–3 no. 317 (1175–81), at 433: both secured, together with other privileges, by the Cistercian monastery of Holm Cultram in Yorkshire.

179 *Sicut dignum* (§§b–d), to Bartholomew of Exeter, 31 Jan. 1172: WH 929; JL 12180; X 5.12.6, 5.39.1–3; PL, cc, 894–6 no. 1014; *Cum sacrosancta* (§§d–i), to John (of Salisbury) of Chartres (1176–7), WH 298; JL 13835 (§§a–c) + 13768 (§§g–i) + 13770 (§§k) + 13769 (§§m–n); X 1.29.11 (§a) + 2.28.21 (§c), 5.39.6 (§§g–i), 1.29.1 (§k), 1.2.1 (§§m–n). The absence of §§d–f from X is explained by their similarity with *Sicut dignum*’s §§b–d. For the full text, see *Chastr.* 226–38. Earlier still, John of Salisbury recorded in his *Historia Pontificalis* (ed. and trans. M. Chibnall [London, 1956; corr. repr. Oxford, 1986], 9–10) that when Eugenius III reissued the canon at Reims in 1148 he had allowed significant exceptions to its application, similar to those later defined by Alexander III for Bartholomew of Exeter in 1172: see K. Christensen, ‘The “lost” gloss on Si quis suadente (C. 17 q. 4 c. 29): John of Salisbury and the canonical tradition in the twelfth century’, *BMCL*, 18 (1988), 1–11. For Alexander III’s exceptions, see *Sicut dignum* §§b–d, to Bartholomew of Exeter, 31 Jan. 1172 (WH 929; JL 12180; X 5.12.6, 5.39.1–3; PL, cc, 894–6 no. 1014) and *Cum sacrosancta* §§d–f, to John of Chartres c. 1176/7 (WH 298; JL 14156 §§a, b, d–f, h), X 1.29.6 (§a), 1.3.3 (§d), 3.38.8 (§g), 1.28.3 (§h). For the Alexandrine responsa, see Duggan, ‘Master of the Decretals’, 379, 380–81.

180 *Cum non ab homine* (§c), to Eirik of Nidaros (Trondheim), (St Peter’s, Rome, 1191/2): WH 273; X 2.1.10 (§a: without address); 5.39.14 (§§b + c, attrib. to ‘Idem’ = Clement III; without address); 2.24.15 (§c, without address). For discussion, full text and translation, see Duggan, *Mam sollicitudinis*, 199–203, 231–5 (Appendix, no. 3).

181 *Quotiens frater noster*, 12 November, 1138 x 1142: WH 842; JL 8289.
and complaints against the bishop’s alleged simony had been brought before Pope Innocent a number of times (quoties), but neither the accusers nor their witnesses had been able to establish their case ‘according to the form of the canons and the decrees of the holy fathers’. Innocent therefore instructed the patriarch of Aquileia,\(^{182}\) three of his suffragans,\(^{183}\) and Bishop Roman of Gurk, that Altmann should purge himself of the accusation by swearing on the Gospels, supported by the oaths of three bishops and four abbots and religious priests, specifying the form under which the ritual was to be carried out:

The bishop shall first swear on the Holy Gospels that, for giving the church of S. Pietro de Pado to the priest Paul, neither he on his own account nor through an inferior, nor anyone else on his behalf with his knowledge, received payment (pretium). Then the purgatores shall swear on God’s holy gospels that they believe him to have sworn the truth (quod, sicut ipsi credunt, verum iurauit).\(^{184}\)

Although the essence of the directive was in conformity with the authorities in Gratian, especially Gregory I’s authorisation of episcopal purgation where proof was defective and a decree of the Visigothic Council of Agde (506),\(^{185}\) Innocent’s direction, on his own authority, that Altmann’s oath be supported by seven (com)purgatores ensured its entrance into the later legal tradition. After appearing as an appendix in some copies of Gratian\(^{186}\) it entered the vulgate text as a palea (addition), and was later also received into the Liber Extra (Gregorian Decretales) in 1234.\(^{187}\)

**ii. Oaths of witnesses in consanguinity cases**

A second letter, which related to the form of proof to be admitted in consanguinity cases, has the distinction of being the latest papal letter included in Gratian’s vulgate text. De parentela illa responded (c.1140) to a consultation from the learned Odo, bishop of Lucca (1138–1145/6)\(^{188}\) on a case which had

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\(^{182}\) Pelegrino (Peregrino) I (of Ortenbourg) 1130–61.

\(^{183}\) Manfred of Mantua, Gubert of Feltr, and Lothar of Vicenza.

\(^{184}\) Decretum, C. 2 q. 5 c. 17 (palea), X 3.34.5 (§§ab). Cf. Italia Pontificia, vii/1, 36 no. 8; ‘Kan Erg’, [2], 116 no. 142, which confirms the reading of ‘Roman of Gurk for ‘P . of Como’. The particular case was to be settled before the feast of the Purification (2 Feb.) and if the bishop succeeded in his purgation he was to be restored to office immediately.

\(^{185}\) Decretum, C. 2 q. 5 cc. 6 and esp. 12 (Agde) : ‘Si legitimi accusatores crimina sacerdotis probare non potuerint, et ipse negauerit, cum septem sociis eius ordinis (si valet) a crimine semetipsum expurget.’

\(^{186}\) Decretum, C. 2 q. 5 c. 17 (palea); X 5.34.5 (§§ab).

\(^{187}\) Educated in northern France, he may be the bp of Lucca who recommended Peter Lombard to Bernard of Clairvaux, who in turn introduced him to St-Victor in the 1130s: PL, clxxxii, 618–9 no. 410. Although the Summa sententiarum attributed to Hugh of St-Victor in Migne (PL, clxxvi, 41–174) has been attributed to Odo, no firm consensus has emerged (Luscombe, School of Peter Abelard, 198–213); in contrast, the De sacramento conjugii, which appears as ‘Tractatus VII’ in the Summa, has been confidently ascribed to Master Walter of Mortagne: below, n. 205.
already been appealed to Innocent’s presence, where the witnesses disagreed not only on the degrees of consanguinity but also on the names of the persons involved. Innocent instructed that particular attention should be paid to the character (qualitas) of the witnesses, who should be required to swear that their testimony was not swayed by favour or money or hatred, that they believed it to be true, and that they had heard it from their elders (antecessoribus). Moreover, there was to be no discrepancy in their testimony.

Lying behind both question and answer was the more rigorous application of the rules against intermarriage with members of one’s own or one’s dead spouse’s family, and the consequent exploitation of that law by spouses or their relatives to dissolve lawful marriages on perjured evidence. Hence, only close relatives of good standing, who swore to the veracity of what they said, could be accepted; and disagreement in detail implied ignorance or dishonesty on one side or the other. This rescript survives only in the abstract transmitted through Gratian, so that the full circumstances are lost, but the advice elicited by the learned Odo of Lucca played its part in the clarification of the assessment of witnesses in consanguinity cases.

iii. Baptism

The third (Apostolicam sedem) touched on a potentially disturbing question relating to baptism raised by Bishop Oberto II of Cremona. The circumstances of the case have been lost, but it involved doubts about whether a priest who had not been baptised should be given Christian burial. Innocent replied that since the priest had persevered in the faith of holy Mother Church and in the confession of Christ’s name until his death, he had been freed from original sin and had obtained the joy of the celestial fatherland. This he asserted without hesitation on the authority of St Augustine in the City of God and of St Ambrose’s letter on the death of Valentinian II (375–92). Augustine’s teaching was based on the fidem conversionemque cordis of the Good Thief at the Crucifixion, who had been assured that he would be with Christ in paradise,
although he had not been through the waters of baptism.\textsuperscript{194} Although there is no textual citation of the Ambrosian letter, the source and the meaning are accurately transmitted.\textsuperscript{195} On the basis of these authorities Bishop Oberto was told to set aside all doubts, hold to the teachings (\textit{sententias}) of the learned Fathers, and allow the usual prayers to be said for the dead priest.

\textit{iv. Burial rights}

In response to Archbishop Syro of Genoa relating to a complaint from the monks of S. Stefano in Genoa that the consul Primo de Castello had chosen to be buried somewhere else, Innocent declared that the proper place for burial was in cemeteries associated with churches and monasteries where religious could offer prayers and Masses for the living and the dead. Where people chose such places, their last wills were to be respected. But where they abandon the ancient churches and burial places of their ancestors – contrary to the custom of the fathers of the Old Testament who we read were buried with their fathers – and transfer themselves to new and less religious places, they would seem to be acting unreasonably (\textit{irrationabiliter}) and contrary to ancient custom. Therefore, if [Primo] de Castello has ordered anything contrary to such ancient and reasonable custom (\textit{contra tam antiquam et rationabilem consuetudinem}), the archbishop was to cause his body to be restored to S. Stefano for burial with his forefathers.\textsuperscript{196}

\textit{v. Marriage}

Most important of all, however, was \textit{Super eo quod} (c.1138/9–41), the \textit{consilium/rescriptum} issued to Bishop Henry of Winchester in the matrimonial suit between Albereda de Tresgoz and William de Sackville, although it did not enter the legal tradition until 20 or so years later, when it was cited by William’s nephew, Richard of Anstey (c. 1137–1194/5),\textsuperscript{197} in his successful challenge to the legitimacy of William’s daughter, Mabel de Francheville and with it the inheritance of the Sackville estates.\textsuperscript{198} The original Tresgoz \textit{vs} Sackville case turned on the question of whether a marriage was binding if it had not been consummated. Albereda and William had accepted one another as man and wife and the dowry had been transferred, but William had gone on

\textsuperscript{194} This was an early expression of the concept of baptism of desire which could apply to adults denied the physical sacrament by death.

\textsuperscript{195} Brought up as an Arian the 21 year old Valentinian had died in Vienne (392) before receiving the baptism which he had asked Ambrose to perform. Ambrose argued that his desire (\textit{voluntas}) for the sacrament of baptism was sufficient: \textit{PL}, xvi, 1357–84, at 1374.

\textsuperscript{196} \textit{Fraternitatem tuam}, to Abp Syro of Genoa, JL 8275; WH 517a; X 3.28.3 (also ascribed to Innocent III); IP vi/2, 267 no. 7; cf. 309 no. 3; Holtzmann, ‘Kan. Erg.’ [2], 100 no. 113, ‘Ex registro Innocentii pape II’.


pilgrimage, leaving his bride in the safe-keeping of her (or his) father until he could take her into his own house as his wife. On his return, however, he had fallen in love with Adelicia, married her in Church, and had at least two daughters. Eventually, the rejected bride took her case to Bishop Henry of Winchester (1129–71), papal legate 1139–43, who consulted Innocent II c.1138/9. The pope’s response (Super eo quod) survives in the copy later supplied by Bishop Henry for use as evidence when Richard of Anstey appealed his case to Pope Alexander III in 1160. It contains a clear assertion of the binding quality of a marriage contracted by words of present consent:

I declare that, lawful consent having taken place, she became a wife from the moment she consented by voluntary agreement (spontanea pactione) to be a wife. For it was not promised for the future, but confirmed in the present (Non enim futurum promittebatur, sed presens firmabatur).

This unambiguous assertion of the principle that marriage was made by the free consent of the parties and was indissoluble from that point (with one or two exceptions) was extremely important in the context of the debate then being generated by the disagreement between what historians have called the French school, represented by Hugh of St-Victor in Paris and the Bolognese school, led by Master Gratian in Bologna. The former championed marriage by consent; the latter (misled by a defective tradition of a reply by Leo I to a question from Rusticus of Narbonne) taught that matrimony was not ratified until physical consummation. In giving this consilium/rescriptum Innocent

199 The phrase is variously rendered. Millor and Butler (JohnS, Letters, i, 227–37 no. 131, at 228–9) insert ‘rursum’ before ‘patri commendatum’ and render it as ‘was returned into her father’s keeping’; R. C. van Caenegem (English Lawsuits from William I to Richard I, ii, Henry II and Richard I, Selden Society 107 [London, 1991], 388 no. 408A) omits ‘rursum’ and reads, ‘. . . to the father [of the future husband].’

200 The consilium/rescriptum was copied into Henry of Winchester’s Nouerit nostrae for transmission to Canterbury: L. Voss, Heinrich von Blois Bischof von Winchester (1129–71) (Berlin, 1932), 166–7 no. 7a; English Lawsuits, ii, 387–8 no. 408A. This is the ultimate source of the text transmitted in canonical collections: WH 1016; JL 8274; App. 6.31; 1 Comp. 4.1.10. It is also the source of the version copied into Richard of Anstey’s appeal, transmitted to Pope Alexander III in 1160: English Lawsuits, ii, 387–95 no. 408B, at 389; JohnS, Letters, i, 227–37 no. 131, at 228–9. Henry of Winchester’s Nouerit nostrae was copied into a mid-12th-century MS of Ivo of Chartres’ Decretum in Lincoln, Dean and Chapter Library, MS 193, fol. 207v: R. M. Thompson, Catalogue of the Manuscripts of Lincoln Cathedral Library (Woodbridge, 1989), 154–5 and Plates 45a and 45b.


202 Luscombe, School of Peter Abelard, 183–97.


204 Innocent’s letter was called scriptum consilii / rescriptum in JohnS, Letters, i, 228, 229 and rescriptum in Henry of Winchester’s covering letter: Voss, Heinrich von Winchester, 166.
was influenced by Hugh’s teaching, even to the extent of echoing the language of *de Sacramentis*. He had almost certainly met the Parisian master in St-Denis or Paris in 1131, and in 1136 he had appointed one of Hugh’s Victorine canons (Ivo of Chartres) as cardinal deacon of S. Maria in Aquiro and promoted him to S. Lorenzo in Damaso as cardinal priest in 1139. Even if Innocent had not read Hugh’s work himself, Ivo would have been well placed to transmit it, and could have contributed to the formulation of Innocent’s *consilium* in 1138–9.

*Super eo quod* entered the legal tradition only after its second airing in the Anstey appeal (1160), after which it circulated in decretal collections in the Anglo–Norman world in the 1170s–80s and from them passed to Italy where Bernard of Pavia inserted it into his highly influential *Breviarium extravagantium*, later known as *Compilatio Prima*, in 1189–90. Its absence from the Liber *Extra* is explained by the fact that it was superseded by the greater clarity of a definition which Alexander III addressed to Romuald of Salerno in 1177. Innocent’s judgment had meanwhile been confirmed by Alexander in 1162 and played its part in consolidating the primacy of consent.

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205 A. J. Duggan, ‘“Our letters have not usually made law (*legem facere*) on such matters” (Alexander III, 1169): a new look at the formation of the canon law of marriage in the twelfth century’, *Proceedings* . . . Toronto 2012, in press. It is worth noting that in the late 1130s, Walter of Mortagne, later bp of Laon 1155–74, then teaching theology in Laon (1120–55), had adopted Hugh’s teaching and distinguished between *juramenta de presenti* (which were binding) and *juramenta in futuro* (which were not) in his *De sacramento conjugii*, c.7 (*PL*, clxxvi, 159–60); H. Zeimentz, *Ehe nach der Lehre der Frühscholastik. Eine moralgeschichtliche Untersuchung zur Anthropologie und Theologie der Ehe in der Schule Anselms von Laon und Wilhelms von Champeaux, bei Hugo von St. Viktor, Walter von Mortagne und Petrus Lombardus. Anhang: Der Ehetraktat ‘In primis hominibus’ aus der Schule von Laon als Quelle des Ehetraktats der “Sententiae Atrebatenses” und Walters von Mortagne* (Düsseldorf, 1973), 251–75; R. Weigand, ‘Die Überlieferung des Ehetraktats Walters von Mortagne’, in *Würzburger Diözesan-


208 Although completed between 1130/1 and 1137, Hugh’s *de Sacramentis* was based on lectures delivered through the late 1120s and reported in the *Sententie de divinitate*: R. Baron, *Science et sagesse chez Hugues de Saint Victor* (Paris, 1957), xliv-xlvi; D. Van den Eynde, *Essai sur la succession et la date des écrits de Hugues de S. Victor*, Spicilegium Pontificii Athenaei, 13 (Rome, 1960), 100–3, 207, Table I; Luscombe, *School of Peter Abelard*, 185.


211 *Cum controversia*, mid-Dec. 1162; JL —: L. Voss, *Heinrich von Blois Bischof von Winchester (1129–71)* (Berlin, 1932), 167–8 no. 7b (who mistakenly corrected the initial ‘L’ of her text to ‘G’[eversion]; *PUE*, ii, 294–5 no. 108; *English Lawsuits*, ii, 396–7 no. 408D.)
Conclusion

Innocent II’s pontificate coincided with a particularly creative phase in the transformation of canon law and theology under the double impact of the renewed study and use of Justinianic Roman law and the new dialectic pioneered by Alger of Liège and Abelard. Two of the six cases demonstrate increasing emphasis on legal process, but that was not a papal preoccupation only. Popes certainly emphasised the judicial obligations of the Apostolic See, especially its right to deal with the *causaae maiores* of bishops and to answer appeals from the ‘oppressed’, but without a corresponding willingness of litigants great and (relatively) small\(^\text{212}\) to bring their disputes before the papal audience, not much progress would have been made in turning theory into practice. That they did, and in increasing numbers, through the remainder of the twelfth century, take difficult cases to the Curia is evidence of the popularity of the system, despite the opportunities for abuse by dishonest and malicious litigants.\(^\text{213}\) Equally importantly, participation in the judicial processes at the Curia required mastery of the increasingly formal procedures and language of the canon law, in which elements of Justinianic law came to play a significant part. Neither Innocent nor his Curia was hostile to the study of Roman Law and its application where appropriate in ecclesiastical courts, despite the reiteration in four of Innocent’s councils of the decree forbidding monks and canons regular to study the *leges temporales et medicinam*. Its repeated promulgation has puzzled commentators, especially since it was not received into Gratian’s *Decretum*,\(^\text{214}\) but the intention, surely, was not to forbid religious to learn either secular (Roman) Law or Medicine. The ban was limited to learning for the sake of temporal gain (*causa lucri temporalis*), and the aim was to prevent monks and canons regular from acquiring forensic skills for use in secular service.

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212 See also Duggan, ‘*Sicut ex scriptis vestris accepimus*’, ch. 3, above.
213 Abuses were criticized by Gerhoch of Reichersberg (†1169), *De investigatione antichristi*, MGH Libelli de Lite, iii, 359–60.
The ‘Council/synod of 1133’

As part of her defence of an early dating of the ‘First Recension’ of Gratian’s Decretum, Atria Larson proposed that Innocent held a council at the Lateran on the occasion of Lothar’s imperial coronation in 1133, although she allows that it may have been very much an ad hoc affair (41 n. 53). She cites two documents as evidence of the presence of a competent number of prelates: (1) the grant for life of the Matildine lands, in praesentia fratrum nostrorum archiepiscoporum, episcoporum, abbatum, nec non principum et baronum (in the presence of our brethren the archbishops, bishops, abbots, and also princes and barons), per annumum investimus; and (2) the conferment of the plenitude of imperial dignity, imperatoris dignitatis plenitudinem, cognita fratrum nostrorum episcoporum et cardinalium [atque] nobilium Romanorum prompta voluntate atque consilio (with the knowledge of the bishops and cardinals and the manifest approval and advice of the noble Romans). Neither implies a council, however. The archbishops, bishops, etc. of the first document were merely the dignitaries accompanying the emperor for his coronation; the bishops and cardinals of the second referred to the College of Cardinals, differentiating between the cardinal bishops, who were the pope’s episcopal brethren and the other cardinals (priests and deacons), who were not.

Larson also argued that the two privileges were unique in their reference to counsel, whereas the phrase communicato fratrum nostrorum consilio occurs in at least 11 of Innocent’s acta, and variants of consilio fratrum nostrorum episcoporum et cardinalium occur in a further 13 (PL, clxxix, nos. 46, 84, 90, 137, 192, 212, 267, 396, 398, 399, 435, 447 and 458). Her statement that ‘Any gathering of several bishops . . . constituted a council’ (p. 46) is mistaken; cf. Brett and Somerville, ‘Transmission of the Councils’, at nn. 37–8. The assortment of bishops who accompanied the emperor did not ipso facto constitute a council, although their advice could be sought; and a formal session (consistory) of the cardinals (bishops, priests, and deacons) was normal administrative process.

216 MGH Constitutiones, i, 169–70 no. 117; JL 7633; PL, clxxix, 188–9 no. 145, at 189.
217 MGH Constitutiones, i, 168 no. 116; JL 7632.
Her further argument (47–51, 56), that Innocent’s mandate (Quemadmodum juris: JL 7625) sent in 1133 to Bp Asker/Asser of Lund (1089–1137) proved knowledge of Gratian’s Decretum, is equally flawed, since, as Anders Winroth showed,218 she relied on the defective version in Migne (PL, clxxix, no. 140), which reads Quemadmodum juris naturalis, instead of the more probable iuris praecepta. Even if the letter had read ‘naturalis’, however, it would not ‘make Haimeric’s [Aimeric’s] knowledge of Gratian’s work indisputable’ or ‘[prove] that Gratian was active and flourishing, even influencing papal letters, at that time’. The ultimate source of much of Gratian’s treatment of divine and natural law in Distinctions 1–3 was Book Five of Isidore of Seville’s well-known Etymologiae, which Gratian cited verbatim and by name, including the definition of ius naturale (D.1 c. 7 = Etym. v. 4).

Nor did Aimeric ‘identify himself as the author’ of the related solemn letter for Archbishop Adalbero of Hamburg (Ad hoc, PL, clxxix, no. 137, 27 May 1133). The clause, datum . . . per manum Almerici S. R. E. diac. card. et cancellarii, meant ‘granted/issued by the authority of Aimeric . . .’, not ‘written by Aimeric’. The formula datum per manum had been part of the dating clause of solemn papal letters from the ninth century, and Aimeric thus appeared regularly in Innocent’s (PL, clxxix, nos. 6, 12–14, 16, 18, 19, etc.), as he had in Calixtus II’s from 1123, when he was appointed cancellarius (Zenker, 142–4). Gratian was indeed probably ‘active and flourishing’ at the time, but Innocent’s entourage would not have had to rely on his Decretum, either for the categories of law or for Roman Law. Aimeric was a friend of Bulgarus; Guido di Castello possessed a Liber Digestorum et codicum (above, n. 52). More importantly, Ulpian’s definition (Dig. 1.1.10§1) had been echoed in the arenga of Honorius II’s confirmation of the judgment in the Siena vs Arezzo case, which Innocent subscribed as cardinal in 1124 (above, n. 41), and in Innocent’s own privilege, Quemadmodum iuris praecepta (JL 7568), sent from Pavia to the canons of Meung-sur-Loire on 2 May 1132: PUF, NS, vi (Orléanais), 101–02 no. 45.

11 The livery of loyalty
Innocent II and the pallium

Steven A. Schoenig, S. J.

Shortly after the Second Lateran Council (1139), the chronicle of the French abbey of Morigny recorded a vivid account of the assembly.\(^1\) When Pope Innocent II rose to address the fathers, he bemoaned the evil effects of schism and the problems created in the Church if the head itself was corrupt. Innocent made the point that ‘the height of ecclesiastical honour is received by the permission of the Roman pontiff, as if by the custom of feudal law, and without his permission it is not legally held’.\(^2\) He further and rather ominously declared that canon law ought to be taken up as a weapon in time of ecclesiastical war. Then, after demonstrating that Anacletus had taken the papacy by usurpation, Innocent announced: ‘Because the decrees of an irregularly appointed person are irregular, whatever he had established we destroy, whomever he had exalted we degrade, and however many he had consecrated we unordain and depose’.\(^3\) In a dramatic ceremony, the pope called the creatures of the antipope forward by name and upbraided them ‘with indignation and reproach’. Next he ‘violently seized the pastoral staves from their hands, and shamefully pulled off the pontifical pallia, on which the highest dignity is based, from their shoulders, and also removed those rings by which betrothall to the church belonging to them is expressed, without regard for mercy’.\(^4\) This display of severity, or perhaps vengeance, lay in part behind a complaint from Bernard of Clairvaux, who had worked for the reconciliation of the two parties.\(^5\)

Staves and rings, of course, were the chief episcopal insignia, and through this ritual divestment Innocent was effectively deposing from office the

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1 La chronique de Morigny (1095–1152), ed. L. Mirot, 2nd edn (Paris, 1912), 71–75.
2 'Romani pontificis licencia ecclesiastici honoris celsitudo quasi foedalis juris consuetudine suscipitur, et sine ejus permissione legaliter non tenetur', Chronique de Morigny, 72.
3 'Quia inordinate persone inordinata sunt decreta, quocumque ille statuerat destruimus, quoscumque exaltaverat degradamus, et quocumque consecraverat exordinamus et deponimus', Chronique de Morigny, 74.
4 'His dictis, singulos quos reos cognoverat, propriis nominibus exprimens, eisque cum indignacione et jurgio exprobrans, pastorales baculos de manibus violenter arripuit, et pontificalia pallia, in quibus summa dignitas consistit, de humeris verecondose abstraxit, ipsos quoque anulos, in quibus ad ipsos pertinens ecclesie desponsacio exprimitur, sine respectu misericordie abstulit', Chronique de Morigny, 74.
bishops approved by his rival. The pallium was a somewhat different matter. This woollen band decorated with crosses had been a papal insignia since late antiquity, but from Gregory the Great’s era the popes had begun to share this distinction regularly with select bishops. Eventually the metropolitan of each province was required to request it as part of his installation, and it became (except for a few specially honoured suffragans) the badge of an archbishop. Thus not every bishop at Lateran II would have possessed the pallium, and those who did were allowed to wear it only in their home churches – probably not in Rome, while the pope was undoubtedly wearing his own. The colourful depiction of Innocent stripping pallia from his enemies’ shoulders may have been an illustrative fiction; or the pope may have ordered the doomed prelates to don their pallia, precisely so that he could strip them. Either way, the pallium functioned as an important, widely acknowledged symbol.

The chronicler’s gloss on the meaning of the vestment provides a clue to what kind of symbol: the highest dignity or office (summa dignitas), he said, is based on (consistit in) the pallium. Not only was this true of the papal pallium, the insignia par excellence of St Peter’s successor, with which he was vested immediately after his consecration, but it was also true of the metropolitans to whom it had been granted, who had the power to consecrate bishops and convokе synods in their provinces, acts that went beyond the bounds of their own dioceses. By this time in the pallium’s history it was commonplace for popes to describe it as ‘the fullness of the pontifical office (plenitudo pontificalis officii)’, and although that epithet was not precisely defined, it may certainly have

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7 On the history of the pallium, see C.-B. Graf von Hacke, Die Palliumverleihungen bis 1143: eine diplomatisch-historische Untersuchung (Marburg, 1898); J. Braun, Die liturgische Gewandung im Occident und Orient: nach Ursprung und Entwicklung, Verwendung und Symbolik (Freiburg, 1907), 620–676; and J. M. Martí Bonet, El palio: insignia pastoral de los papas y arzobispos (Madrid, 2008), a slightly revised and expanded version of idem, Roma y las iglesias particulares en la concesión del palio a los obispos y arzobispos de occidente, año 513–1143, Colectánea San Paciano, 21 (Barcelona, 1976).

8 This requirement for metropolitans was first generally promulgated at Pope John VIII’s Councils of Rome (875) and Ravenna (877): ed. W. Hartmann, I. Schröder, and G. Schmitz, MGH Conc., 5 (Wiesbaden, 2014), 9–10 (c. 2), 68 (c. 1). On suffragans who were granted the pallium, see S.A. Schoenig, ‘The Palliated Suffragan’, in Proceedings of the Fourteenth International Congress of Medieval Canon Law, ed. J. Goering, S. Dusil, and A. Thier, Monumenta Iuris Canonici, ser. C: Subsidia, 15 (Vatican City, forthcoming).

9 Traditional regulations specifying that an archbishop could wear the pallium only ‘within church’ or ‘within your church’ were clarified in a series of decretals assembled in Gregory IX’s Liber Extra (X 1. 8. 1, 1. 8. 4–6) to mean in any church of his province, but not outside his province.

10 Given the uneven evidence, it is difficult to determine the number and identity of the affected bishops: G. Tangl, Die Teilnehmer an den allgemeinen Konzilien des Mittelalters (Darmstadt, 1969), 197–210; but for a place to begin, see nn. 20, 23 below.
indicated a superepiscopal jurisdiction.\textsuperscript{11} The ‘highest dignity’, then, meant the office of archbishops (including metropolitans, primates, patriarchs, and popes). How did this dignity depend on the pallium? Since the mid-ninth century the popes had insisted that the vestment itself was needed for a metropolitan to hold his office and to exercise such superepiscopal functions.\textsuperscript{12} This idea found its origins in Gregory the Great’s instructions for the arrangement of the English church, which the Anglo-Saxon missionary and papal legate Boniface in turn propagated on the Continent as part of his reforms.\textsuperscript{13} Thus it had become broadly accepted in the Western church that the pallium juridically conveyed the archiepiscopal rank and its rights. By ripping the pallia off the Anacletan archbishops, Innocent was depriving some of the most powerful churchmen of their place in the Church, and simultaneously demonstrating the plenitude of papal power.

Innocent must have felt that this action was both necessary and justified. A reform polemicist in the thick of the Investiture Contest had expounded upon the danger offered by pallia conferred by an illegitimate pope. When Bernard of Hildesheim compiled his canonical work in 1085, during the ascendancy of Clement III, he attacked the efficacy of anything stemming from the antipope. Bernard argued that ‘those who were deceived into receiving the archiepiscopal pallium from a usurping pope, or any divine thing from him – or from an archbishop of his (or anyone ordained by such an archbishop) – had received only excommunication instead of consecration, as from those who did not have anything that they could give’\textsuperscript{14} Ultimately, he maintained that such a man was not really an archbishop, and that his acts were worthless: ‘You should also know that he who received or will receive the archiepiscopal pallium from [Clement] neither was nor can become an archbishop . . . Ecclesiastical ranks cannot be given [to anyone] by the same most corrupt pope, or by any of those who are archbishops from his pallium, or by a bishop promoted by archbishops of that sort’.\textsuperscript{15} Facing a false pope who, through grants of the pallium, was gathering supporters and trying to erect a parallel Church, Bernard contended that a false pallium could not do the things a genuine pallium could. Innocent thus properly removed that which had had no effect.

Yet even a pallium of doubtful validity retained a deeper meaning. It was a highly sought gift because enjoying a prerogative associated with the pope

\textsuperscript{11} For a fairly clear indication of this meaning, see JL 6570: PL clxiii, 428.
\textsuperscript{12} JE 2812: ed. E. Perels, MGH Epp., 6 (Berlin, 1925), 593.
\textsuperscript{13} For Gregory’s arrangement, see JE 1829: CCSL cxxi/A, 935. For Boniface’s reforms, see for example his letter to Cuthbert of Canterbury, ed. M. Tangl, MGH Epp. Sel., 1 (Berlin, 1916), 163.
\textsuperscript{14} ‘Quia qui archiepiscopal pallium ab invasore papa vel quicquam divinum ab eodem vel ab aliquo per eum archiepiscopante vel archiepiscopantis ordinato decepti sunt accipere, solam a non habentibus quod aliud darent acceptem excreationem pro consecratione’, Bernard of Hildesheim, Liber Canonum contra Henricum IV, ed. F. Thaner, MGH Lat., 1 (Hannover, 1891), 475. He later offered a fuller treatment of this point: \textit{ibid.}, 500.
\textsuperscript{15} ‘Scias etiam nec fuisse nec fieri posse archiepiscopum, qui ab eo accept vel accipiet archiepiscopale pallium . . . vel quendam per eundem perditissimum papam vel per aliquem ex eius pallio archiepiscopantium, vel per episcopum ab eiusmodi archiepiscopis promotum ecclesiasticos gradus posse dari’, Bernard of Hildesheim, Liber Canonum, 515.
meant sharing in his prestige and authority. Receiving it could thus express or engender loyalty to that pope. As a result, it mattered whose pallium an archbishop received, for it was to the donor that he was tied by grateful dependence and reciprocated through obedient service.\textsuperscript{16} As Anselm of Canterbury discovered, receiving the vestment was seen as equivalent to the endorsement of, and submission to, the one who gave it: King William Rufus was not prepared to recognise Urban II and so resisted Anselm’s desire to obtain his pallium from that pope.\textsuperscript{17} A palliger was in communion with the pope who had presented him with his pallium. Thus, during a papal schism, both claimants would try to recruit and confirm adherents by bestowing pallia on them. According to William of Malmesbury, Antipope Benedict X was overjoyed that Stigand of Canterbury had sought the pallium from him in 1058 and thereby ‘had called pope him whom other archbishops were considering a sham’. Undoubtedly it cemented his claim if he could act as a pope by forging his own network of relationships through the vestment. But after Stigand’s deposition, an English council decreed ‘that he who had not justly had the papacy could not legitimately have given the pallium’.\textsuperscript{18} Perhaps the perception of the pallium’s role during a schism was best encapsulated by a letter of Paschal II in 1112, in which he bitterly reported: ‘Aquileia uses a Guibertine pallium, apart from our grant’.\textsuperscript{19} Ulrich of Aquileia had received the vestment from Guibert of Ravenna, Antipope Clement III, and Paschal’s words metaphorically indicated that the patriarch was schismatic. In such situations, this garb became an emblem of partisan commitment. Even if a Guibertine pallium looked no different from its Paschalian counterpart, this ‘antipallium’ lacked proper authority, and by its origin manifested the wearer’s true loyalties.

In this light, it is no wonder that Innocent was offended by the Anacletan pallia of some participants in Lateran II and was eager to remove them, even though the schism had already ended. It is likewise unsurprising that, in the course of the schism, each of the two rivals had conferred pallia on prelates loyal to them, to strengthen existing alliances and to win over new allies. For Anacletus the record is sparse, both because of the limited areas outside Rome that acknowledged his claim to Peter’s chair and because the documents of antipopes were often later consigned to oblivion. But fortunately the privilege that bestowed the pallium on Hubald, archbishop of the

\textsuperscript{16} Indeed, the reform popes had begun to demand an oath of fidelity to the Apostolic See before granting the pallium. A letter of Paschal II explained and defended this practice: JL 6570: PL clxiii, 428–430.


Apulian port of Trani, in 1130 survives. It is an unremarkable document that mostly repeated a grant of Calixtus II for another archbishop of Trani a decade before. Anacletus issued it as he passed through the city, probably in the company of Roger II of Sicily, to whom he had just promised the crown of Sicily, Calabria, and Apulia, and who would prove the mainstay of his support throughout the schism. It is a safe guess that Trani was not the only southern Italian see whose bishop received the pallium or other privileges from the antipope during these years.

The evidence concerning Innocent is naturally more abundant. Each of the nine times during the schism when he conceded the use of the vestment — or, according to Innocent's preferred formula, ‘adorned [a prelate] with the splendour of the pallium’ — can, without exception, be understood as playing a role in that contest. In the first instance, only six months after his election in 1130, he affirmed Bernard of Pavia’s right to wear the pallium. Because the bishop had been an early supporter, the now exiled pope added a heartfelt twist to the traditional words of his predecessors in Pavia’s earlier privileges, and called that church ‘a proper and particular daughter of the Apostolic See’. He cited this close relationship to justify his confirmation of Bernard’s pallium. Even more strikingly, in 1131 Innocent affirmed the use of the pallium for one of his chief supporters, Norbert of Xanten, archbishop of Magdeburg. The arenga of the document expressed the propriety of exalting devoted sons of the Roman church, especially those who had rendered her favours and services,
with ‘the prerogative of intimacy and love’. Then the pope soared into a paean of gratitude to Norbert:

The great usefulness that has profited the Church of God and us makes clear with what firm and persevering steadfastness [you have] undertaken to defend the cause of your mother, the holy Roman church, as the schism of Pierleone grows white-hot, and, opposing yourself as an impregnable wall in front of God’s house, laboured with arguments, repeated and fortified by reason, to convince the minds of the king and princes and other persons, both ecclesiastical and secular, to the unity of the Catholic Church and the obedience of blessed Peter and us.

As a result, Innocent issued this privilege for Norbert, ‘whom we love with full charity in the Lord and hold in the intimate bosom of the Apostolic See’.

There was obviously much more at stake here than permission to wear a strip of wool. As Bernard of Clairvaux had done in France, Norbert had persuaded Germany to the Innocentian side, and the pope reciprocated by backing his position with Roman authority. He likewise showered further privileges on the archbishopric of Magdeburg and on the Premonstratensian order, which Norbert had founded.

Two further grants of the pallium in these early years revealed a web of such mutually advantageous relationships as an Innocentian party was being built up. In a letter to the clergy and people of Trier in 1132, Innocent declared that he had conferred the pallium on their new archbishop, Albero of Montreuil, who had come to him in Valence. This Albero had gained a reputation as an ardent reformer when, as a cleric in Metz, he had helped to engineer the


27 ‘Ceterum, quam firma perseverantique constantia causam matris tue sancte Romane ecclesie, venerabilis frater Norberte Magdeburgensis archiepiscope, incandescente Petri Leonis scismate fervor tue religionis et discretio prudentie suscepit defensandam et se murum inexpugnabilem pro domo dei opponens animos regis ac principum et aliarum tam ecclesiasticarum quam secularium personarum ad catholice ecclesie unitatem et beati Petri ac nostram obedientiam frequentibus argumentis et ratione munitis inducere laboraverit, magna, que ecclesie dei et nobis provenit, utilitas manifestat’, JL 7516: Urkundenbuch des Erzstifts, i, 284.

28 ‘Ideoque, karissime frater, quem plena in domino karitate diligimus et in familiari sedis apostolice gremio detinemus, karissimi filii nostri illustris et gloriosi regis Lotharii et tuis rationabilibus postulationibus assensum prebentes . . .’, JL 7516: Urkundenbuch des Erzstifts, i, 284.

29 Grauwen, Norbert, Erzbischof von Magdeburg, 266, 290–2, 331–2, 337.


31 JL 7552: Urkundenbuch der mittelrheinischen Territorien, i, 530–1.
deposition of the imperialist bishop there.\textsuperscript{32} He later played a role in the election of Norbert as archbishop of Magdeburg, an office he himself may have narrowly escaped.\textsuperscript{33} Bernard too was his friend and supporter, and several of the abbot’s letters were addressed to, or written on behalf of, Albero.\textsuperscript{34} Innocent pressured Albero to accept the see of Trier despite Albero’s worry about lay opposition, and the pope himself consecrated him, even before Albero had received the \textit{regalia} from King Lothar.\textsuperscript{35} Innocent’s letter hinted at what he expected of the archbishop:\textsuperscript{36}

Since we hope that, through his discretion and prudence, with the Lord’s collaboration, the church of Trier will be reformed to a better condition, we have consecrated him as archbishop of Trier, having invoked the grace of the Holy Spirit, and adorned him with the splendour of the pallium, namely the fullness of the pontifical office, which is a sign of humility and justice.

In the future the pope would appoint Albero papal legate in Germany at the crucial moment of the rise of the Hohenstaufen dynasty.\textsuperscript{37} A similar notice from Innocent to the clergy and people of Lausanne in 1134 announced the pallium of their new bishop, Guy of Maligny.\textsuperscript{38} Although he was not a metropolitan, it had been customary for a century or more for the bishops of Lausanne to receive the vestment.\textsuperscript{39} Guy, moreover, was the candidate favoured by Bernard, and to him Bernard addressed a letter of advice as he assumed the episcopal office.\textsuperscript{40} Unsurprisingly, Guy attended Innocent’s Council of Pisa the following year.\textsuperscript{41} Although Guy’s relations with the papacy and the Cistercians later foundered, during the schism he could be counted as another favoured Innocentian.\textsuperscript{42}

The pope had to be careful, however. The bestowal of the pallium did not merely affect the relationship between donor and recipient. Sometimes it had an impact on other bishops, especially those who also coveted the vestment.

\textsuperscript{32} B. A. Pavlac, introduction to \textit{A Warrior Bishop of the Twelfth Century: the Deeds of Albero of Trier, by Balderich}, Mediaeval Sources in Translation, 44 (Toronto, 2008), 10–12.
\textsuperscript{33} Pavlac, \textit{A Warrior Bishop}, 12.
\textsuperscript{34} Pavlac, \textit{A Warrior Bishop}, 12, 14, and S. Bernardi Opera, vii, 84–5, 394–402.
\textsuperscript{35} Pavlac, \textit{A Warrior Bishop}, 13, 15.
\textsuperscript{36} ‘Et quum per eius discretionem atque prudentiam. \textit{treuerensem} ecclesiam in meliorem statum reformari domino cooperante speramus! ipsum inocuata spiritus sancti gratia in \textit{treuerensem} archiepiscopum consecrauimus. et pallei ienio plenitudine videlicet pontificalis officii. quod humilitatis signum est atque iustitiae! decorauimus’, JL 7552: \textit{Urkundenbuch der mittelrheinischen Territorien}, i, 530.
\textsuperscript{37} Pavlac, \textit{A Warrior Bishop}, 13, 17.
\textsuperscript{38} JL 7814: Cono, \textit{Gesta Lausannensium}, 800.
\textsuperscript{40} Morerod, \textit{Genèse d’une principauté épiscopale}, 148.
\textsuperscript{41} Morerod, \textit{Genèse d’une principauté épiscopale}, 149. It is possible that Guy, who seems to have taken office in 1134, did not receive the pallium until the council, in which case JL 7814 should be dated 1135.
\textsuperscript{42} Morerod, \textit{Genèse d’une principauté épiscopale}, 150–1.
A case in point involved the churches of Aquileia and Grado, whose rivalry stretched back centuries. Each bishop asserted that he was the rightful successor of the ancient patriarchs of Aquileia, and they continually fought over precedence and boundaries. Since a synod of Leo IX in 1053, Rome had recognised Grado as the true patriarchate and metropolis of Istria, and saw Aquileia simply as a Lombard see. Aquileia had also ended up on the wrong side of the Investiture Contest, and was now looking for a way to regain papal favour. Moreover, Honorius II had deposed both patriarchs shortly before his death, perhaps as a consequence of their support for the anti-king Conrad of Hohenstaufen. The present schism offered a chance for each church to put the beleaguered pope in its debt. As Grado was vacant at the time, Aquileia was the first to act. Its bishop Peregrin met Innocent at the Council of Piacenza (1132) and professed his allegiance. In exuberant response, the pope permitted him the pallium, reversed the Roman position by ratifying his patriarchal dignity, and confirmed his power over 16 dioceses, including the contested Istrian sees.

The language of this privilege implied that Aquileia was ranked among the primates, higher than metropolitans, just beneath the papacy. Grado, Venice’s metropolis, was slower to respond. Its sympathies initially lay with Anacletus, but the antipope’s courtship of the Normans and coronation of Roger abetted those ‘seafaring ruffians from whom Venice had had nothing but trouble’. Pietro Polani, the doge, dithered until he agreed to join Byzantium and Germany in an alliance against the Normans; now Grado had to be Innocentian.

At last Polani appointed a new bishop, Enrico Dandolo, uncle of the later doge of the same name, and sent him to request the pallium at the Council of Pisa (1135). The pope duly granted Enrico the vestment and continued to call him patriarch, but confirmed only the possessions of the church of...
Grado. Although Aquileia had achieved the upper hand, the papacy tried to appease the two rivals, while maintaining the dependence of both on itself.

Another pair of northern Italian rivals were the maritime powers of Genoa and Pisa, which had been at war for over a decade, in competition over seagoing trade and the isles of Corsica and Sardinia. Both cities favoured Innocent and provided the exiled pope with shelter after his initial flight from Rome. In return, Innocent endeavoured to create a lasting peace between them, while securing them as allies who could counter the Normans at sea and perhaps restore him to Rome. In this effort the pallium played its part. Genoa had long resented Pisa’s rank as an archbishopric and its dominion over the churches of Corsica. Thus, in two privileges from 1133, the pope raised Syrus, bishop of Genoa, to an archbishop and conferred the pallium on him, along with jurisdiction over three of the six Corsican dioceses, besides two on the mainland. Innocent acted, he said, ‘so that from now on so detestable a dispute and disagreement’ between the two cities ‘may lie dormant’, and also ‘for the adornment and exaltation’ of Genoa, ‘which has been faithful to blessed Peter and the holy Roman church and ready to serve her, and promises that from now on it will do so more readily’. Innocent reserved the consecration of the archbishop of Genoa to himself, as was the case for the archbishop of Pisa, but to maintain strict equality he specified that the former could be consecrated by his suffragans if the latter ever managed to win that right. It is quite likely that Archbishop Hubert of Pisa received a comparable privilege at this time, although it has been lost. Some indication of its content may be found in a document for Hubert’s successor Baldwin in 1138. There, ‘for the good of peace and the repayment of the bishoprics’ of Corsica that Pisa had lost, Innocent granted Baldwin the pallium and subjected to him, not only the three remaining Corsican sees, but also two sees in Sardinia and one on the mainland, as well as primacy over the province of Sassari in Sardinia.

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53 JL 7783 (which assigned a date of 1136), Italia Pontificia 7/ii, 61 no. 113 (which revised the date to 1135): PL clxxix, 286–7. Phrases in this document may have subtly cautioned Grado against treading on Aquileian turf: Kehr, ‘Rom und Venedig’, 128.
57 Epstein, Genoa and the Genoese, 40–1.
59 ‘Quocirca sacrosancta sedes apostolica . . . ut de caetero tam detestabilis lis et dissensio conquiescat, personam tuam, et per te Januensem Ecclesiam a praetata civitate, quae beato Petro ac sanctae Romanae Ecclesiae fidelis, et ad serviendum prompta exstitit, et de caetero se id facturam propensius pollicetur, decorum et exaltationem praerogativa gloriosa sublimat’, JL 7613: PL clxxix, 175. These words were repeated in the second privilege.
60 Italia Pontificia 3, 324 no. 23.
61 [*P]ro bono pacis et recompensatione episcopatum, quos utique a predecessoribus nostris, Romanis pontificibus, ecclesiae Pisanae concessos in insula Corsicae a praedecessore tuo, bonae memoriae fratre nostro, archiepiscopo Huberto, accepimus . . . ; JL 7890, Italia Pontificia 3, 325 no. 26: Acta Pontificum Romanorum Inedita, ii, 294.
Through the pallium and the rights and honours accompanying it, the pope was able to pacify these warring cities and establish a favourable power base in Italy, from which he was poised to re-enter Rome.

Even more complicated was the situation of Milan. As Landulf of St Paul stressed in his history, this church took pride in its past importance and Ambrosian heritage, and among its ‘customs and honours’ the archbishops counted the right to receive the pallium, brought to them from Rome, from the altar of their own cathedral. This practice conflicted with the reform papacy’s demand, going back to Nicholas II’s time, that metropolitans come to Rome to receive the vestment in person, at which time they would profess their faith and be duly examined. When Archbishop Anselm V went to Rome and asked Honorius II for the pallium to be sent to Milan through a legate, the pope replied, ‘If you wish to enjoy the authority of an archbishop in my time, it is necessary for you to receive the stole from my hands, or as I myself received it, at the altar of St Peter’. The second option may have been an attempt at compromise, but it was in vain. Anselm consulted with his advisor Robald, bishop of Alba, who stated that ‘he would rather endure his nose to be split up to his eyes than to give him advice to receive the stole in Rome’. Anselm thus opted to return to Milan without the vestment, but still had to assuage fierce suspicion within his church that he had betrayed its honour while in Rome. Here was an opportunity ripe for the picking once the schism had begun. Indeed, Anacletus wasted no time in sending Anselm the pallium through two Roman legates, and thus gained Milan for his camp. According to Landulf, the Milanese clergy and people ‘praised Pope Anacletus’ and expressed ‘fear and reverence for King Conrad and Pope Anacletus out of love’.

Innocent knew that he had to recover this important city, the only major opposition to his control of northern Italy. His erection of Genoa as an archbishopric was partly punitive, a blow to Milanese pride and power, since until then Genoa had been a suffragan of Milan. But the pope followed vinegar with honey. In 1135 he sent Bernard of Clairvaux, whose persuasive eloquence had already done so much for the Innocentian cause, to win over Milan. And

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63 The first mention of this policy occurred in a letter written by Peter Damian on behalf of the cardinal bishops, ed. K. Reindel, MGH Briefe d. dt. Kaiserzeit, 4/ii (Munich, 1988), 323–5.

64 ‘Sed si vis frui auctoritate archiepiscopi in temporibus meis, necesse est ut stolam suscipias a manibus meis, aut sicut ego suscepi, ad altare sancti Petri’, Landulphi Junioris Historia Mediolanensis, 33. Stola was the typical Milanese term for the pallium.

65 ‘Tunc Robaldus ille Albensis sic ait, quod prius sustineret nasum suum scindi usque ad occulos, quod daret sibi consilium, ut susciperet Rome stolam’, Landulphi Junioris Historia Mediolanensis, 33.

66 Majo, Storia della chiesa ambrosiana, 153.

67 Landulphi Junioris Historia Mediolanensis, 34–5. There was no mention of a preceding request to Anacletus.

68 ‘At plenitudo cleri et populi ad eum concurebat, timorem quoque et reverentiam regi Curado et pape Anacreto ex dilectione portabat’, Landulphi Junioris Historia Mediolanensis, 35.

69 Majo, Storia della chiesa ambrosiana, 154.
so he did: Anselm was deposed in a popular uprising. His successor later the same year, after Bernard turned down the office himself, was none other than Robald of Alba, Anselm’s old advisor. Whether still entrenched in his anti-Roman opinions, or pressed by those who wished to uphold the ancient rights of Milan, Robald hesitated to go to Rome for the pallium. Bernard suddenly saw his work crumbling, and addressed a rhetorically masterful letter to the Milanese. ‘What should [the Roman church] have done for you’, he cried, ‘and has not done?’ He listed several recent papal favours, including the confirmation of Robald’s election and the allowance of his translation from the see of Alba. ‘In what least thing has any reasonable petition of the daughter suffered, I do not say rebuff, but even delay from the pious mother?’ Then his argument reached a climax:

Look, to complete everything, the pallium, the fullness of honour, is at hand! But now hear me, famous people, noble nation, glorious city. Hear me, I say – I SPEAK THE TRUTH, I DO NOT LIE (1 Tm 2:7) – one who loves you, who is zealous for your salvation. The Roman church is very clement, but nonetheless powerful. This is faithful counsel and worthy of all acceptance: do not abuse her clemency, lest you be oppressed by her power.

He reminded them of their loss of Genoa, and of the pope’s power to make bishops into archbishops and vice versa, and to compel even high churchmen to appear before him. His words had the desired effect, and in the following year Robald went to Pisa to receive his pallium from Innocent.

After the schism had ended, Innocent continued to bestow the pallium on prelates throughout Europe, such as the archbishops of Split and Braga and the bishops of Bamberg and Autun. Though no longer so useful as a tool for gaining or maintaining loyalty in a divided Church, it was still a means of papal intervention in local ecclesiastical affairs. To cite two examples from the fringes of Western Christendom, where papal influence would otherwise have been more difficult to uphold, the pallium played a significant part in Innocent’s relations with churches in Ireland and the Holy Land.
Malachy O’Morgair, once archbishop of Armagh and then bishop of Down, wished to bolster the authority of his former see, and that of the newly erected archbishopric of Cashel, by obtaining what was still lacking to them both: the pallium, which his friend and biographer Bernard of Clairvaux called ‘the fullness of honour’. In 1139 Malachy travelled to Rome, where he met Innocent and asked for papal approval of the establishment of Cashel, as well as pallia for both Armagh and Cashel. The pope gave his approval, but demurred in regard to the vestments: ‘“Concerning the pallia, however”, the supreme pontiff said, “it must be handled more solemnly. Having summoned the bishops and clerics and greater men of the land, you will celebrate a general council, and so with the consent and common wish of all, you will seek the pallium through honourable persons, and it will be given to you”.’ The fact that Innocent could separate the confirmation of Cashel’s metropolitan status from the conferment of the pallium showed that the latter was not an automatic addition to, or simple symbol of, the former, but rather a privilege in its own right, which had to be treated soluminus. Perhaps Innocent merely wanted to ensure that proper procedure was followed, lest the significance of so valuable a vestment be diluted. However, the pope’s insistence that all the Irish bishops and magnates be consulted hinted that other issues were at stake, at a time when the island’s churches were assuming a Roman-style organisation. His instructions prompted Malachy, at the synod of Inis Pátraic in 1148, to seek a more formal, unanimous petition for the pallia, which also involved negotiating Dublin’s submission to the primacy of Armagh. Although it may be impossible to discover exactly why Innocent refused Malachy’s request, it was not unknown for popes in the reform period to decline the pallium when hierarchical relationships first needed settling.


77 Since at least the mid-nineth century, the popes had insisted upon certain formalities in requests for the pallium: JE 2789: ed. E. Perels, MGH Epp., 6 (Berlin, 1925), 640.


79 For example, Gregory VII denied King Michael of Zeta’s request for the pallium for the archbishop of Dubrovnik in 1078 until the pope could decide a dispute between Dubrovnik and the nearby see of Split: JL 5061: ed. E. Caspar, MGH Epp. Sel., 2/ii (Berlin, 1923), 365. In addition, Urban II forbade the pallium’s use to the archbishops of Sens and Rouen in 1095 until they recognised the primacy of the archbishop of Lyons: JL 5600: PL cl, 439. Finally, Anselm of Canterbury asked Paschal II to deny the pallium to Thomas II of York in 1108 until Thomas professed his obedience to Canterbury: S. Anselmi Opera, 2/v, 399.
On the other side of the medieval world, Ralph of Domfront, the second Latin patriarch of Antioch, was elected by popular acclaim in 1135, according to William of Tyre, without the assent of the gathered suffragans.\(^80\) As soon as Ralph occupied the cathedral, he donned the pallium, which he took up from the altar – whether his predecessor’s or one fabricated for the occasion is unclear.\(^81\) Probably Ralph wanted to legitimise his claim as quickly as possible, but William also remarked that Ralph had ‘no reverence for the Roman church’ thereby, since he had neither requested nor received the vestment from the pope.\(^82\) Later it was said that Ralph ‘scoffed that the see of which he was in charge, namely Antioch, was subject to the Roman see, but asserted that it was equal to [Rome] in all things. He said that both were chairs (\textit{cathedrae}) of Peter, and that [Antioch] was distinguished by the prerogative of the firstborn, as it were.’\(^83\) At the time, as the schism raged, Innocent could ill afford to lose the allegiance of the Latin East, and so he overlooked this affront.\(^84\) Three years later Ralph’s position had deteriorated badly, and he was forced to go to Rome to defend himself against various charges.\(^85\) Realising his vulnerability, Ralph performed an about-face, and the pallium, previously a sign of his arrogance, became the instrument of his submission and reconciliation: ‘Having resigned the pallium that [he] had taken for himself from the altar of the church of Antioch by his own authority – to the injury, it was said, of the Apostolic See – and having handed it over to the cardinals, another one, taken from the body of blessed Peter, was handed over to him solemnly by the prior of the deacons’.\(^86\) Such was the power of the symbol that Innocent insisted that Ralph surrender his old pallium and receive a new one, specifically linked to Rome by its contact with St Peter’s relics.\(^87\) By accepting a Roman pallium, Ralph recognised the limits of his own authority.


\(^81\) Hamilton presumes that it was the pallium of the previous patriarch, Bernard of Valence: B. Hamilton, \textit{The Latin Church in the Crusader States: the secular church} (London, 1980), 30, and idem, ‘Ralph of Domfront, Patriarch of Antioch (1135–40)’, \textit{Nottingham Medieval Studies}, 28 (1984), 6. However, it had become customary by this time to bury pallia with their recipients. For some twelfth-century witnesses to this custom, see Hugh of Flavigny, \textit{Chronicon}, ed. G. H. Pertz, \textit{MGH SS}, 8 (Hannover, 1848), 472; Eadmer of Canterbury’s letter to the monks of Glastonbury, ed. W. Stubbs, \textit{RS} 63 (London, 1877; repr. 1965), 149. For canon law on the matter, see X 1.8.2.


\(^84\) Hamilton, \textit{Latin Church}, 31–2. Many of the Westerners in Antioch were Normans from southern Italy or had ties to Roger of Sicily, and could easily have thrown their support behind Anacletus.


\(^86\) ‘Interea resignato pallio, quod idem patriarcha de altari Antiochene ecclesise sua sibi sumperat auctoritate in inuriam, ut dicebatur, sedis apostolice, et cardinalibus tradito, alius ei, sumptum de corpore beati Petri, more sollemni per priorem diaconorum traditur’, William of Tyre, \textit{Chronique}, ii, 693.

\(^87\) There is no evidence to suggest how Innocent had compensated for his lack of access to Peter’s tomb when he distributed pallia during his exile from Rome. He presumably had no choice but to bestow pallia that were not contact relics, at least of the traditional Petrine sort.
About the same time, Fulcher, archbishop of Tyre, came to Rome to seek the pallium. He was following the example of his predecessor William a decade before. And, like his predecessor, Fulcher was nearly prevented from making the journey by Patriarch William of Jerusalem, Tyre’s ecclesiastical superior, who had laid some kind of violent trap. Innocent gladly granted Fulcher the pallium and sternly rebuked the patriarch for his interference and subsequent persecution of the archbishop. The pope even threatened to remove the province of Tyre from the patriarch’s jurisdiction. Why had a request for a vestment provoked such harassment? The province of Tyre belonged of old to the patriarchate of Antioch, but was now divided between Antioch and Jerusalem. Recent papal decisions had (rather ineffectually) sanctioned Jerusalem’s control, since Tyre fell within that kingdom. The patriarch apparently feared that, by going to Rome and treating directly with the pope, Fulcher—who incidentally had been a fierce partisan of Innocent’s during the schism—was attempting to reconstruct his province on his own terms, with papal backing, and against Jerusalem’s rights. But there may have been another reason. It appears that Latin archbishops in the Holy Land at this time did not receive their pallia from Rome; only the two patriarchs did. Based on an ambiguous passage in William of Tyre’s chronicle, it seems that the patriarchs normally bestowed the vestment on their own archbishops, as was the custom in the Eastern church. If so, Fulcher’s recourse to Rome may have looked like treason to Jerusalem. The patriarch may have wanted to grant Fulcher the pallium himself, rather than admit the intrusion of Rome into Jerusalem’s sphere. Thus, through the papal gift of the pallium, Innocent showed himself to be an ecclesiastical impresario, the master even of patriarchs.

Pope Innocent II had inherited an instrument of influence, the pallium, which popes had long used as a means to intervene in local churches, approve and control their bishops, tie them more tightly to Rome, and ultimately centralise the Church under the papacy. This seeming imposition was often welcomed by prelates eager to fortify their authority in local circumstances by the use of Roman trappings. Thus, when he found himself exiled from the Apostolic See and competing with an antipope, Innocent wielded every weapon in
his arsenal, including the pallium, to consolidate his position. This woollen stole was a particularly potent weapon for several reasons. First, its recipients were usually the highest churchmen of their provinces, whose adherence to his cause was vital to its success. Second, its value as a liturgical vestment and contact relic of St. Peter that carried with it juridical authority and spiritual prestige meant that prelates desired it, and so it could be used to entice and persuade, and to sway allegiances. Third, its impact on the complex of relationships among bishops meant that its bestowal could reward some and punish others, alter the status of rivals, and show either indulgence or severity, depending on the situation. Innocent was a shrewd pope, and he used the pallium in these ways to strengthen his hand, especially in northern Italy. Even after the schism, as his dealings with the Holy Land demonstrated, the pallium served to subjugate competing powers – not an antipope this time, but the Eastern Latin patriarchs. During a particularly frayed pontificate, the pallium helped keep the fabric of papal ascendancy from unraveling.
12 Innocent II and the liturgy

John F. Romano

There is no ‘liturgy of Innocent II’, much as there is no liturgy attributable in all of its particulars to any other pope. Medieval liturgy was a complex tapestry of threads from different times and places, and, as a result, its outward forms varied across Western Europe and even within the city of Rome.¹ By the time of Innocent II’s accession to the papacy, papal liturgy had been slowly growing and changing over the course of centuries. Like the broader institution to which it was attached, Innocent II’s brand of liturgy was a mixture of forms that had been observed for centuries and, to a lesser degree, new additions.² Because of the limitations of our sources, it is a challenge to map the origins of different elements in the liturgy and even more so to assign individual practices to Innocent II himself. The balance that Innocent II like other popes had to strike was to maintain the stability of the considerable heritage of worship, while subtly incorporating new forms when they were deemed necessary. As a result, the liturgy at its best allowed for a display of the strength of tradition but also the flexibility of innovation. Conservatism often emerges in forms of worship, but not in an unthinkingly repetitive fashion: keeping old forms could achieve the pope’s aims just as well as introducing new ones.

Leading the liturgy – the public worship of the Church – was one of the main duties of popes in the twelfth century, albeit only one aspect of the ceremonial that played a central role in their public presentation.³ The main forms of the liturgy were the Mass and the Divine Office. Both of these rituals consisted of prayers, readings from Scripture, and the chanting of Psalms and


² For this characterisation of the papacy in this period, see Robinson, Papacy.

hymns. The Mass also included the priest’s blessing of bread and wine, after which it was believed that they were transformed into the body and blood of Christ. Popes like Innocent II had to celebrate a large number of public Masses and to lead the hours of the Divine Office in Rome. If executed as planned, the pope oversaw a virtual ‘liturgical assault’ that would make him omnipresent in the city of Rome. In the Appendix, a chart lists the Masses and Divine Office that contemporary papal sources identify as involving the personal participation of the pontiff. The major ceremonies centered around Easter and, to a lesser extent, Christmas. This list of reconstructed liturgical celebrations has some obvious gaps, not least of which are the Second and Third Sundays of Lent as well as the days from Easter Tuesday to Easter Friday. These missing days may be attributable to forgetfulness on the part of the authors of the liturgical sources that recorded papal celebrations. It is also possible that by the twelfth century, the pope was accustomed to having a substitute fill in for him on certain days, and so they could safely be omitted from a summary of papal liturgies.

Directing the worship of the city of Rome had so long been a part of papal responsibilities that liturgical sources do not regularly reflect on why the pontiff performed them in the first place. Only a handful of stray comments hint at what the liturgy was intended to accomplish. Twelfth-century Romans believed that the blessing the pope said over the people at Mass had the power to remit sins. Just as St Peter had been freed from his chains by the angel (Acts 12:6–10), so too would the papal blessing at the annual Mass celebrated by the pope at the Roman church of San Pietro in Vincoli free Romans from their sins. The sacrifice of the Mass was beneficial to the redemption of the souls of the dead. Pope Gregory I initially instituted the procession known as the Major Litany to invoke the intercession of saints against the deaths of Romans from the plague, but it grew to encompass any danger to body and soul.

Modern scholarly theories have extended beyond the spiritual justifications of papal liturgy provided by contemporaries. Scholars have tended to affirm

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6 *Liber censuum*, ii, 268b: ‘Et sicut beatus Petrus ab angelo solutus fuit, ita Romanus populus a peccato cum benedictione liberatus recedat.’ This text was not part of the urtext of the *Mirabilia urbis Romae*, but had been added before its incorporation in Cardinal Cencius Savelli’s *Liber censuum* in 1192 and likely describes general attitudes toward liturgy in twelfth-century Rome. For the *Mirabilia*, see D. Kinney, ‘Fact and Fiction in the *Mirabilia urbis Romae*,’ in *Roma Felix: Formation and Reflections of Medieval Rome*, ed. É. O’Carraighín and C. Neuman de Vegvar (Aldershot and Burlington, VT, 2007), 235–52.

7 *Liber censuum*, ii, 267b: ‘et in isto die omnes sancti cum matre sua Maria semper virgine et celestibus spiritibus habeant festivitatem et defuncti habeant per ecclesias totius mundi sacrificium pro redemp- tione animarum suarum.’ For this source, see the above note.

the power that ritual had in medieval society and the ritualised nature of cultural interactions in this period, even if they have simultaneously been bedevilled by if not openly hostile to the vagueness of the term ‘ritual’. Whereas most discussion of ritual has focused on narrative accounts, relatively little work has revolved around the more limited field of Christian worship and liturgical documents that describe it. Yet the liturgy of medieval bishops had an important role in symbolically establishing their spiritual and temporal authority. This was especially the case for the pope. Liturgy had contributed to the pope’s organisation of the court of his clergy around him, and the unification of the city of Rome under his leadership. The elaborate series of rituals the pope executed ‘constructed’ the position of the pope, simultaneously forging solidarity among subordinate Romans and impressing visitors to the city.

In some instances one can claim that liturgy, papal or otherwise, could serve as a medium of propaganda. If the term propaganda seems overly negative, it may suffice to note that liturgy could serve the temporal interests of the papacy. It was one of the primary strategies by which early medieval popes were initially able to wrest control of the city of Rome and transform it into a city under papal authority. This utilisation of liturgy was not, however, a one-time affair, and popes had to renew their control over the city through their liturgical presence over the centuries. Controversial popes like

Innocent II continued to use some features of the liturgy to their advantage. That the Commune of 1143 was founded in opposition to the leadership of the papacy demonstrates that the papacy still encountered resistance to its rule in the twelfth century and needed all of the powers at its disposal to maintain its hold. To be named pope in the first place, one had to pay scrupulous attention to proper ritual. Both Innocent II and his rival Anacletus II attempted to complete the usual ceremonial to become pope, including being introduced and enthroned in the Lateran palace and receiving the proper papal insignia. Liturgy contributed to the pope’s assertion of a message of Roman renewal, strength, and even triumph throughout the Mediterranean world in the twelfth century. An observer who fell asleep in the early Middle Ages only to awake in the twelfth century would be surprised by the complicated interplay of the old and the new in papal liturgies. To demonstrate this, however, it is necessary to spend some time with the sources that make such an investigation possible. The earliest extant guides of liturgy are the ordines, 50 liturgical scripts preserved starting in the seventh century, which detail some of the pope’s major ceremonies like Mass on Easter morning and the Triduum (i.e. Holy or Maundy Thursday, Good Friday, and the Easter Vigil). There are no extant scripts that update Roman liturgical material, which would allow us to observe the piecemeal modification of papal practice over the intervening centuries. It is exactly in the period of Innocent II that there is a marked increase of our primary liturgical material for Rome. Three sources are of particular use in the reconstruction of twelfth-century papal liturgy: the ordo of the cantor and canon of St Peter’s Benedict, from ca. 1140–43; the mid-twelfth century ordo

20 For liturgical sources in the twelfth century, see especially E. Cattaneo, Il culto cristiano in Occidente: Note storiche (Rome, 1978), 243–66.
of the cantor of St John Lateran Bernard, and the twelfth-century Roman pontifical, a liturgical book intended for the use of a bishop and containing only the ceremonies specific to him. The Roman pontifical of the twelfth century is a particularly difficult document to study, since there was no single archetype used in the city of Rome; the different manuscripts represent Roman scriptoria attempting to adapt the norms of the tenth-century Romano-German Pontifical to Roman practice. Ordines often present difficulties for historical analysis, because they cannot always be accurately dated, localised, or assigned to a known author. Yet we are on comparatively firm footing with ordines for papal practice in the twelfth century. The Triduum and the Mass on Easter morning are an ideal test case for viewing the continuity and change in papal liturgy, in part because we have a much better idea of their form than other liturgies from this period. These liturgies were written and kept because of the sanctity of the days in question but also because their form is so unusual that the Roman clergy needed to be reminded how they were to be performed. The trend of relative conservatism with a stratum of new trends was, however, much broader than can be witnessed in a four-day span.

Whatever one thinks of a twelfth-century ‘Renaissance’, the renewal that marked this period does not pervade contemporary liturgy, which had a more expansive view of its relationship with the past: rather than merely returning to antiquity, for instance, liturgy was intended to make real the saving events of Christianity that had occurred long ago and to point toward the blessed future in heaven. On a more practical level, if we compare the liturgy of the

22 Bernard’s ordo is in Bernhardi. For discussion, see B. Neunheuser, Storia della liturgia attraverso le epoche culturali (Rome, 1977), 91–2. Bernard’s ordo is in need of more intensive critical study. To some degree it appears that Bernard drew upon the liturgical customs of Saint–Ruf near Avignon. See Ordo Nidrosiensis ecclesiae, ed. L. Gjerlow, Libri liturgici provinciae Nidrosiensis mediæ evi 2 (Oslo, 1968), 107–8; H. E. J. Cowdrey, ‘Pope Gregory VII (1073–85) and the Liturgy’, Journal of Theological Studies, N.S. 55 (2004), 55–83, at 63–4. It appears that by the time that Bernard wrote, these were already a part of the liturgical program of the canons at the Lateran. In any case, Bernard’s observations on papal worship were original and drawn from personal experience.

23 Le Pontifical romain au Moyen–Age, ed. Michel Andrieu, 4 vols (Vatican City, 1938–41); vol. i includes the twelfth-century pontifical. In addition to Andrieu’s introduction (Pontifical romain, ii, 3–19), see also Palazzo, History, 195–212; Vogel, Medieval Liturgy, 249–51. Any discussion of the twelfth-century pontifical must now take into account R. F. Gyug, ‘The Pontificals of Monte Cassino’, in L’età dell’abate Desiderio, 3 vols (Monte Cassino, 1989–92), iii, 413–39. Some of its manuscripts that Andrieu assumed to be Roman were likely compiled in Monte Cassino under Desiderius’s abbacy.

24 For the purposes of comparison, references to the Romano-German Pontifical are included as relevant: Le Pontifical romano-germanique du dixième siècle, ed. C. Vogel and R. Elze, 3 vols (Vatican City, 1963–72). On this source, see Palazzo, History, 201–12; Vogel, Medieval Liturgy, 225–47.


seventh and eighth centuries with that of the twelfth, we can see elements of the liturgy were not so much renewed as repeated. This is especially tangible with the readings, music, and prayer in the papal Mass that had been standardised by the eighth century, were employed across a period of centuries, and were still in use in the twelfth century. On Holy Thursday, the same epistle and Gospel had been proclaimed for centuries. Likewise the music chanted for the feast was the same – the introit (Nos autem gloriari), gradual (Christus factus est pro nobis), and the Communion antiphon (Dominus Jesus postquam cenavit). The same was true for most of the prayers in this Mass, including the secret, a benediction for the holy oils blessed at this Mass, and special versions of three prayers that were normally standard, the Communicantes, Hanc igitur, and Qui pridie.

The repetition of texts appears on Good Friday as well. The first and second readings (Hosea 6:1–6 and Exodus 12:1–11) were both the same, as was the reading of the Passion from the Gospel of John (John 18:1–19:42). The same tracts (Domine audivi and Eripe me domine) had been chanted across centuries as well as the same antiphons for the adoration of the cross (Ecce lignum crucis; Crucem tuam adoramus; and Crux fidelis). Among these antiphons was the bilingual Greek/Latin chant Agios Theos/Sanctus Deus, which debuted at a time when Rome had a sizeable population of Greek speakers but which persisted long after their number had dwindled. As for the Easter Vigil, its most

28 Pontifical roman, iv, vii, viii, here with reference to prayers.


31 Secret: Le sacramentaire grégorien: Ses principales formes d’après les plus anciens manuscrits, ed. J. Deshusses, Spicilegium Friburgense, 16, 24, 28 (Fribourg, 1971, 1979, 1982), i, 171 (formula 329); Pontifical roman, i, 220. Benediction for oils: Sacramentaire grégorien, i, 172–3 (formula 334); Pontifical roman, i, 221. Communicantes: Sacramentaire grégorien, i, 172 (formula 330); Pontifical roman, i, 220. Hanc igitur: Sacramentaire grégorien, i, 172 (formula 331); Pontifical roman, i, 220. Qui pridie: Sacramentaire grégorien, i, 172 (formula 332); Pontifical roman, i, 220. For the Gregorian Sacramentary, see Palazzo, History, 48–56; Vogel, Medieval Liturgy, 79–102, 121–32.


33 Tract Domine audivi: Antiphonale, 94–5; Pontifical roman, i, 235. Tract Eripe me domine: Antiphonale, 94–5; Pontifical roman, i, 235. Antiphons: Antiphonale, 96–7; Pontifical roman, i, 235.

34 For this chant, see Antiphonale, ix–ix. For the early medieval Greek presence in Rome generally, see F. Burgarella, ‘Presenze greche a Roma: Aspetti culturali e religiosi’, in Roma fra Oriente e Occidente, Settimane di studio del Centro italiano di Studi sull’alto Medioevo 49, 2 vols (Spoleto, 2001), ii, 943–92; and for the linguistic influence of Greek, see J. M. Sansterre, Les moines grecs et orientaux à Rome aux époques byzantine et carolingienne (milieu du VIe s. – fin du IXe s.), 2 vols (Brussels, 1993), i, 62–76.
unusual feature was that 12 readings would be chanted at its beginning, both in Latin and in Greek; this was one of the few services across the liturgical year that featured Old Testament readings. Following the fourth, eighth, and eleventh readings there were special musical pieces called canticles.\footnote{For the general trend, see Benedict’s \textit{ordo}, 151b; Bernard’s \textit{ordo}, 62; \textit{Pontifical romain}, i, 241. The readings were, in order of their proclamation, Genesis 1:1–2:2; Genesis 5:32–8:31 (excerpts); Genesis 22:1–19; Exodus 14:24–31, 15:1; Isaiah 54:17, 55:1–11; Baruch 3:9–38; Ezekiel 37:1–14; Isaiah 4:1–6; Exodus 12:1–11; Jonah 3:1–10; Deuteronomy 31:22–30; Daniel 3:1–24. The readings in the older source are in the Corbie Lectionary, 9–10; ‘Comes de Murbach’, 41; and in the twelfth century, Benedict’s \textit{ordo}, 151b; Bernard’s \textit{ordo}, 66; \textit{Pontifical romain}, i, 241.} In two of the lectionaries that include the readings and the canticles, the canticles are listed in the same order and after the same readings as they are in later sources.\footnote{The first canticle is \textit{Cantemus domino gloriose}: \textit{Antiphonale}, 96–7; Corbie Lectionary, 9–10; ‘Comes de Murbach’, 41; and in the twelfth century, Benedict’s \textit{ordo}, 151b; Bernard’s \textit{ordo}, 66. The second canticle is \textit{Vinea facta est}: \textit{Antiphonale}, 98–9; Corbie Lectionary, 10; Benedict’s \textit{ordo}, 151b; Bernard’s \textit{ordo}, 66. The third canticle is \textit{Attende celum}: \textit{Antiphonale}, 96–9; Corbie Lectionary, 10; Benedict’s \textit{ordo}, 151b; Bernard’s \textit{ordo}, 66.} Additionally, two special tracts were sung, \textit{Sicut cervus} and \textit{Laudate dominum omnes gentes}, the first of which was chanted as the clergy walked in procession to the baptismal font. In both cases, the three regular chants the offertory antiphon, the \textit{Agnus Dei}, and the Communion antiphon would be suppressed during the Easter Vigil.\footnote{\textit{Sicut cervus}: \textit{Antiphonale}, 98–9; Corbie Lectionary, 10; Benedict’s \textit{ordo}, 151b; Bernard’s \textit{ordo}, 63, 67. \textit{Laudate dominum omnes gentes}: \textit{Antiphonale}, 98–9; Benedict’s \textit{ordo}, 152a; Bernard’s \textit{ordo}, 66, 74; \textit{Pontifical romain}, i, 248.} Finally, the introit and gradual for Easter Sunday – respectively, \textit{Resurrexi et adhuc tecum sum} and \textit{Haec dies} – were still in use.\footnote{\textit{Antiphonale}, 98–9; Benedict’s \textit{ordo}, 152a; Bernard’s \textit{ordo}, 65, 74. In the latter two sources, the creed was also omitted.} Much of the action in the course of the Triduum and Easter Sunday was derived from earlier practice. On Holy Thursday, the rubrics were always careful to note that there needed to be seven ministers holding candelabra.\footnote{Introit: \textit{Antiphonale}, 100–1; Benedict’s \textit{ordo}, 153a. Gradual: \textit{Antiphonale}, 100–1; Benedict’s \textit{ordo}, 153a.} In the course of the service the pope consecrated the special holy oils: the oil of the sick, the oil of the catechumens, and the oil of chrism.\footnote{OR XXIII:3 (\textit{Les Ordines Romani}, iii, 269); \textit{Pontifical romano-germanique}, ii, 67; Benedict’s \textit{ordo}, 150b; \textit{Pontifical romain}, i, 230–1. This may initially have referred to the seven ecclesiastical regions of the city of Rome, or possibly referred to the seven golden candelabra of the Book of Revelation (Revelation 1:12–13; 2:1, 5). On this point, see P. Batiffol, \textit{Leçons sur la messe}, 4th edn (Paris, 1919), 76.} Because no hosts would be consecrated during the Good Friday service, extra bread was consecrated on Holy Thursday and then reserved for the next day.\footnote{OR XXIII: 4, 7 (\textit{Les Ordines Romani}, iii, 269–70); \textit{Pontifical romano-germanique}, ii, 73–5; Benedict’s \textit{ordo}, 150b–151a; Bernard’s \textit{ordo}, 51–2; \textit{Pontifical romain}, i, 231–3.} In the Good Friday service, the pope and his clergy would engage in a barefoot procession from the Lateran palace to Santa Croce in Gerusalemme, during which they would sing Psalms.\footnote{OR XXIII:8 (\textit{Les Ordines Romani}, iii, 270); \textit{Pontifical romano-germanique}, ii, 76–7; Benedict’s \textit{ordo}, 151 a; \textit{Pontifical romain}, i, 232–3.} The Easter Vigil retained baptism at the Lateran baptistery as one part of the service: the pope would baptise a certain number...
of children, make the sign of the cross on them, and confirm them on their foreheads with the oil of chrism.\textsuperscript{45}

Easter Sunday retained several elements between the seventh and twelfth centuries. The pope and his clergy would participate in a horseback procession from the Lateran to Santa Maria Maggiore. The scene in which the notary met the pope on the Via Merulana in the course of the pope’s journey mirrored the earlier ceremony in nearly all of its details: the notary asked for and received a blessing from the pope, informed the pope how many children had been baptised the previous night at Santa Maria Maggiore, and was awarded a coin from the sacellarius, the keeper of the privy purse.\textsuperscript{46} Before entering for the Mass, the pope would first enter a small building to the side of the church or sacristy known as a secretarium, where he blessed some of the clergy.\textsuperscript{47} Prior to the opening procession of the Mass the lectors for the readings and the cantors were announced to the pope.\textsuperscript{48} In the course of the Mass the ancient courtly custom of sustentatio, in which each of the pontiff’s hands would be held by a cleric, was still performed.\textsuperscript{49} Bernard accurately singled out this last custom for having been antique.\textsuperscript{50}

Looking beyond an exclusive focus on the Triduum and Easter morning, several features of the papal liturgy enjoyed considerable antiquity and had been continuously practiced for centuries. The most notable example of this trend was the stational liturgy, in which the pope would celebrate the main Mass of the city in a set pattern around different churches in the city of Rome depending upon the feast.\textsuperscript{51} Both as part of the stational liturgy and independently, the popes held impressive processions across the city with their clerical retinue.\textsuperscript{52} The processions, referred to as litanies, and in particular the Major

\textsuperscript{45} OR XXIII:28–31 (Les Ordines Romani, iii, 273); Benedict’s ordo, 152a; Bernard’s ordo, 64; Pontifical romain, i, 246–7.


\textsuperscript{47} OR I:29, 32–36 (Les Ordines Romani, ii, 76–9); Benedict’s ordo, 152b–153a.

\textsuperscript{48} OR I:37–38 (Les Ordines Romani, ii, 79–80); Benedict’s ordo, 153a.

\textsuperscript{49} OR I:29, 45–6, 69, 76, 113 (Les Ordines Romani, ii, 76–77, 81–2, 91–2, 103–4); Benedict’s ordo, 153a–b; Bernard’s ordo, 63–4. There are also a few instances of twelfth-century sustentatio outside of Easter: see Benedict’s ordo, 146a; Bernard’s ordo, 43, 50. On the sustentatio, see E. Jerg, ‘Die “Sustentatio” in der römischen Liturgie vor dem Hintergrund des kaiserlichen Hofzeremoniells’, Zeitschrift für katholische Theologie, 80 (1958), 316–24.

\textsuperscript{50} Bernard’s ordo, 63 (secundum antiquam consuetudinem sustentantem).


Litany, were designed to extinguish God’s anger as a result of human sin. Romans of the twelfth century had lost none of their obsession in making sure that the participants in the procession were in the right order of rank and that everyone involved with the ceremony carried and was responsible for guarding the liturgical furnishings assigned to him, such as liturgical books, candelabra, or a thurible.

Certain individual elements of the liturgy that had started in antiquity found an echo well into medieval papal liturgy. At some points in the liturgy, the pope’s feet were kissed by the clergy. The antique custom persisted of turning toward the East, the sacred direction from where the sun rises, at points in the Mass. This was the direction of prayer in ancient Rome, inspired initially by veneration of the sun, but it was incorporated into Christian thought and liturgical practice. The *draconarii*, the standard bearers of the late Roman army who held the dragon-headed images, still existed in some form in Rome in the twelfth century, long after the Roman army disappeared – though they now likely retained little more than a ceremonial position. Greek chants still sounded out in papal liturgies, similar to the chants for the cross on Good Friday. Because these chants left spots in which the name of the current pope could be inserted, the chants as preserved in Benedict’s *ordo* include Innocent II’s name in them. Also long-standing was the medieval tendency to practice consecration by contact – i.e. bread or wine that had already been consecrated by a priest was placed or poured into a receptacle of unconsecrated wine, which had the effect of consecrating it without the need for new prayers. Even the ritualised method of eating at the end of Mass in the twelfth century was a holdover from an ancient period: the pope and his clergy reclined on

54 Cf. for example OR I:19–23 (*Les Ordines Romani*, ii, 73–4); Benedict’s *ordo*, 145a–b.
55 OR I:59 (*Les Ordines Romani*, ii, 87–88); Bernard’s *ordo*, 146a, 147a, 151b, 153b. This ritual was a part of Innocent II’s courtly ceremonial and was also practiced outside of the liturgy. The visiting Abbot Hariulf was required to kiss Innocent II’s feet upon being introduced to the pope. See *Chronicon Aidenburgense Majus, Appendix ad Hariulfum, PL*, cclxxiv, 1544–54, at 1545, and for discussion, M. Stroll, *The Jewish Pope: Ideology and Politics in the Papal Schism of 1130* (Leiden and New York, 1987), 124; *eadem, Symbols as Power: The Papacy Following the Investiture Contest* (Leiden and New York, 1991), 181–2.
56 When the pope first arrived at his seat in the seventh–century Mass, he turned toward the East: OR I:51 (*Les Ordines Romani*, ii, 83). Bernard seems to make reference to the custom of a priest’s changing his direction to greet the people practiced in most churches, ostensibly but not explicitly toward the East (Bernard’s *ordo*, 83). This was not done in St John Lateran, presumably because the church was already oriented toward the East. In addition, the subdeacon did a reading on Palm Sunday toward the East (Bernard’s *ordo*, 42).
58 OR I:126 (*Les Ordines Romani*, ii, 108); Benedict’s *ordo*, 145a, 146b.
60 *Liber censuum*, ii, 173a.
61 OR I:108 (*Les Ordines Romani*, ii, 102); *Pontifical romanogermanique*, ii, 92; Benedict’s *ordo*, 151b; *Pontifical romanum*, i, 234–27. For the practice of consecration by contact, see M. Andrieu, *Immixtio et consecratio: la consécration par contact dans les documents liturgiques du moyen âge* (Paris, 1924). For the use of consecration by contact on Good Friday, see below.
couches while they were served their meal, the normal method of feasting in the ancient Roman world.62 This custom, which had grown unusual by the Middle Ages, elicited a puzzled description by Suger:63

When Mass had ended, his party retired to the cloister where tables had been set up and fine carpets strewn about. Then reclining as if in bed, they consumed a corporeal lamb and partook of the other dishes of a noble table in the customary way.

An earlier study of Anton L. Mayer held that the liturgy of the twelfth century expressed the spirit of this ‘Gothic’ age, exuberantly tying it to innovative trends of the time like subjectivity, individualism, and Christ-centered piety.64 This analysis seems exaggerated today, with the author cherry-picking his evidence to suit what he considered to be the most overwhelming features of this historical moment. Liturgy would indeed continue to undergo development; it was not as unchanging as is sometimes supposed. But in reality changes came in small steps and did not necessarily accompany large-scale historical movements. New liturgies were still composed to honour saints and promote their cults.65 Creative new lyrics were inserted into already existing music for the Mass.66 To accompany the crusading movement, compositions had to be penned to gain God’s assistance in liberating or holding the Holy Land.67 In some cases, the liturgical forms employed in the Crusades were older forms now applied to new causes: tentals, a series of 30 Masses, could now be said to liberate Jerusalem from ‘pagans’ rather than the older use of freeing souls from purgatory. Rome in the twelfth century was by no means immune to liturgical change. Nicola Magnacozza, a deacon at the Roman church of San Lorenzo in Damaso and monk at San Paolo fuori le Mura, criticised the reform of the papal liturgy in the twelfth century for changing certain readings at some of the stations in Lent so they would not be repeated.68 For Magnacozza, Roman liturgy was already perfect because its formation had been guided by the assistance of the Holy Spirit; his complaints show that not everyone was willing to allow the readings to stay the same.

It may seem at first unsurprising that substantial continuity exists in the liturgies of the Triduum and Easter Sunday, given the ‘law’ of liturgical

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62 Liber censuum, ii, 163a, n. 48. For the practice in the ancient Roman world, see J. Balsdon, Life and Leisure in Ancient Rome (London, 1969), 41.
65 See for example Bernard de Clairvaux, Office de Saint Victor; Prologue à l’antiphonaire; Lettre 398, ed. C. Maître (Paris, 2009).
67 A. Linder, Raising Arms: Liturgy in the Struggle to Liberate Jerusalem in the Late Middle Ages (Turnhout, 2003).
development given by the famed liturgist Anton Baumstark, who argued that it was in liturgically high times of the year that the oldest liturgical customs are held to most tenaciously.⁶⁹ Yet scrutinising the same liturgies carefully reveals that they too allowed incremental change. This was even true of the prayers voiced in the Mass, which were normally resistant to modification. The prayer known as the collect Deus a quo et Iudas said at Holy Thursday began to have proditor (traitor) inserted after Judas’s name in twelfth-century Rome, though it was absent earlier in the tradition; this change is attested in other prayer books.⁷⁰ Before the twelfth century, the same prayer was inserted into the liturgy of Good Friday after the first reading.⁷¹ Both the older and newer liturgies of Good Friday included the series of prayers known collectively as the Universal Prayer, in which supplications would be made for various sections of society.⁷² However, in the twelfth-century prayers, a new rubric had been incorporated into Roman prayers for the Jews: unlike with the other prayers, participants were not supposed to kneel at this prayer, because the Jewish people were said to have mocked Jesus by bowing down to him; the Church, supposedly horrified by this outrage, refused to extend any act of respect to them.⁷³ This gesture also was observed elsewhere in Europe and may reflect rising anti-Jewish attitudes of the time, which in the late–eleventh and twelfth centuries occasionally boiled over into violent persecution.⁷⁴ Even among the stable readings and music for the Easter Vigil, a new pair of antiphons – Vespere autem sabbati and Magnificat anima mea Dominum – were added to the feast.⁷⁵

The action had been tweaked in some of the particulars of the Triduum and Easter Sunday, demonstrating that even on the holiest of days, the liturgy was by no means immutable. This was true of at least two important ceremonial details on Good Friday. In the eighth century, the papal entourage carried from the Lateran palace a small relic of the True Cross encased in a reliquary; it was placed on the altar for clergy and laymen to adore by kissing and then brought to laywomen so they could do the same.⁷⁶ The adoration of

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⁷¹ Pontifical romanum, i, 235.
⁷² Sacramentaire grégorien, i, 176–80 (formulae 338–55); Pontifical romanum, i, 235.
⁷³ Pontifical romanum, i, 235: ‘Nam quia Iudaei die hac dominum irridendo genua flectebant, Ecclesia, illorum perhorrescens facinus, non flectit genua in orando pro ipsis.’ The Scriptural reference here is to Mark 15:19. The first reference to the avoidance of kneeling for Jews is OR XXIV:3 (Les Ordines Romani, iii, 288), but this ondo derives from Frankish lands.
⁷⁵ Benedict’s ondo, 152a; Bernard’s ondo, 65, 74; Pontifical romanum, i, 249.
⁷⁶ OR XXIII:11–17 (Les Ordines Romani, iii, 270–1).
the cross remained an integral part of the service, but the mechanics underwent modification. Starting in the tenth century by the latest, the clergy produced a larger, freestanding fragment of the True Cross (not contained in any reliquary) from the church of Santa Croce; two clergy held it as the congregation approached to venerate it.77 In both the eighth and twelfth centuries, there was an opportunity to receive the Eucharist at this service though consecration through prayer was not performed, but there were differences as to who received and how they received. In the eighth century, neither the pope nor the deacons who attended him took Communion, but any of the faithful in attendance were free to consume the Eucharist reserved from the night before.78 Wine was not mentioned at all and seemed to play no part in the service. Starting at the latest in the tenth century, everyone in attendance including the pope would have the opportunity to consume the Eucharist.79 One twelfth-century source explicitly says that the pope took Communion.80 Rather than distribute the bread previously consecrated, the pope performed consecration by contact, which had the effect of consecrating the wine in the chalice; this mixture of bread and wine was offered to everyone.81

During the Easter Vigil, the pope continued baptising children, but rather than four or five children as had been the case in the eighth century, the canonical number was reduced to the Trinitarian number three; and the children were now given three standard names – John, Peter, and Mary.82 In addition, an innovative element was incorporated into the Easter Vigil liturgy. While at the Lateran baptismal font, the pope gave a special blessing over the cardinals and dismissed them to return to their own titular churches in order to perform baptisms there.83 The position of the cardinals had not developed into an independent power base in the eighth century, and so they were not yet afforded control over titular churches or this distinctive ceremony.84 Although Benedict’s account of Easter morning Mass is brief in comparison with the better known early medieval account, we can discern a handful of differences in the way that Mass was carried out. The pope still undertook a procession, but now was decked out with more monarchical accoutrements, above all the crown.85 Although the pope went to the secretarium in both versions, in the twelfth century, he first entered the

77 Pontifical romano-germanique, ii, 90–2; Pontifical romanum, i, 236–7.
78 OR XXIII:22 (Les Ordines Romani, iii, 272).
79 Pontifical romano-germanique, ii, 92–3.
80 Benedict’s ordo, 151b.
81 Pontifical romano-germanique, ii, 93; Benedict’s ordo, 151b; Pontifical romanum, i, 237.
82 OR XXIII:30–31 (Les Ordines Romani, iii, 273); Bernard’s ordo, 64; Pontifical romanum, i, 245–7.
83 Benedict’s ordo, 151b–152a; Bernard’s ordo, 63–4; Pontifical romanum, i, 243.
84 For the development of the position of the cardinal, see S. Kuttner, ‘Cardinalis: The History of a Canonical Concept’, Traditio, 3 (1945), 129–214; reprinted in S. Kuttner, The History of Ideas and Doctrine of Canon Law in the Middle Ages (London, 1980), no. X.
85 The pope was crowned for processions before and after Easter Sunday Mass: Benedict’s ordo, 152b, 153b.
main church and prayed before doing so. Another regal characteristic now inserted directly into the Mass after the collect and before the reading of the epistle were laudes directed to Innocent II.

The archdeacon with his companions [i.e. fellow deacons] chants in a high voice: *Hear, O Christ!* – The notaries respond: *Long life to our lord pope Innocent decreed by God the supreme pontiff and universal pope!* – The archdeacon and deacons again chant: *Hear, O Christ!* The notaries respond in the same way.

The previous ceremony by which acolytes of the church would carry pieces of the consecrated bread known as the fermentum to the titular or parish churches of Rome had completely disappeared by the twelfth century. The pope in the twelfth century persisted in engaging in the ritual Kiss of Peace, but this papal gesture had lost its place as a part of the Mass. The pope in the seventh century exchanged the Kiss with the major clergy in the course of the opening procession of the Mass while the introit was being sung. In Benedict's *ordo*, the pope first exchanged the Kiss with the clergy who accompanied him on the morning procession to Santa Maria Maggiore, and then he would exchange the Kiss with the other clergy and members of the civil government in the *secretarium* before the opening procession had started.

A host of new elements had been inserted into Rome’s urban liturgy in the intervening centuries. In the seventh century, the pope would not preach a sermon even on Easter Sunday, but in the twelfth century, there was gradual extension of the preaching duties that the pope had. The Nicene Creed only became a part of the Roman Mass in the eleventh century. At some point the pope began to mold wax disks with an impression of the Lamb of God on them at the Easter Vigil, which would be distributed to people on White Sunday, the

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86 Benedict’s *ordo*, 152b – 153a. In Benedict’s *ordo* there is similarly no explicit reference to the clergy’s changing the pope’s clothing in the *secretarium*.
87 Benedict’s *ordo*, 153a. ‘... [A]rchidiaconus cum socis alta voce dicit: *Exaudi Christe!* —Notarii respondent: *Domino nostro pape Innocentio a Deo decreto summo pontifici et universali pape vita!* —Archidiaconus et diaconi iterunt dicunt: *Exaudi Christe!* Notarii respondent similiter.' See below for more on laudes.
89 OR I:49 (*Les Ordines Romani*, ii, 83). The more general Kiss of Peace would take place later in the Mass, but the pope himself did not engage in it. Rather the archdeacon would, ostensibly in the pope’s stead (OR I:96, *Les Ordines Romani*, ii, 98).
90 Benedict’s *ordo*, 152 b.
91 No sermon appears in OR I, but the pope’s preaching recurs in Benedict’s *ordo* (149a, 150a, 157a). In Bernard’s *ordo*, 50–1, the implication is that the pope’s decision to deliver a sermon is still a fairly unusual event. In the diverse redactions of the Roman pontifical of the twelfth century, there is a gradual increase in the importance of preaching. See Cattaneo, *Culto cristiano*, 260. For the limited role of preaching in early medieval worship, see R. E. McLaughlin, ‘The Word Eclipsed? Preaching in the Early Middle Ages’, *Traditio*, 46 (1991), 77–122.
92 For the incorporation of the creed in the eleventh century, see Jungmann, *Missarum sollemnia*, i, 601–2 (*Mass of the Roman Rite*, i, 469–70). For a twelfth–century reference from Rome, see Benedict’s *ordo*, 146a.
Sunday following Easter. Starting at the latest in the mid-eleventh century, the pope began to hand out a golden rose to the prefect of the city, the highest public authority in Rome, on Laetare Sunday, the Fourth Sunday of Lent. Not even the Triduum was immune from the introduction of new liturgical features in spite of the conservatism associated with very holy days. In the twelfth century, the clergy would not exchange the Kiss of Peace during the Mass on Holy Thursday because of the fraudulent kiss that Judas had given to Jesus before the latter’s arrest. Because of the increasing association between the Lateran basilica and the ancient Jewish temple, during the course of the Holy Thursday liturgy the pope displayed to the people blood relics from Jesus enclosed in the wooden altar supposedly fashioned from the table dined upon in the Last Supper. A new procession that the pope engaged in on Easter Monday was patterned off of the procession on the day of his coronation and so communicated his leadership over the city of Rome.

One may object that despite a plethora of external differences, there were no changes to some ill-defined ‘core’ of papal liturgy during this period. This ‘core’ may at least be said to include the actions relating to the Eucharist in the Mass. However, even this limited proposition cannot be sustained with the available evidence. On Good Friday, the basic details of how the Eucharist would be distributed and whether or not bread and wine would be given out was altered. When it came to Easter Sunday, the practice of the fermentum ceased over time. It is not readily apparent that contemporaries watching papal liturgy would have been able to distinguish between what was at the heart of the liturgy and what were supplemental features. Unless we rely upon the explicit testimony of contemporaries, historians should exercise caution when attempting to distinguish which features of the liturgy were considered most important.

Popes had some degree of control over the shape of the liturgy they performed, and Innocent II was no exception. He was known for his imitation of

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93 For the crafting and distribution of the wax disks known as Agnus Dei, see Benedict’s ordo, 151b and 155a–b; Bernard’s ordo, 91. Bernard claims that this was an old custom, but does not provide a concrete date of inception. The earliest reference to this ritual appears in OR XXVI:78 (Les Ordines Romani, iii, 326–7), which would mean that it had started in the second half of the eighth century, but this ordo contains a mixture of Roman and Frankish elements.

94 For the golden rose, see Benedict’s ordo, 150a; E. Cornides, Rose und Schwert im päpstlichen Zeremoniell, von den Anfängen bis zum Pontifikat Gregors XIII (Vienna, 1967), 24–5. For the duties of the prefect, see L. Halphen, Etudes sur l’administration de Rome au Moyen Age (751–1252) (Paris, 1907), 16–27.

95 For the absence of a ‘Judas’ kiss on Holy Thursday, see Bernard’s ordo, 48–9. This custom is conspicuously absent in OR XXIII (cf. Les Ordines Romani, iii, 269–70), although the script lists the special exceptions for this day in OR XXIII:4 (i.e. no Alleluia was chanted and the chrism was blessed).


98 See for instance L. Duchesne, Origines du culte chrétiens. Etude sur la liturgie latine avant Charlemagne, 5th edn (Paris, 1889), 172, who thought it possible to discuss papal liturgy without reference to the ceremonial accretions that had accumulated over the course of centuries.
imperial symbols or imperialisation of the papacy. Ceremonial was integral to this trend. Innocent II was crowned and rode on a horse in processions in important liturgical observances. Imperial laudes, acclamations of praise, would be directed to Innocent II. Contemporaries like Suger were fascinated by the finery that Innocent II and his clergy would wear in the procession on the way to celebrate the Mass for Easter Sunday.

His assistants had made their preparations following the Roman custom and clothed him there with many wonderful vestments. They placed on his head the Phrygian mitre, an imperial adornment ringed with a crown of gold and shaped like a helmet, and led him forth on a white horse covered with trimmings. They themselves wore fine cloaks and rode an assortment of horses draped with white cloths, and went forth in pairs joyfully chanting hymns.

Innocent II saw no contradiction between adopting imperial modes of dress and comportment and carrying out the customary papal liturgical duties.

It is likely that, given when it was composed, that Benedict’s ordo preserves the state of papal liturgy at the end of Innocent II’s reign. Benedict took pains to include novel liturgical elements that his patron Guido de Castello (the future Celestine II) had never seen because of his absence from Rome. These features can with a degree of plausibility be suggested to have started with Innocent II, although unless additional evidence is discovered they cannot be asserted with certainty to be a creation of his time as pope. Among these, one might single out the all-night vigil and Mass at St Peter’s for Gaudete Sunday, the Third Sunday of Advent, which could be read as part of Innocent II’s


100 Festal crowning are recurrent in Benedict’s ordo: 142b, 143a, 144a, 145a, 146a–b, 147b, 148a, 150a, 152b, 153a–b, 154b, 156b, 157a–b. For discussion of the fully elaborated ceremony of the crowning of the pope at the beginning of his office, see B. Schimmelpfennig, ‘Die Krönung des Papstes im Mittelalter dargestellt am Beispiel der Krönung Pius’ II (3.9.1458)’, Quellen und Forschungen aus italienischen Archiven und Bibliotheken, 54 (1974), 192–270. See also E. Eichmann, Weihe und Krönung des Papstes im Mittelalter, ed. K. Mörsdorf (Munich, 1951), 40–1.

101 For the employment of laudes, see Benedict’s ordo, 145b–146a, 147b, 148a–b, 153a–b, 157b. Examples of laudes with Innocent II’s name in them are incorporated into the Liber censuum, ii, 173a–b. For laudes and imperialization of the papacy more broadly, see E. Kantorowicz, Laudes regiae: A Study in Liturgical Acclamations and Mediaeval Ruler Worship (Berkeley and Los Angeles, 1946), 129–42. Laudes were further incorporated into the pope’s adventus at the Lateran: Twyman, Papal Ceremonial, 208–9.

102 Suger, Vie de Louis le Gros, 262, 264: ‘ . . . cum multo collateralium collegio . . . ibique more romano seipsose preparantes, multo et mirabili orantu circumbandis, capit ejus frigium, ornamentum imperiale, instar galeae circulo aureo circumdatae imponunt, albo et palliato equo insidentem educunt, ipsi etiam palliati eque albis operturis variatos equitantes, odas personando festive geminatae procedunt. The translation is from Suger, Deeds of Louis the Fat, 148. The term ‘Phrygian mitre’ likely derives from the Donation of Constantine. Cf. Das Constitutum Constantini, ed. H. Fuhrmann (Hanover, 1968), 87, 92.

campaign to reclaim the home base of his rival, Anacletus II, although any of his all-night vigils at St Peter’s would have been an effective strategy to reclaim this sacral space. A sermon to be delivered on Septuagesima Sunday would seem to open the doors to reconciliation with the clergy who had supported Anacletus II. It is further possible that Innocent II initiated the still-practiced custom of releasing flowers from the oculus or opening at the top of Santa Maria dei Martiri (the Pantheon); this was perhaps added to the urban liturgy on the Sunday after the Ascension on 15 May 1138 to divert people’s attention to Innocent II from the antipope Victor IV. After Anacletus’s death in January 1138, Innocent II was free to plan new ceremonies, and establishing liturgical customs that would maintain his hold on iconic churches would have been essential after Victor’s election on 13 March 1138. It is finally likely that Innocent II introduced a significant change to the stational system of churches for the Mass of Christmas during the day: rather than St Peter’s, Santa Maria Maggiore became the standard station. This station was no doubt easier than walking from the Lateran to St Peter’s, but the transition may have been made when St Peter’s was blocked off to Innocent II during or immediately following the reign of Anacletus, whose family the Pierleoni held on to the Leonine City. The switch in churches for the feast would make the most sense on 25 December 1137, when Emperor Lothar III allowed Innocent II to re-enter Rome, but not to recapture St Peter’s or its environs. Benedict, having personally witnessed St Peter’s and Santa Maria Maggiore as stations for the day, listed both churches in his ordo.

Roman liturgy in the twelfth century was not always something old or new, but could be a complex mixture of both. Roman liturgy had long provided opportunities to incorporate lay grandees of the city. Roman nobles in the seventh century donated bread and wine at the offertory to be consecrated later in the papal Mass. In the intervening centuries the donation of bread and wine had been commuted to monetary offerings. However, the pope still found a way for the nobles to participate in other ways — for instance, by personally exchanging the Kiss of Peace with nobles, which previously had been restricted to the clergy. The papacy gave lay nobles an entirely new opportunity to engage with the popes in processions, having them show their subordination to the papacy through the strator service in which they would serve as a groom; there had long been a groom for the pope’s horse, but this previously had been a practical position devoid of any

105 These included the Third Sunday in Advent, the Epiphany, the Ascension, the Pentecost, the Feast of St Peter, and the Feast of St Andrew. For references, see the Appendix.
106 Benedict’s ordo, 149a, and discussion in Romano, ‘Ceremonies’, 147.
107 Benedict’s ordo, 157a, and discussion in Romano, ‘Ceremonies’, 148.
108 Benedict’s ordo, 145a–b, and discussion in Romano, ‘Ceremonies’, 144–6.
109 OR I:69, 75 (Les Ordines Romani, ii, 91–2).
110 Jungmann, Missarum sollemnia, ii, 28–34 (Mass of the Roman Rite, ii, 21–6).
111 Benedict’s ordo, 155a.
broader symbolism. Additionally, liturgical scripts that were intended to regulate how councils ran continued to be written in the twelfth century, and preserved much of their previous instructions while adding a series of new elements. The *adventus* ceremony in which a secular ruler was greeted by the citizens of a city became another of the panoply of rituals that the papacy utilised to demonstrate leadership over the city of Rome. However, the *adventus* in the twelfth century increasingly afforded Romans the opportunity to reject or undermine a pope like Innocent II who had been chosen without the people having been consulted; the *adventus* emerged as an act that actively voiced Roman consent and acceptance, not merely acquiescence to God’s will. Innocent II, like the future pope Alexander III, was confronted by a ‘failed’ *adventus*. He was only able to retake the Lateran palace accompanied by German military support in June 1133. Only a minority of Romans who had remained faithful to his cause met the pope upon his entrance into the city, and in September 1133 he was forced to depart again for lack of popular support.

The discussion of *adventus* points to the instability and mutability of medieval ritual. Modern scholars have recognised just how much variability was built into medieval rituals: they were changed, reconfigured, and updated depending upon the circumstances of the moment. Certain liturgical forms like the consecration of churches had still not received a generally accepted set form and so were performed differently according to the dictates of time and place. As we have seen, this appears even for elements of the papal Mass, which previously might have been seen to have been more fixed. What is interesting, however, is that though the disparate elements of the ceremony may have originated at diverse moments, in the course of the liturgy their

112 Stroll, *Symbols as Power*, 193–8; Althoff, *Macht der Rituale*, 44–53, 137–45. Cf. the role of the *strator* when it was a regular papal stabler in OR I:8 (*Les Ordines Romani*, ii, 70). On this office, E. Eichmann, ‘Das Officium Stratoris et Strepa’, *Historische Zeitschrift*, 142 (1930), 16–40, though Eichmann does not appreciate that the nature of this office transformed itself over time and at the outset was not political.

113 M. Klöckener, *Die Liturgie der Diözesansynode: Studien zur Geschichte des “Ordo ad Synodum” des “Pontificale Romanum”* (Münster, 1986), 83–90. Although most of the *ordo* of the twelfth-century Roman Pontifical borrowed from the Romano-German Pontifical, elements that were added to some of the manuscripts included explicitly naming Gospel pericopes (in Recension L), singing the hymn *Veni creator spiritus* on the second day, and saying new prayers to the final day of the council.


Innocent II and the liturgy

The gestation of the Roman liturgy, with all of its negotiation of the old and new, has particular relevance for the state of worship in Western Europe as a whole. Though it would be stripped of its original context as it traveled North, Roman liturgy would eventually be diffused far beyond the eternal city. The particulars of this process remain obscure. It has previously been claimed that there were two great waves of unification patterned on the pope’s form of liturgy, which happened between the Carolingian era to the time of Gregory VII (1073–85) and then after the Council of Trent in the sixteenth century.\footnote{121} In this scenario, the twelfth century was a trough in which, by the internal unification of Rome, the pope laid the groundwork that would one day be fulfilled in the more extended liturgical intervention after Trent.\footnote{122} While well argued, these contributions blur the messy and haphazard reality by which papal liturgy spread throughout Western Europe. No one doubts that Roman liturgy was held up as the ideal during the Carolingian period, but that there was a systematic plan to introduce it throughout Charlemagne’s empire is doubtful; that it was never implemented everywhere in the empire or comprehensively in those places that accepted Roman liturgy is clear.\footnote{123} The liturgy of Rome percolated throughout Western Europe in a slow, uneven process that we can now only trace in the broadest outlines. Commentators like Suger who witnessed Innocent II’s procession in action were only too aware of how much papal liturgy differed from their local worship customs; papal grandiosity would ensure that the papal liturgy in all of its details would be difficult to imitate in humbler churches.\footnote{124}

The twelfth-century sources from the city of Rome reveal that the papal, curial liturgy had not even conquered all of the churches of the city of Rome. Bernard referenced the ideal of imitating the Curia in moving the celebration of the Annunciation to the Monday after the Octave of Easter when the feast

\textit{origins ceased to have any meaning and the whole would have appeared to have started at some undefined time in the distant past. The papal Mass created the illusion of eternality, and any sense of past and present collapsed through ritual.}\footnote{120} Audiences at papal Masses did not have previous \textit{ordines} with which to compare the ceremonies they were witnessing. Everything looked equally antique, and equally sacred and impressive.

\begin{thebibliography}{99}
\footnotesize
122 P.M. Gy, ‘La Papauté et le droit liturgique aux X\textsc{I}Ie et X\textsc{III}Ie siècles’ in \textit{The Religious Roles of the Papacy: Ideals and Realities}, 1150–1300, ed. C. Ryan (Toronto, 1989), 229–45.
\end{thebibliography}
day (normally celebrated on 25 March) fell between Holy Thursday and the Octave of Easter:

But we, as is fitting, imitating the Roman curia, celebrate the same feast on the very day on which the curia does too, because it may appear very unnecessary if we wish to be different in the celebration of so great a solemnity.  

In this example, Bernard implied that no requirement existed for the canons to follow the pope, only that the papal custom seemed best in consideration of the day being celebrated. Bernard also claimed that the observance of the Major Litany had spread throughout the entire Church (tota ecclesia) on the example of Rome. Yet no one was constrained to imitate the papal custom, but rather they did so in this case because of the efficacy of this procession in working against dangers to the body and soul. A close reading of Bernard’s ordo showed that in its particulars, the liturgy of the canons of St John Lateran differed considerably from that of the curial liturgy.

Other cities adopted aspects of Roman liturgy, but this does not mean that Rome’s example was necessarily followed wholesale. The liturgy of Benevento for instance in the twelfth century largely switched over to Roman liturgical books. Once recognised by King Roger II of Sicily, Innocent II personally celebrated the Roman Mass at the Cathedral of the Assumption in Benevento. Nevertheless, Benevento would not end up with a ‘pure’ liturgy mirroring that of the papal Curia in all things, but with a liturgy that joined Roman and local elements to create a hybrid celebration.

Whatever the routes that papal liturgy took, the increased prestige that the popes enjoyed in the twelfth century inspired growing interest in opting to emulate the papal liturgy. This may be the reason for the many transcriptions that were made of the Roman pontifical of the twelfth century. Ironically, at the same time that the pope’s liturgy was being sought outside of Rome, the popes started to turn away from the city that had provided the backdrop and some of the significance of their worship. The cohesive urban worshipping community of Rome that had served the city and papacy well through the early Middle Ages was beginning to fall away in the twelfth century. This is attributable in large part to popes like Innocent II, who were frequently absent

125 Bernard’s ordo, 131–2: ‘Nos uero, sicut decet, Romanam curiam imitantes in ipsa die celebramus eandem festiuitatem, in qua et curia, quia nimis superfluum uideretur, si nos in celebratione tantę sollempnitatis discordes uellemus.’
126 Bernard’s ordo, 133.
127 This has been demonstrated for Gaudete Sunday: Romano, ‘Joy in Waiting’, 90–105.
129 Gyug, ‘Du rite bénéventain à l’usage de Bénévent’.
130 Pontifical romanum, i, 16–19.
131 Pontifical romanum, i, 16–19.
from the city itself, albeit not always for the same controversial reasons.\textsuperscript{133} The stational liturgy, which had been operational since antiquity, began to break down.\textsuperscript{134} The stational cross carried in popular participatory processions fell into disuse, and the papal cross began to dominate processions that centered on the pope as a result of his new elevated stature.\textsuperscript{135} Bernard frequently made reference to liturgies in which another bishop would substitute for the pope when he was not present for the celebration, showing that papal absence had become a regular, anticipated occurrence.\textsuperscript{136} The urban liturgy of the pope would not come to an end until the Avignon Papacy, which would uproot the pope from the city of Rome. Papal liturgy in Avignon centered primarily around the papal palace, not the city at large.\textsuperscript{137} Once the pope returned to Rome, the liturgy became centralised along similar lines in the Vatican, and plans to restore the stational liturgy at the end of the sixteenth century were aborted by the death of Sixtus V.\textsuperscript{138} The connection between the popes and the urban liturgy had been severed.

The last point should bring home a reality of Roman liturgy under Innocent II and the twelfth century as a whole. Though slowly, the liturgy did change to accommodate fluctuating historical circumstances. Innocent II was intelligent enough to insinuate modifications that helped him to solidify his hold on the papacy after a long absence from the eternal city. Being able to carry out time-honoured liturgical forms similarly enforced his authority and legitimacy in Rome. That he could only do either after Anacletus II's death suggests that Anacletus had been more successful in marshalling the resources of the urban liturgy and rallying support to his side. It is easy to forget, given the lack of sources from the losing side, that while Innocent II was winning supporters in Northern Europe, Anacletus was leading some of the same series of liturgies that Innocent II would lead upon reasserting himself in Rome.\textsuperscript{139} As detailed in letters he sent out to other bishops, Anacletus had been elected pope, led into St Peter's accompanied by hymns and \textit{laudes}, and consecrated by bishops at the altar of the church.\textsuperscript{140} The cumulating effect of these and other rituals would have underscored Anacletus's legitimacy as pope and undermined the distant Innocent II's claims. Both sides of a schism could draw in equal measure upon the same liturgical resources and exploit them to their own ends.

\begin{thebibliography}{1999}
\bibitem{135} De Blaauw, ‘Following the Crosses’.
\bibitem{136} See Bernard's \textit{ordo}, 43, 48–9, 52, 65–7.
\bibitem{139} Stroll, \textit{Symbols as Power}, 195, here with reference to the ceremony with the golden rose.
\end{thebibliography}
The simple truth is that the liturgy of Rome did not belong to one pope or antipope. The leadership in areas of worship had for centuries formed a part of the papacy’s understanding of itself as an institution and its reception by others. 141 Early medieval popes had already learned that the liturgy could serve to defend their positions against internal and external enemies. 142 Innocent II would neither be the first nor the last to attempt to use the resources of the liturgy strategically to gain and cement his hold on power. In fact mastering papal liturgy went beyond the abilities of any one pope.

141 This can be observed in the papal biographies of the Liber pontificalis. See H. Geertman, ‘La genesi del Liber pontificalis romano: un processo di organizzazione della memoria’, in Liber, gesta, histoire: écrire l’histoire des évêques et des papes, de l’antiquité au XXIe siècle, ed. F. Bougard and M. Sot (Turnhout, 2009), 37–107, at 38–41.
142 Romano, Liturgy and Society, 67–73.
### Appendix

**Papal liturgy in the mid-twelfth century**

<table>
<thead>
<tr>
<th>Day/celebration</th>
<th>Hour</th>
<th>Mass/Divine Office</th>
<th>Location</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Sunday in Advent</td>
<td>Mass</td>
<td>Santa Maria</td>
<td>Benedict’s <em>ordo</em>, 142b</td>
<td></td>
</tr>
<tr>
<td>Second Sunday in Advent</td>
<td>Mass</td>
<td>Santa Croce in</td>
<td>Benedict’s <em>ordo</em>, 143a</td>
<td></td>
</tr>
<tr>
<td>Third Sunday in Advent (Eve)</td>
<td>Divine Office: Vespers</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 143a–b</td>
<td></td>
</tr>
<tr>
<td>Third Sunday in Advent (Eve)</td>
<td>Divine Office: Vigils</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 143b</td>
<td></td>
</tr>
<tr>
<td>Third Sunday in Advent</td>
<td>Divine Office: Matins</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 143b–144a</td>
<td></td>
</tr>
<tr>
<td>Third Sunday in Advent</td>
<td>Divine Office: Lauds</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 144a</td>
<td></td>
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<tr>
<td>Third Sunday in Advent</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 144a</td>
<td></td>
</tr>
<tr>
<td>Ember Wednesday in Advent</td>
<td>Mass</td>
<td>Santa Maria</td>
<td>Benedict’s <em>ordo</em>, 144b</td>
<td></td>
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<tr>
<td>Ember Friday in Advent</td>
<td>Mass</td>
<td>Santi XII Apostoli</td>
<td>Benedict’s <em>ordo</em>, 144b</td>
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<tr>
<td>Saturday in Ember Week</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 144b</td>
<td></td>
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<tr>
<td>Christmas Eve (24 December)</td>
<td>Mass$^{143}$</td>
<td>Santa Maria</td>
<td>Benedict’s <em>ordo</em>, 144b</td>
<td></td>
</tr>
<tr>
<td>Christmas Eve</td>
<td>Divine Office: Vespers</td>
<td>Santa Maria</td>
<td>Benedict’s <em>ordo</em>, 144b</td>
<td></td>
</tr>
<tr>
<td>Christmas Eve</td>
<td>Divine Office: Vigils</td>
<td>Santa Maria</td>
<td>Benedict’s <em>ordo</em>, 144b–145a</td>
<td></td>
</tr>
<tr>
<td>Christmas</td>
<td>Divine Office: Matins</td>
<td>Santa Maria</td>
<td>Benedict’s <em>ordo</em>, 145a</td>
<td></td>
</tr>
<tr>
<td>Christmas (25 December)</td>
<td>Mass$^{144}$</td>
<td>Sant’ Anastasia</td>
<td>Benedict’s <em>ordo</em>, 145a</td>
<td></td>
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</table>

143 This is the Midnight Mass or the first Mass of Christmas.
144 This is the second Mass for Christmas (Mass at Dawn).
<table>
<thead>
<tr>
<th>Day/celebration Hour</th>
<th>Mass/Divine Office</th>
<th>Location</th>
<th>Reference</th>
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<tbody>
<tr>
<td>Christmas</td>
<td>Mass(^{145})</td>
<td>Santa Maria Maggiore/St Peter(^{146})</td>
<td>Benedict’s <em>ordo</em>, 145a–b</td>
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<tr>
<td>Feast of St Stephen (26 December)</td>
<td>Mass</td>
<td>Santo Stefano Rotondo</td>
<td>Benedict’s <em>ordo</em>, 147b</td>
</tr>
<tr>
<td>Feast of St John the Evangelist (27 December)</td>
<td>Mass</td>
<td>St John Lateran</td>
<td>Bernard’s <em>ordo</em>, 13–14</td>
</tr>
<tr>
<td>Epiphany (Eve) (5 January)</td>
<td>Divine Office: Vespers</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 147b</td>
</tr>
<tr>
<td>Epiphany (Eve)</td>
<td>Divine Office: Vigils</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 147b–148a</td>
</tr>
<tr>
<td>Epiphany (6 January)</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 148a</td>
</tr>
<tr>
<td>Purification (2 February)</td>
<td>Mass</td>
<td>Santa Maria Maggiore</td>
<td>Benedict’s <em>ordo</em>, 148a–b <em>Pontifical roman</em>, i, 206–9</td>
</tr>
<tr>
<td>Sunday in Septuagesima</td>
<td>Mass</td>
<td>San Lorenzo fuori le Mura</td>
<td>Benedict’s <em>ordo</em>, 149a</td>
</tr>
<tr>
<td>Chair of St Peter (22 February)</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 149a</td>
</tr>
<tr>
<td>Annunciation</td>
<td>Mass</td>
<td>Santa Maria Maggiore</td>
<td>Benedict’s <em>ordo</em>, 149b</td>
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<tr>
<td>Ash Wednesday</td>
<td>Mass</td>
<td>Santa Sabina</td>
<td>Benedict’s <em>ordo</em>, 149b–150a <em>Pontifical roman</em>, i, 209–10</td>
</tr>
<tr>
<td>First Sunday in Lent</td>
<td>Mass</td>
<td>St John Lateran</td>
<td>Bernard’s <em>ordo</em>, 30–1</td>
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<tr>
<td>Fourth Sunday in Lent</td>
<td>Mass</td>
<td>Santa Croce in Gerusalemme</td>
<td>Benedict’s <em>ordo</em>, 150a</td>
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<tr>
<td>Palm Sunday</td>
<td>Mass</td>
<td>St John Lateran</td>
<td>Benedict’s <em>ordo</em>, 150a–b Bernard’s <em>ordo</em>, 42–4 <em>Pontifical roman</em>, i, 210–14</td>
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<tr>
<td>Holy Thursday</td>
<td>Divine Office: Vespers(^{147})</td>
<td>Lateran palace</td>
<td>Benedict’s <em>ordo</em>, 151a Bernard’s <em>ordo</em>, 48</td>
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</table>

\(^{145}\) This is the third and final Mass for Christmas (Mass during the Day).

\(^{146}\) Benedict provides both possibilities, with Santa Maria Maggiore being the contemporary station and the previous one having been St Peter’s.

\(^{147}\) During Vespers the foot-washing was completed.
<table>
<thead>
<tr>
<th>Day/celebration</th>
<th>Hour</th>
<th>Mass/Divine Office</th>
<th>Location</th>
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</tr>
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<tbody>
<tr>
<td>Good Friday</td>
<td>Ceremonies of Good Friday(^{148})</td>
<td>Santa Croce in Gerusalemme</td>
<td>Benedict’s <em>ordo</em>, 151a–b</td>
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<td><em>Pontifical roman</em>, i, 234–7</td>
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<tr>
<td>Easter Vigil</td>
<td>Mass</td>
<td>St John Lateran</td>
<td>Benedict’s <em>ordo</em>, 151b–152a</td>
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<td></td>
<td></td>
<td>Bernard’s <em>ordo</em>, 60–76</td>
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<td><em>Pontifical roman</em>, i, 238–49</td>
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<td>Easter</td>
<td>Mass</td>
<td>Santa Maria Maggiore</td>
<td>Benedict’s <em>ordo</em>, 152a–153b</td>
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<tr>
<td>Easter</td>
<td>Divine Office: Vespers</td>
<td>St John Lateran and Santa Croce in Gerusalemme(^{149})</td>
<td>Benedict’s <em>ordo</em>, 153b–154a</td>
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<tr>
<td>Easter Monday</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 154a–b</td>
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<tr>
<td>Easter Monday</td>
<td>Divine Office: Vespers</td>
<td>St John Lateran</td>
<td>Benedict’s <em>ordo</em>, 154b</td>
<td></td>
</tr>
<tr>
<td>Easter Saturday(^{150})</td>
<td>Mass</td>
<td>St John Lateran</td>
<td>Benedict’s <em>ordo</em>, 155a</td>
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<td></td>
<td></td>
<td></td>
<td>Bernard’s <em>ordo</em>, 91</td>
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<tr>
<td>White Sunday (Sunday following Easter)(^{151})</td>
<td>Mass</td>
<td>San Pancrazio</td>
<td>Benedict’s <em>ordo</em>, 155b</td>
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<tr>
<td>White Sunday</td>
<td>Divine Office: Vespers</td>
<td>SS Cosma e Damiano</td>
<td>Benedict’s <em>ordo</em>, 155b</td>
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<tr>
<td>Major Litany (25 April)</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 156b</td>
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<td>Bernard’s <em>ordo</em>, 96–8</td>
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<td>Ascension (Eve)</td>
<td>Divine Office: Vespers</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 156b</td>
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<td>Ascension (Eve)</td>
<td>Divine Office: Vigils</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 156b</td>
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<tr>
<td>Ascension</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 156b</td>
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<tr>
<td>Sunday in the Octave of the Ascension(^{152})</td>
<td>Mass</td>
<td>Santa Maria dei Martiri (Pantheon)(^{153})</td>
<td>Benedict’s <em>ordo</em>, 157a</td>
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<td>Pentecost (Eve)</td>
<td>Divine Office: Vespers</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 157a</td>
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(Continued)

148 The standard Mass does not occur on Good Friday. The pope consumes previously consecrated bread and wine consecrated by contact with the bread.

149 This was unusually a threefold Vespers: the first part in St John Lateran in the church, the second part at the Lateran baptistery, and the third part at Santa Croce in Gerusalemme.

150 Sabbato in Albis.

151 Dominica in Albis.

152 Referred to in the source as Dominica de Rosa, but to be distinguished from the Fourth Sunday of Lent or Laetare Sunday, which is mentioned independently in Benedict’s *ordo*.

153 Referred to in Benedict’s *ordo* as Santa Maria Rotunda.
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<th>Day/celebration</th>
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<th>Mass/Divine Office</th>
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<td>Pentecost (Eve)</td>
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<td>Divine Office:</td>
<td>St Peter's</td>
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<td>Pentecost</td>
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<td>Divine Office:</td>
<td>St Peter's</td>
<td>Benedict’s <em>ordo</em>, 157a</td>
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<td>Matins</td>
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<td>Pentecost</td>
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<td>Mass</td>
<td>St Peter's</td>
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<td>Feast of St John the Baptist (24 June)</td>
<td></td>
<td>Mass</td>
<td>St John Lateran</td>
<td>Benedict’s <em>ordo</em>, 157b; Bernard’s <em>ordo</em>, 138–42</td>
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<tr>
<td>Feast of St Peter (Eve) (28 June)</td>
<td></td>
<td>Divine Office:</td>
<td>St Peter's</td>
<td>Benedict’s <em>ordo</em>, 157b</td>
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<td>Feast of St Peter (Eve)</td>
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<td>Divine Office:</td>
<td>St Peter's</td>
<td>Benedict’s <em>ordo</em>, 157b</td>
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<tr>
<td>Feast of St Peter (29 June)</td>
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<td>Divine Office:</td>
<td>St Peter's</td>
<td>Benedict’s <em>ordo</em>, 158a</td>
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<tr>
<td>Feast of St Peter</td>
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<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 158a</td>
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<td>Divine Office:</td>
<td>San Paolo fuori le Mura</td>
<td>Benedict’s <em>ordo</em>, 158a</td>
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<td>Feast of St Paul (Eve)</td>
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<td>San Paolo fuori le Mura</td>
<td>Benedict’s <em>ordo</em>, 158a</td>
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<td>Feast of St Paul (30 June)</td>
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<td>San Paolo fuori le Mura</td>
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<td>Feast of St Paul</td>
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<td>Mass</td>
<td>San Paolo fuori le Mura</td>
<td>Benedict’s <em>ordo</em>, 158b</td>
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<tr>
<td>Feast of St Lawrence (Eve) (9 August)</td>
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<td>San Lorenzo fuori le Mura</td>
<td>Benedict’s <em>ordo</em>, 158b</td>
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<td>Feast of St Lawrence (Eve)</td>
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<td>San Lorenzo fuori le Mura</td>
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<td>Feast of St Lawrence (10 August)</td>
<td></td>
<td>Mass</td>
<td>San Lorenzo fuori le Mura</td>
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<tr>
<td>Assumption (Eve) (14 August)</td>
<td></td>
<td>Veneration of Marian icon</td>
<td>Lateran palace</td>
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<tr>
<td>Assumption (Eve)</td>
<td></td>
<td>Divine Office:</td>
<td>Santa Maria Maggiore</td>
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<td>Assumption (Eve)</td>
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<td>Divine Office:</td>
<td>Santa Maria Maggiore</td>
<td>Benedict’s <em>ordo</em>, 158b</td>
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<tr>
<td>Assumption (15 August)</td>
<td></td>
<td>Mass</td>
<td>Santa Maria Maggiore</td>
<td>Benedict’s <em>ordo</em>, 159a</td>
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<tr>
<td>Exaltation of the Cross (14 September)</td>
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<td>Mass</td>
<td>St John Lateran</td>
<td>Benedict’s <em>ordo</em>, 159a–b; Bernard’s <em>ordo</em>, 153–5</td>
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<tr>
<td>Feast of the Dedication of St John Laterano (9 November)</td>
<td></td>
<td>Mass</td>
<td>St John Lateran</td>
<td>Bernard’s <em>ordo</em>, 157–9</td>
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154 It is likely that the pope was present in and participated in matins for this feast, but it is not explicitly mentioned by Benedict.
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<th>Day/celebration Hour</th>
<th>Mass/Divine Office</th>
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<td>Feast of St Andrew</td>
<td>Divine Office:</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 159b</td>
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<tr>
<td>(Eve) (29 November)</td>
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<tr>
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<td>(30 November)</td>
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<tr>
<td>Feast of St Andrew</td>
<td>Mass</td>
<td>St Peter’s</td>
<td>Benedict’s <em>ordo</em>, 159b</td>
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Although he presumably made gifts, *more romano*, to the churches he consecrated, to the prelates and lay rulers who received him and to the monasteries and dioceses that housed him in the years of his peripatetic exile, nothing survives of Innocent II’s patronage except buildings he might have sponsored in Rome after 1138.¹ We can only guess at the appearance of the ‘many wonderful vestments’ and ‘fine cloaks’ worn by the pope and his entourage, the ‘rich cloths’ that lined his processional path, the adornment of the horses and the ‘fine carpets’ on which the retinue reclined to dine (‘as if in bed’) after a holiday celebration.² These and other ephemera – banners, curtains, candles and torchlight – were conspicuous attributes of papal visual culture in Rome as well, along with the rambling Lateran Palace, the vast Constantinian basilicas of St John Lateran and St Peter, and the thrones in the titular churches that evoked the pope’s ubiquitous presence. Without this context our understanding of Innocent’s Roman patronage is incomplete.

Innocent’s eight-year odyssey through France and Italy took him to some of the greatest architectural endeavours of his era, including the magnificent abbey church of Cluny, which he consecrated on 25 October 1130; the Carolingian cathedrals of Chartres and Reims (1131); and the cruciform, galleried, polychrome cathedral of Pisa, still under construction in 1133–1136.³ His coronation at Saint-Denis on Easter 1131 coincided with the planning and initial construction of Abbot Suger’s revolutionary additions to the abbey’s Carolingian basilica, which are recognised today as the dawn of the Gothic style.⁴ On the face of it, the effect of these artistic encounters on the pope’s Roman commissions was little or nil. In Rome he behaved like a Roman, eschewing innovation in favour

³ JL 844, 846, 850–2, 861–73.
of repair, conservation, and the reiteration of art and architectural tradition. Under the guise of tradition, however, novelties could also appear.\(^5\)

The only surviving commissions are Innocent’s masterpiece, Santa Maria in Trastevere, and a dramatic intervention at Santo Stefano Rotondo. The official biography by Cardinal Boso lists three other works, all repairs, at the Lateran cathedral, St Paul’s and the Lateran palace:

This blessed pope renewed and constructed the entire church of the blessed mother of God Mary of the titulus of Calixtus. He repaired the roof of the Lateran church, which had collapsed suddenly, with great beams. In St Paul’s church, where the roof was threatening ruin, he strengthened it with a wall erected over marble columns, and he repaired part of its roof with very long beams. He further repaired the church of St Stephen on the Celian hill, which was tottering with age. He constructed two rooms in the Lateran palace from the foundations, and strengthened its entire length with concrete. And he did many other things that were well known in his time.\(^6\)

Canon Benedict’s polyptych (Liber politicus) adds St Peter’s to the list of Pope Innocent’s restorations:

My Lord Pope Innocent II . . . restored the church of blessed Peter and the church of blessed Paul, which were rotting due to excessive age, with choice beams and roofs; he strengthened the roof of blessed Paul with columns and a wall. Also he newly restored the roof of the basilica of the Savior in the Lateran, which had totally collapsed. Truly he newly strengthened the upper floor of the palace from the foundations with strong concrete, and he restored the church of St Mary across the Tiber from the foundations with new walls and decorated its apse with gold metal.\(^7\)

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These official sources reflect both the reality and the ideology of papal Rome. Decrepitude, collapse, and ruin were the reality; the ideology called for restoration and making new. Cardinal Boso verbally distinguished truly new building (construxit) from restoration and repair (resarcivit, roboravit, reparavit, firmavit), but Benedict conflated them. In his account Santa Maria in Trastevere, though rebuilt ‘from the foundations with new walls’, was ‘restored’ (restauravit); conversely the ancient cathedral and palace were returned to newness (noviter) through repair. The reality, ideology and their ambiguous entwinements went back for centuries.\(^8\) Rhetorically, the building program that can be distilled from the Liber pontificalis and the Liber politicus sounds like that of many medieval popes, but it is distinctive in its ambition. The restorations ascribed to Innocent II involved the largest and oldest papal basilicas, vast structures on a Roman imperial scale whose colossal components were difficult to manage and to replace. These buildings were not only ‘threatening ruin’ – a topos of papal vitae – but in some cases had actually collapsed. The difficulties posed by these repairs and reconstructions were such that Innocent’s five years in Rome hardly seem enough for planning, provisioning and completing them. More than one scholar has questioned whether they were not really the work of Anacletus II (1130–1138). Was this Innocent’s (re)building program, or did he complete and appropriate a campaign conceived by his anathematised opponent?

Competing descriptions of the Lateran Cathedral and St Peter’s composed or edited in the second half of the twelfth century enlarge the scope of Innocent’s commissions. According to the Descriptio Lateranensis ecclesiae, the roofing of the cathedral was done ‘at [Pope Innocent’s] own expense, with new beams that the glorious and mighty King Roger of Sicily dispatched to the church at his request’ and Innocent also commanded repairs to ‘the tower in front of the church, which seemed to be near ruin’.\(^9\) The Descriptio Basilicae Vaticanae does not corroborate Benedict’s notice of new roof beams in St Peter’s, but it does claim that the pope ‘restored the portico of blessed Peter with new beams as far as Santa Maria in Transpadina, and covered it for the most part with excellent new tiles’.\(^10\) The Descriptiones also record gifts of vessels and other precious liturgical accoutrements. At the Lateran:

he gave a great many gifts . . . for the adornment of the altar: namely a suitably excellent ceremonial robe (cyclas) woven with gold, from which were later made a curtain to adorn the altar and a chasuble for the

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celebration of the Mass; a Saracenic cloth (sarantasmum) to cover the altar; a silver thurible weighing two pounds; a gilded silver chalice weighing two pounds; and one hundred Lucchese pounds to purchase properties to support the canons.\textsuperscript{11}

More impressively at St Peter’s:

He commissioned a large gilded silver cross weighing 100 pounds, and placed it next to the altar of St Peter on the right side. Further, he renewed the stational cross, which goes from station to station, and covered the altar of St Peter with excellent gilded cloths.\textsuperscript{12}

Finally, the \textit{Descriptio Lateranensis ecclesiae} records the pope’s tomb, ‘in the nave of the church . . . in a porphyry conch, which was the tomb of the emperor Hadrian’.\textsuperscript{13}

The list of commissions that can be constructed from these sources is not exhaustive.\textsuperscript{14} It is large enough, however, to illustrate the extent and trends of Pope Innocent’s patronage. In what follows, surviving and documented commissions will be discussed under four rubrics: repairs, Santa Maria in Trastevere, the painting in the Lateran and the tomb. Regrettably, almost nothing can be said about the liturgical vestments and metal objects because none survive, but the silver crucifix will be discussed in the context of repairs.

\textbf{Repairs}

Only Cardinal Boso mentioned a repair to the church of St Stephen on the Celian hill (Santo Stefano Rotondo) and he did not give any details, save that the building was ‘tottering with age’. Partly on the basis of its resemblance to the ‘wall erected over marble columns’ in St Paul’s, which was destroyed in the nineteenth century, Pope Innocent’s intervention has been identified as the diaphragm wall on two columns that bisects the central space of the rotunda.

\textsuperscript{11} \textit{Descriptio Lateranensis Ecclesiae}, ed. Valentini and Zucchetti, \textit{Codice topografico}, iii, 349: ‘quam plurima, dum vixit, ecclesiae dona ad ornamentum altari optulit: cicladem videlicet auro textam satis optimam, de qua postea vestis ad ornamentum altaris, et casula ad celebrationem missae factae sunt; sarantasmum ad cooperimentum altaris; turibulum argenteum pens. libr. II.; calicem argenteum deauratum pens. libr. II.; libras centum lucensis monetae pro emendis possessionibus ad sustentationem canonicorum . . .’


\textsuperscript{14} For example, Innocent II renovated the monastery of St Anastasius \textit{ad Aquas Salvis} for the use of monks from Clairvaux: J. E. Barclay Lloyd, \textit{SS. Vincenzo e Anastasio at Ter Fontane near Rome, History and Architecture of a Medieval Cistercian Abbey} (Kalamazoo, 2006), 19–22, 45–6, 183–5, 251–4.
Dated by dendrochronology to the 460s, Santo Stefano Rotondo had a unique design based on three concentric circles and a cross (Fig. 13.2). The inner circle was defined by 22 columns supporting a tall cylindrical drum, the middle circle by 36 columns and eight piers carrying a lower wall, and the outer circle by a continuous wall. Between the middle and outer circles, four trapezoidal chapels on perpendicular axes created a cruciform effect. The curved spaces between the chapels were each subdivided by a wall to form a covered portico toward the interior and an open corridor on the outside. The vaults of the porticoes were made of interlocking clay tubes (tubi fittili). The presence of these tubes led Hugo Brandenburg to propose that the centre space was covered by a dome of the same material, like that which survives in the contemporary Orthodox Baptistery in Ravenna. The altar was under the...

Figure 13.1 Pietro Santi Bartoli (1635–1700), “Templum Fauni” (Santo Stefano Rotondo), partial section showing twelfth-century diaphragm wall (photo: Rome, Bibliotheca Hertziana)

15 The engraving is by Pietro Santi Bartoli: ‘Templum Fauni . . . quod iam à simplicio Papa superstitione repurgatâ D. Stephano Protomartyri dicatum . . . Petrus Sancti Bartolus incidit.’
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18 H. Brandenburg, *Die Kirche S. Stefano Rotondo in Rom. Bautypologie und Architektursymbolik in der spätantiken und frühchristlichen Architektur* (Berlin–New York, 1998), 4 n. 2. The total diameter of Santo Stefano was 65 or 66 m.

Figure 13.2 Santo Stefano Rotondo, reconstruction of original design with altar and *solea* (drawing: K. Brandenburg, courtesy of H. Brandenburg)

dome, not in the centre but displaced to the east, preceded by a processional enclosure or *solea*.

The rotunda was huge. The central space alone, with a diameter of 22 m., was wider than the nave of the Lateran cathedral (18.73 m.) and nearly as wide as the naves of St Peter’s (23.54 m.) and St Paul’s (24 m.). Its fascinating design, with many differently configured spaces and openings, was hard
to maintain. By the eighth century Santo Stefano ‘had been in decay for a long time’, according to the Liber pontificalis, and Pope Hadrian I (772–95) restored the main structure (mole basilicae) and the porticoes by bringing in ‘enormous beams’. By this time the dome, if there was one, must have collapsed. Four centuries later the church was ‘tottering’. The twelfth-century restorers effected a kind of triage, consolidating the centre by walling up the second-ring colonnade and abandoning the porticoes and corridors behind it, as well as three of the chapels. They also built the diaphragm wall that cuts through the inner circle and an entrance porch on the north side.

The diaphragm is carried by two masonry piers and two tall granite shafts (Fig. 13.1). Three arches rise high above the spoliate columns; above the arches is the brick-faced wall, which is lightened by five large windows below the gable and one in the gable itself. The present (modern) ceiling beams are anchored in the drum and the diaphragm wall. Evidently one purpose of the diaphragm was to reduce the span of the beams, and it may be that it enabled the twelfth-century builders to reuse some of the ‘enormous’ ones installed in the eighth century by shortening them; or if new beams were needed, they had to be a maximum of 11+ m. rather than 22+ m. long. The length of some of the rafters could also have been shortened by anchoring them in the gable.

Carlo Ceschi, who studied the medieval interventions and identified them as Pope Innocent’s, gave them a positive assessment. He noted the careful design, sound foundations and the precision of the reused brick masonry of the diaphragm, as well as the way in which the arcades of the second ring were filled with walls only .60 m. thick, leaving the inner sides of the columns visible to produce an ‘architectonic rhythm’ corresponding to ‘Romanesque’ habits of mural articulation (Fig. 13.3). Thanks to Ceschi’s analysis we can appreciate the restoration of Santo Stefano as more than a desperate measure by a patron unable to maintain a building whose scale exceeded his resources; it was a thoughtful transformation of that building into a new one. The diaphragm was not an easy solution. Its granite columns are exceptionally tall (8.45 m. = 28.5 Roman feet) and transporting them – even through the two colonnades of the rotunda – would have been difficult. The Corinthian capitals, though damaged, are exceptionally nice ones. In comparison the porch appears crude, with small granite shafts topped by simple bevelled imposts and no capitals, incommensurate in scale and design with the grand antique building behind it.

21 I am grateful to Patrizio Pensabene for confirming that the shafts are of grey granite, though Ceschi calls them red (S. Stefano Rotondo, 123).
22 Pensabene dates them to the Antonine period (138–92 CE). For all such information see his forthcoming corpus of spolia in Roman medieval churches.
The wall on columns at St Paul’s basilica was the same in principle and purpose (Fig. 13.4).\(^{23}\) Built in the last two decades of the fourth century, St Paul’s had suffered from earthquake, fire and old age. The last documented replacement of the roof beams was in the Carolingian era, and in 1115 the church was struck by lightning, melting the lead roof in the sanctuary area and igniting some of the beams.\(^{24}\) Pope Innocent’s wall bisected the transept transversally (i.e., from north to south), supporting the (Carolingian?) ceiling beams or perhaps new ones half as long.\(^{25}\) The wall was demolished after the fire that devastated St Paul’s in 1823; nevertheless, it is fairly well known from graphic and

\(^{23}\) The view is by Antonio Aquaroni: ‘Veduta interna della Basilica di S. Paolo presa immediatamente dopo il suo incendio. Delineata da Antonio Aquaroni ed incisa dal medesimo con Antonio Valli in Roma’.


\(^{25}\) ‘Ceiling beams’ denotes the horizontal beams (tie beams or joists) extending from wall to wall. ‘Roof beams’ denotes the pitched rafters supporting the roof.
written sources and is the subject of a recent study by Nicola Camerlenghi.\textsuperscript{26} Seventy-one metres long and 29 m. tall, the wall had three sections, one in each arm of the transept and a tall stilted arch connecting them. Like the diaphragm in Santo Stefano Rotondo, each lateral section was perforated by an arcade on three columns at ground level and by six very large windows above. The column shafts were, for the most part, even taller than those in Santo Stefano, with a median height of 8.8 m.; the tallest, under the central arch, rose 8.85 m. (29.9 Roman feet).\textsuperscript{27} Five shafts, including those under the central arch, were of red granite; two were of grey granite and one was of \textit{cipollino}, a green-veined marble. All of the shafts carried Corinthian capitals, and one, on the north side under the central arch, had an elaborately decorated base, which was salvaged after the great fire and can be dated to the early third century. Despite their size the central columns did not rise to the height of those under the original triumphal arch, so antique \textit{ressauts} with strongly projecting cornices were placed over the capitals to elevate the springing of the twelfth-century arch. The same thing was done under the triumphal arch in Santa Maria in Trastevere (Fig. 13.9), although there the purpose of the \textit{ressauts} seems to have been ornamental.\textsuperscript{28}

\begin{itemize}
\item \textsuperscript{26} Camerlenghi, ‘Splitting the Core: The Transverse Wall at the Basilica of San Paolo in Rome’, \textit{Memoirs of the American Academy in Rome}, 58 (2013), 115–42.
\item \textsuperscript{27} N. M. Nicolai, \textit{Della Basilica di San Paolo} (Rome, 1815), 303–4. The range was 8.15–8.85 m. (27.5–29.9 Roman feet).
\item \textsuperscript{28} The imposts in Santa Maria in Trastevere were painstakingly pieced together from at least three ancient sources; the same may have been true in St Paul’s.
\end{itemize}
Camerlenghi demonstrated that – again as in Santo Stefano Rotondo – the wall in St Paul’s was carefully designed not only to ameliorate structural problems but also to rationalise and modernise the ancient space (Fig. 13.5). The fourth-century transept, 24 m. deep, was too vast for even the most elaborate medieval liturgy. The apostle’s tomb was under the western part of it, impractically far from the huge apse. The altar above the tomb received its own enclosure in the early middle ages, but this structure was dwarfed by the towering triumphal arch and the surrounding space of the transept. Pope Innocent’s wall intensified the focus on the papal throne and the altar by limiting the space around their enclosure and giving it a monumental frame, while also clarifying other functional divisions within the transept that had developed over time. The column-wall was a massive project. Camerlenghi observed that ‘materials sufficient to build a medium-sized church in medieval Rome were employed’. In fact the spoliate columns far exceeded the scale of even a large medieval church; the shafts were on average nearly two and one-half meters taller than the granite shafts reused in Santa Maria in Trastevere.

Figure 13.5 Onofrio Panvinio, sketch plan of transept of San Paolo fuori le mura, ca. 1560, showing twelfth-century dividing wall and early medieval altar enclosure, Vatican City, Biblioteca Apostolica Vaticana, MS Vat. Lat. 6781, fol. 417r, detail (photo: © 2015 Biblioteca Apostolica Vaticana, all rights reserved)

29 Camerlenghi, ‘Splitting the Core’, 123–30.
30 Liber pontificalis, ii, 30; Davis, The Lives of the Eighth-Century Popes, 225; Krautheimer et al., Corpus basilicarum christianarum Romae, v, 100.
31 Camerlenghi, ‘Splitting the Core’, 115.
The tallest shafts in Pope Innocent’s wall were as tall as the shafts inside the Pantheon. Finding, acquiring, transporting, and raising intact monoliths of this size required exceptional resources and skills.

The Lateran cathedral was also struck by lightning sometime before 1118. The damage there was more severe: the bell tower collapsed, bringing down the northeast corner of the basilica and destroying a papal tomb. Innocent II repaired the fallen roof with ‘great’ ‘new’ beams that were sent by King Roger of Sicily. These beams were destroyed in 1361 when a fire consumed the entire roof. The ‘choice beams’ installed at St Peter’s also disappeared when the basilica was dismantled in the sixteenth or seventeenth century.

The provision and transport of roof beams were even more difficult than the provision of column shafts. For columns there was at least a local source, the Roman ruins. Wood had to be imported. The traditional source of timber, a papal estate in the forests of Sila in Calabria, had been lost by the late eighth century; thereafter, popes had to negotiate with intermediaries for wood from other regions. The Normans took control of Calabria in the eleventh century and began to exploit its forests for shipbuilding around the time of Innocent II. The notice in the *Descripção Lateranensis ecclesiae* that the pope requested timber beams from King Roger accords with this historical situation and is in line with previous practice; nevertheless it is surprising, given the enmity between them. The gift (?) of the beams could have been a gesture of reconciliation after the king’s humiliating defeat of the pope at Galluccio in 1139; but there is another possibility.

Camerlenghi persuasively argued that the restoration of St Paul’s basilica, though credited to Pope Innocent II in official sources, is more likely to have been the work of Anacletus II. The antipope had family ties with the


35 Krautheimer et al., *Corpus basilicarum christianarum Romae*, v, 12; Claussen, *S. Giovanni in Laterano*, 35.


39 Camerlenghi, ‘Splitting the Core’, 130–3.
Benedictine abbey and its church; his father was buried there in 1128, in a grand antique sarcophagus that was prominently displayed in the east portico of the atrium; and Abbot Anastasius supported Anacletus in the election of 1130.\(^{40}\) Anacletus rewarded this loyalty with a gift of new possessions, which Innocent II rescinded. In this light it is interesting that the titular cardinal of Santo Stefano Rotondo, Saxo of the Counts of Segni, was also among Anacletus’ supporters in 1130, and became his chancellor.\(^{41}\) As for the Lateran, Sible De Blaauw proposed that an extensive remodelling of the altar area of the cathedral can be dated to the 1130s and was Anacletus’s project.\(^{42}\) The Constantinian cathedral had an odd plan, with aisles of different lengths and no fixed altar. By the end of the thirteenth century it had been brought into conformity with the other papal basilicas by restructuring the west (apse) end so that all four aisles ended in a slightly projecting transept, with the main altar standing on its elevated pavement (Fig. 13.6).\(^{43}\) De Blaauw’s attribution of the transept to Anacletus II was refuted by Cornelius Claussen, who showed that it was the work of Pope Nicholas IV (1288–92), but Claussen endorsed the possibility of a ‘pre-transept’ initiated by Anacletus II.\(^{44}\) Creating the pre-transept might have entailed the removal of at least two of the aisle columns nearest the apse (indicated by dotted lines in Fig. 13.6), and Claussen observed that the demounted shafts would have been close in size to those in the diaphragm at Santo Stefano Rotondo, implying that they might have been recycled there.\(^{45}\)

Although none of these proposals can be confirmed, their accumulated weight supports the further conjecture that the ‘great’ ‘new’ roof beams given by King Roger of Sicily for the Lateran were presents to his ally, Anacletus II. This in turn suggests that the grand program of church renovation credited by official sources to Innocent II was only inherited and completed by him, or even appropriated as a fait accompli.

Innocent’s party accused the supporters of Anacletus of breaking into St Peter’s with ‘machines’ that fractured its walls and roof, and then robbing the gold lamps, chalices, censers, candelabra, images, crucifixes, gems and precious vessels and vestments in its treasury.\(^{46}\) Boso specifically mentioned a ‘gold
Figure 13.6 Lateran Cathedral (San Giovanni in Laterano), plan in twelfth century (drawing: S. De Blaauw, reproduced with permission)
crucifix and hanging lamps’ taken from the sanctuary, and it has been assumed that Pope Innocent’s gift of a ‘large gilded silver cross weighing 100 pounds’ was meant to replace this crucifix.47 Katharina Schüppel identified a silver crucifix melted down in 1551 as Innocent’s cross.48 A plaster cast was made of the crucifix before it was destroyed and a silver replica made from the cast is now in the Vatican.49 To my eye the replica does not seem to reflect a medieval original, but if Schüppel is correct, it is a unique witness of a kind of sculpture otherwise unknown in Rome in the twelfth century. It was an imposing object, measuring altogether 2.9 × 1.6 m., with a life-size corpus (1.65 m. tall).50

Santa Maria in Trastevere

Santa Maria in Trastevere is the most magnificent church built in twelfth-century Rome. Its attribution to Innocent II is secured by his portrait as donor in the apse mosaic and by the inscription immediately below it:

HEC IN HONORE TVO PREFULGIDA MATER HONORIS
REGIA DIVINI RVTILAT FVLGORE DECORIS
IN QVA CRISTE SEDES MANET VLTRA SECVLA SEDES
DIGNA TVIS DEXTRIS EST QVA(m) TEGIT AVREA VESTIS
CV(m) MOLES RVTITVRA VETVS FORET HINC ORIVNDVS
INNOCENTIVS HANC RENOVAVIT PAPA SECVNDVS.51

Despite these assurances Santa Maria too is haunted by Pierleone, because it had been his title church. He held the title for the decade between December 1120 and the papal election of 1130, when he named his ally Jonathan as his successor.52 Many years ago I suggested that Pierleone may have begun the building in the 1120s, and that Innocent II only completed it.53

The titular churches posed the same problem as the papal basilicas – they were ancient and decrepit, ‘about to fall down’ – but because of their smaller

50 Schüppel, ‘The stucco crucifix of Saint Peter’s’, 307 gives the dimensions as 2.9 m. × 2.5 m.
51 ‘This very brilliant basilica shines with the divine glory of beauty in your honour, Mother of honour. The seat remains forever in which you sit, Christ. She, whom the golden clothing covers, is worthy of (sitting on) your right. Since the old building was about to fall down, Pope Innocent the Second, who came from here, restored it’. Translation by C. B. Kendall, The Allegory of the Church. Romanesque Portals and their Verse Inscriptions (Toronto–Buffalo–London, 1998), 31.
52 Liber pontificalis, ii, 323; Brixius, 36 no. 25; M. Stroll, Symbols as Power. The Papacy following the Investiture Contest (Leiden–New York–Copenhagen–Cologne, 1991), 162, 168. Jonathas is documented as cardinal priest only in March and April 1130.
size it was possible to fully restore or even replace them. Following the reorganisation of the cardinalate toward the end of the eleventh century, cardinal priests assumed responsibility for these renovations, which in earlier eras had fallen to the pope. San Crisogono, just down the street from Santa Maria in Trastevere, was splendidly rebuilt by Cardinal John of Crema between 1123 and 1127, and San Clemente, close to the Lateran, was rebuilt by its cardinal priest Anastasius around the same time. In both cases the ancient basilicas, which stood significantly below the medieval street level, were razed to that level and new structures were built over them. The same happened at Santa Maria in Trastevere, although there the difference between the old and new ground levels was not very great.

The titulus sanctae Mariae in Transiberim ubi oleum fluxit – so named for the miraculous fountain of oil that portended the birth of Christ – traces its origin to Pope Callixtus I (218–23). The basilica demolished in the twelfth century had been built by Pope Julius I (337–52). Remains of this building were discovered under the medieval pavement during a renovation in the 1860s and were recorded by the architect Virginio Vespignani on a plan preserved in the capitular archive (Fig. 13.7). The remains included all or part of two apses (in black) and two superimposed enclosures in the nave, one with the typical plan of a twelfth-century schola cantorum and another (in dark grey) that involved small columns, probably connected by parapets, and steps. The apses reappeared in test excavations in the 1990s, which allowed archaeologists to study their masonry and stratigraphy. They concluded that the central apse, observed at foundation level, is part of the original fourth-century construction, while the apse under the south aisle is an addition of the fifth or sixth century. The first finding contradicts the notice in the Liber pontificalis that Pope Benedict III (855–8) renewed the main apse ‘from the foundations’. This must be an exaggeration, but we can still believe that the ninth-century pope did, as reported, rebuild at least the upper part of the apse and decorate it with coloured glass windows and a ‘mosaic picture’.

57 Liber pontificalis, ii, 205: ‘Fecit basilicas II, una . . . trans Tiberim’.
59 Coccia et al, ‘Santa Maria in Trastevere’.
60 Liber pontificalis, ii, 147: ‘in ecclesia beatae Dei generis semperque virginis Mariae dominae nostrae quae ponitur trans Tyberim, absidam maiorem . . . que in ruinis posita, noviter atque fundamentis faciens, ad meliorem erexit statum; fenestras vero vitreis coloribus ornavit et pictura musivo decoravit’.
Figure 13.7 Virginio Vespignani, plan of finds under the nave of Santa Maria in Trastevere, 1865–69, Rome, Archivio Storico del Vicariato, Archivio del Capitolo di S. Maria in Trastevere, No. 743, *Diagrammata aedificior atque praedior*. (photo: D. Kinney)
The enclosure in front of the apse in Vespignani’s drawing seems to be another ninth-century feature, the presbyterium added by Pope Gregory IV (827–44). This pope also made a new raised platform in the apse for the altar, a matroneum adjoining the presbyterium, and a crib (praesepeum), ‘in the likeness’ of the praesepium at Santa Maria Maggiore. 61 The presbyterium and the altar platform have been reconstructed by Karin Einaudi. 62 The parapets filling the spaces between the columns in her reconstruction are preserved in the porch of the present church, where they were installed after being recovered from the pavement by Vespignani. Evidently the ninth-century plaques were reused on the twelfth-century schola cantorum and reused again as paving slabs when the choir was dismantled in the fifteenth century.

From the evidence of the drawing and the more recent excavations it is clear that the basilica of Pope Innocent II was built directly over its predecessor, using the same foundations (Fig. 13.8). Unlike the new San Clemente it was larger than the early Christian original, as the transept added in the area west of the old apse brings the total length of the new basilica to 53 m. The plan with the transept is nearly identical to that of John of Crema’s San Crisogono. The elevation is also the same, with colonnades of granite shafts and Ionic capitals carrying a horizontal entablature (Fig. 13.9). Because both Ionic capitals and architraves are unusual in Roman churches, it is easy to see the reference to Santa Maria Maggiore, the fourth great papal basilica, which has the same elevation. The relatively broad transept is a compromise between the shallow one of St Peter’s and the very deep one of St Paul’s, while the position of the altar outside the apse resembles the twelfth-century arrangement at the Lateran as reconstructed by De Blaauw (Fig. 13.6). The design, drawn from multiple sources, is dialectic, a reprise of normative types that knowingly amalgamates their salient features. 63 It is emphatically retrospective and Roman; traditional, but also liturgically up-to-date.

Santa Maria in Trastevere is grander and more profusely decorated than San Crisogono, with a riot of spolia in the colonnades: stout shafts and slender ones, variegated capitals (including four Corinthian) and an especially elaborate treatment of the cornice, with 104 modillions made from smaller ancient cornices, sawn apart (Fig. 13.10). Many of the spolia are specimen pieces, including a beautiful Flavian capital in the south colonnade and eight third-century capitals decorated with heads of Isis, Serapis and Harpocrates, which can be traced to the Baths of Caracalla. 64 Compared to them the parapets from the

ninth-century presbyterium that were reused on the schola cantorum seem rather crude, but the comparison may be anachronistic. Quantity of ornament was clearly valued here, and to the twelfth-century eye all of these marble carvings may have seemed equally ornamental. Nevertheless, it is surprising that in contrast to San Clemente, where sixth-century chancels reused on the schola cantorum were embellished with porphyry inlays and mosaic bands in keeping with contemporary norms of antiquarian splendor, the plaques in Santa Maria in Trastevere seem to have been reused as they were.\textsuperscript{65}

It was no simple job to assemble 66 mismatched units – 22 each of bases, shafts and capitals – so that all rose to the uniform height of the entablature; arches are

Figure 13.9 Santa Maria in Trastevere, view toward apse (photo: D. Kinney)

Figure 13.10 Santa Maria in Trastevere, north colonnade (photo: Foto Vasari Roma)
more forgiving. As it is, the entablatures slope downward slightly from west to east, the transverse axes between the columns are skewed and the intercolumniations are slightly wider in the centre of each colonnade than at the ends. Stefano Pittaccio argued that all of these irregularities were deliberate and intended to enhance the perspectival views along the longitudinal axis. Whether or not this is so, his careful measurements make clear that each colonnade is a separate, centralised composition. It is in the nature of spoliate colonnades that they demand particularised attention; every element is a discrete point of visual interest, like the jewels in a necklace or crown. The jewels of Santa Maria rarely sparkled, however, because the twelfth-century nave was dark, with narrow round-headed windows that were suppressed in the sixteenth century. Traces of them could still be seen on the exterior before the nave walls were re-plastered in the 1990s. The transept, lit by as many as eight windows, was still dim by the standards of electric light. The apse mosaic that now provides a brilliant golden focal point is only a flicker when the lights are off.

Except for the mosaic, the original state of the twelfth-century sanctuary is conjectural. A view made before Vespignani’s renovation shows the main altar raised a few steps above the pavement level of the nave, on its own podium with an opening (confessio) that gave at least the impression of access to the relics within (Fig. 13.11). The ciborium shown over the altar comprised two phases: four porphyry columns, their bases and capitals from the twelfth century; and a sixteenth-century wooden superstructure, which was replaced by Vespignani with the medievalising canopy still there today. The wooden choir stalls visible behind the ciborium were post-medieval and were also removed in the nineteenth century, revealing traces of the original clergy bench at the base of the apse. The marble throne with winged lion armrests in the centre of the present choir stalls may be a recent pastiche, though the armrests are medieval. The schola cantorum, destroyed long before the nineteenth century, stood in the nave, blocking access to the altar except to those

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70 P. Ugonio, Historia delle Stationi di Roma che si celebrano la Quadragesima (Rome, 1588), 138: ‘Il ciborio ... che fece già di marmo Innocentio II ... non vi è più, ma vi restano le colonne di porfido con il Tabernacolo fabricatovi sopra di legno ...’
71 [Canon Gioacchino Cressedi], Diario dei lavori di restauro e di decorazione della Basilica di S. Maria in Trastevere nel Pontificato di Pio IX: [15 Gennaio 1873] ‘Nell’abside in basso v’è in giro il muro che reggeva i sedili dei Canonici’. When I transcribed this manuscript in the capitular archive, the archive was still at the church.
72 Claussen dated them to the mid-thirteenth century; P.C. Claussen, Magistri doctissimi romani. Die römischen Marmorkünstler des Mittelalters (Wiesbaden 1987), 81.
The notion that scholae cantorum were principally for the papal choir was debunked by Elaine De Benedictis, *The ‘Schola Cantorum’ in Rome during the High Middle Ages* (Ph.D. Dissertation, Bryn Mawr College, 1983). The equally dubious assumption that apsidal thrones were reserved for the pope has been questioned by Claussen, *Magistri doctissimi romani*, 124 n. 696.

73
The piecemeal survival of the twelfth-century liturgical apparatus – in contrast to its almost integral preservation at San Clemente – can be explained by an aggressive post-Tridentine modernisation, but it may also reflect a failure to complete it in the first place. A lection for the octave of the feast of the consecration of Santa Maria in Trastevere in 1215 claims that Innocent II died before the new church was finished:

Although the most holy priest fully intended the completion of the work and proposed to enrich this church with great honours and gifts and to consecrate it honourably, in the fourteenth year of his pontificate he happily went to God.\footnote{Vatican City, Biblioteca Apostolica Vaticana, MS Vat. Lat. 10999, fol. 151r, published by B. Schimmelpfennig, 'Jesus, Maria und Augustus. Ein Text zur Weihe von S. Maria in Trastevere (1215) und zur Geschichte Trasteveres in Antike und Mittelalter', in \textit{Licet preter solitum. Ludwig Falkenstein zum 65. Geburtstag}, ed. L. Kéry, D. Lohrmann, and H. Müller (Aachen, 1998), 119–41, at 137: 'Cum autem ad consumationem operis sanctissimus presul omnino intenderet et hanc ecclesiam propone- neret magnis honoribus et muneribus ditare et honorifice consecrare, quarto decimo presulatus sui anno feliciter migravit ad dominum'. A sixteenth-century transcription identifies this passage as the fifth lection for the sixth day of the octave (Vatican City, Biblioteca Apostolica Vaticana, MS Chigi C.V.146, fol. 140r). On the transcriptions see Kinney, \textit{S. Maria in Trastevere}, 213–15.}

The lection compares the pope to David, who was not permitted to see the completion of his glorious temple; and just as David left the wherewithal to finish the work to his son Solomon, so Innocent II left funds to ‘his brother’, the bishop of Sabina, to finish his church.\footnote{Vat. Lat. 10999, fol. 151r; Schimmelpfennig, 'Jesus, Maria und Augustus', 137: ‘Et sicut ille [David] pro templo faciendo reliquit expensas filio suo, sic iste pro ecclesia complenda impensas cuidam suo fratri Sabinensi episcopo reliquit qui, sicut stat, ecclesiam complevit’.} Deliberately or not, the parallel implies a retribution, since it was because David had waged war and ‘shed so much blood’ that God denied him the pleasure of seeing his building finished.\footnote{1 Paralipomenon (1 Chron) 22:8.} Innocent too had waged war.

According to another lection, Pope Innocent did consecrate the altar of the Crib Chapel (\textit{Praesepium}), which he had ‘renovated’.\footnote{Vat. Lat. 10999, fol. 151r; Schimmelpfennig, 'Jesus, Maria und Augustus', 137: ‘Renovavit etiam praesepium, quod antiquitus in ea [ecclesia] fuerat . . . Venerandum altare in ea [capella] collocatum in festo purificationis beate Marie consecratum, ubi quadraginta dierum indulgentiam et remissionem annuatim devote venientibus concessit’. On the \textit{Praesepium}: D. Kinney, 'The \textit{Praesepium} in Santa Maria in Trastevere and Santa Maria Maggiore', in \textit{Marmoribus vestita. Miscellanea in onore di Federico Guidobaldi}, ed. O. Brandt and P. Pergola, 2 vols (Rome, 2011), ii, 777–95.} The consecration occurred on the feast of the Purification of the Virgin (February 2), presumably in 1143; Innocent died the following September. The ‘bishop of Sabina’ charged to complete the building was probably his close ally and vicar Conrad of Suburra, later Pope Anastasius IV (1153–4).\footnote{Contra Schimmelpfennig, 'Jesus, Maria und Augustus', 138, who identified the ‘brother’ as Gregorius, cardinal priest of Santa Maria in Trastevere in 1140 and cardinal bishop of Sabina from 1154. Conrad was \textit{episcopus Sabinensis} in Innocent’s lifetime (1128–1153); Brixius, 36 no. 26.} A continuation of the work after Innocent’s death may explain the otherwise puzzling dates ‘1140 to 1148’
that were inscribed in the fourteenth century on the ash urn that then contained the pope’s remains:

HERE LIE THE VENERABLE BONES OF LORD POPE INNOCENT II, OF THE HOUSE OF PAPARESCHI, OF MOST SACRED MEMORY, WHO RENEWED THE PRESENT CHURCH IN HONOUR OF MARY MOTHER OF GOD AS IT IS [TODAY] FROM THE FOUNDATIONS WITH HIS OWN FUNDS IN THE YEAR OF OUR LORD 1140 ETC. TO (?) THE YEAR OF OUR LORD 1148.79

In sum, it appears that the reconstruction of Santa Maria in Trastevere progressed far enough in Innocent’s lifetime to install the apse mosaic (which is mentioned in Canon Benedict’s Liber politicus) and to consecrate a lateral chapel, but enough finishing touches remained to occupy another few years, including perhaps the main altar furnishings. It may be that the liturgical arrangements were never completed as the pope originally envisioned them.

The apse mosaic is emphatically Innocent’s, as it contains both his portrait and a verbal claim of authorship: ‘hinc oriundus Innocentius hanc renovavit Papa secundus’ (Fig. 13.12). Regrettably, the portrait has been crudely restored, deforming one side of the face.80 Innocent holds a model of his donation in his covered left hand. He is dressed like the other popes in the mosaic except for the additional fanon or amice, and unlike the images of eleventh- and twelfth-century popes known from copies of the paintings in the chapel of St Nicholas in the Lateran Palace, he has neither a tiara nor a halo; he is bareheaded with sparse and wispy grey hair.81 There is no trace of the ostentatious imperialising regalia for which this pope is known.

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The twelfth-century mosaic covers the conch of the apse and the wall surrounding it to a point over the middle of each of two windows in the west wall of the transept (Fig. 13.11). In the centre of the conch Christ and his mother Mary share a throne, flanked by St Peter on the viewer’s right and by six prelates identified by inscriptions between their feet: Pope Innocent II, St Lawrence, Pope Callixtus I, Pope Cornelius, Pope Julius and Presbyter Calepodius (Fig. 13.12). On the wall above the conch is a frieze of evangelist symbols and, directly over Christ, a cross with pendant alpha and omega and the apocalyptic seven candlestickstands. In the spandrels are images of the prophets Isaiah (left) and Jeremiah (right), both holding unfurled scrolls inscribed with prophecies relevant to the Incarnation: ‘Behold a virgin shall conceive and bear a son’ (Is. 7:14) and ‘Christ the Lord is taken in our sins’ (Lam. 4:20).

Visually simple, the conch mosaic is semiotically complex. At the level of denotation it is straightforward and precise; each figure is identified by verbal signs and iconography. As in the fifth-century image in Santa Pudenziana, Christ appears in a long tunic and gold himation. Mary wears the crown and jeweled collar that identify her as Maria Regina, as well as a spectacular gold

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82 The strip of narrative scenes on the wall below the conch was added at the end of the thirteenth century, and the painting below it is from the sixteenth century.
83 ECCE VIRGO CONCIPIET ET PARIEIT FILIVM; XPS D(OMI)N(V)S CAPTVS E(ST) IN PEC-
and gemmed dalmatic. Peter is robed in the historic white toga and sandals, while the other popes are vested like contemporary clerics, in albs, dalmatics with jeweled and patterned edges, variously coloured chasubles, pallia and decorated shoes.\textsuperscript{84} St Lawrence wears a very fancy dalmatic and carries the cross of a deacon. Calepodius is dressed like the popes except that he has a stole and no pallium. It would have been obvious to the twelfth-century viewer why most of these figures are present, as they include the first founders of the titulus and its basilica (Callixtus I and Julius), the patron of the monastery established at Santa Maria in Trastevere by Pope Gregory IV (Cornelius) and a prominent figure in the hagiography of Pope Callixtus (Calepodius); moreover, relics of all of these saints were in the main altar.\textsuperscript{85}

At the syntagmatic level the mosaic becomes slightly perplexing. Visually, the composition alludes to the tradition of the oldest known Roman apse mosaics, in which Christ appears in the centre flanked by Peter and Paul.\textsuperscript{86} Here, however, St Paul is effectively replaced by St Lawrence. In the tradition of Marian apses the infant Christ is shown on his mother’s lap, but here it is Christ the man who shares her jewelled throne.\textsuperscript{87} This was an unfamiliar scene in the 1140s. Roman viewers might have associated it with the Assumption because it recalls the annual Assumption-eve procession, one of the most spectacular events on the Roman liturgical calendar, in which Mary’s taking-up to heaven was enacted and described as an enthronement: ‘the admirable image of the Lord is placed on a throne, and the Theotokos is placed on her throne’.\textsuperscript{88} That this was the intended interpretation is confirmed by the inscriptions displayed by the protagonists: ‘His left hand is under my head, and his right hand shall embrace me’ (Cant. 2:6, 8:3) on the Virgin’s unfurled scroll and ‘Come, my chosen one, and I will place in you my throne’ on the book held open by Christ.\textsuperscript{89} Both verses were sung in the office for Assumption day, and the Song


\textsuperscript{85} \textit{Traditio legis} in Santa Costanza; Christ enthroned with the Apostles in Santa Pudenziana; Christ flanked by Peter and Paul in the titulus and its basilica (Callixtus I and Julius), the patron of the monastery established at Santa Maria in Trastevere by Pope Gregory IV (Cornelius) and a prominent figure in the hagiography of Pope Callixtus (Calepodius); moreover, relics of all of these saints were in the main altar.

\textsuperscript{86} Var. Lat. 10999, fols 150v and 151r; Schimmelpfennig, ‘Jesus, Maria und Augustus’, 134 and 137: ‘Cuius monasterii vestigium usque in odiernum diem apparet, quod ad honorem beati Cornelii martiris, sicut ab antiquis accepimus et adhuc retinet vocabulum, constructum fuit; Studuit etiam venerandus presul sanctorum corpora, que in ea [ecclesia] requiescebant, cum maxima diligentia perquirere. Et inventa sunt corpora sanctorum martirum et pontificum Calixti, Cornelii, Iulii et Calepodii presbiteri . . . .’ For the monastery see also \textit{Liber pontificalis}, ii, 78.

\textsuperscript{87} \textit{Traditio legis} in Santa Costanza; Christ enthroned with the Apostles in Santa Pudenziana; Christ flanked by Peter and Paul and the titular saints in Santi Cosma e Damiano.

\textsuperscript{88} The norm for Marian churches is an assumption based on custom elsewhere and Santa Maria in Domnica, the only surviving pre-twelfth-century example in Rome.


\textsuperscript{89} LEVA EIVS SVB CAPITE MEO ET DEX(T)ERA ILLIVS AMPLESABIT(VR) ME; VENI ELECTA MEA ET PONAM IN TE THRONVM MEVM.
of Songs was heard throughout the feast.\textsuperscript{90} If the central image is thus relatively easy to construe, its relation to the flanking historical figures remains a puzzle. They had no particular connection with the Assumption nor with the procession that marked it.

Another level of meaning is indicated by the similarity of the central image to a manuscript illustration in Munich, the frontispiece to a collection of exegetical works by the Benedictine monk known as Honorius of Autun (Fig. 13.13).\textsuperscript{91} The manuscript contains both Honorius’s Commentary on the Song of Songs, ‘celebrated by the mouths of many, open to the minds of few’, and his ‘Seal of Blessed Mary’, which interprets the Song in relation to the Virgin.\textsuperscript{92} The frontispiece shows the Bride and Bridegroom seated inside a turreted city. Embracing the Bride with one arm (\textit{dextera illius} \textit{amplexabitur me}), the Bridegroom extends his other hand, dripping with the blood of the Crucifixion, through a gate in one of the towers to caress another woman lingering outside (\textit{Leva ei[us] sub capite meo}). G.A. Wellen demonstrated that the frontispiece illustrates Honorius’ interpretations: the woman outside the city is the Church ‘left behind in this life under His care’, and the crowned Bride is the Church raised to the heavenly Jerusalem.\textsuperscript{93}

The relation of the frontispiece to the apse mosaic is uncertain. Against Wellen, who maintained that the mosaic was inspired by the frontispiece or by an earlier prototype (since the Munich manuscript seems to postdate the mosaic), Ernst Kitzinger objected that the reverse may have been true: the apse inspired the illumination. He argued that the mosaic was ‘meant to evoke’ the Assumption–eve procession and specifically its icon–protagonists: the Hodegetria in Santa Maria Nova (Santa Francesca Romana) and the miraculous, self–made image of Christ from the Chapel of St Lawrence at the Lateran.\textsuperscript{94} Forestalling the objection that the mosaicist might more likely have quoted the face of the Virgin from the famous icon in Santa Maria in Trastevere itself, the eighth(?)–century ‘Madonna della Clemenza’, Kitzinger observed that Innocent II


Figure 13.13 Christ enthroned with Ecclesia, Munich, Bayerische Staatsbibliothek Cod. Lat. 4550, fol. 1v (photo: Bayerische Staatsbibliothek)
‘seems to have demoted’ that icon in his rebuilding, perhaps because ‘it had been held in particular veneration by . . . Anacletus II’. It is true that the icon attained special prominence while Anacletus was the basilica’s titular cardinal, when it was copied in the apse of the Lateran chapel of St Nicholas erected by Pope Callixtus II.

Allusions to the Assumption liturgy were accessible to a wide range of viewers through experience, but the allegorical interpretation of the Bride as the Church required more specialised knowledge. Viewers without this knowledge could still have recognised the woman as the Church, however, because, as Ursula Nilgen pointed out, Ecclesia was often depicted as a crowned and bejeweled woman in the eleventh and twelfth centuries. Nilgen argued that, above and beyond its other meanings, the apse mosaic was a ‘political’ image, meant to illustrate the return of the Church to Christ’s embrace after the end of the Anacletan schism. Once stained by the schism, the Church is shown purified and restored to God’s favour. This reading accounts for the ranks of clerics flanking the throne – they also represent the Church returned to wholeness – and it has prevailed. Later studies of the mosaic have tended to agree that viewers were meant to see it as representing both the Assumption of Mary and the triumph of Ecclesia, postulating the influence of various contemporary exegetes on its unique design, including Honorius, Rupert of Deutz, Bruno of Segni and Bernard of Clairvaux. Émile Mâle’s old thesis that the composition was inspired by one of Abbot Suger’s stained glass windows also resurfaces.

However it came about, the mosaic must have been the product of many conversations. It is likely that one or more members of the Curia were delegated to oversee the pope’s art and architectural projects, supervising them outright or in liaison with the abbot, archpriest, canons or monks who were in charge of individual churches. Innocent’s Curia contained many learned men, including former monks of Monte Cassino, Cluny, Clairvaux, and Gorze. Four

96 For the apse and the theory that Anacletus II was one of its sponsors: Herklotz, ‘Die Beratungsräume Calixtus II.’, 212–14; Idem, ‘Vicarius Christi’, 151–2; Stroll, Symbols as Power, 132–49; Osborne and Claridge, Mosaics and Wallpaintings in Roman Churches, 108–11; J. Croisier in Romano, Riforma e tradizione 1050–1198, 290–3.
held the title of *Magister*: Boethius, cardinal priest of San Clemente; Ivo of Chartres, cardinal priest of San Lorenzo in Damaso; Thomas of San Vitale; and Guido of Città di Castello, the future Pope Celestine II (1143–4).\textsuperscript{101} Cardinal Guido, the dedicatee of Canon Benedict’s *Liber politicus*, had been a student of Abelard and owned at least two of his books, *Sic et non* and the *Theologia*.\textsuperscript{102} It is probably not irrelevant that Abelard was an early proponent of the doctrine of the Virgin’s corporeal assumption.\textsuperscript{103} Guido also owned two volumes of commentary on the Song of Songs, one called only an ‘interpretation’ and another attributed to Origen.\textsuperscript{104} It is in this circle of papal advisors, in my opinion, that the ideation of the apse mosaic took place, rather than in the mind of St Bernard or Honorius, although the planners may have been attentive to both.

Compared to the vast churches Innocent II had seen in northern Europe, not to mention their early Christian predecessors, Santa Maria in Trastevere is not very impressive (Fig. 13.14). In the context of twelfth-century Rome, however, it must have stood out as new and rather grand. It is singularly coherent, with architectural and figural ornament working together to create a real *regia* corresponding to the metaphorical one invoked in the apse mosaic. If it seems unlikely that Anacletus II did nothing to improve his title church while his fellow cardinals were rebuilding theirs, it seems equally implausible that his improvements survive in the church we know today, which is all of a piece. Whatever Anacletus may have done was wiped out by Innocent’s renovation.\textsuperscript{105}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Fig_13.14.pdf}
\caption{Cluny III, St. Peter’s, Santa Maria in Trastevere, comparison of plans to scale (A. Brey)}
\end{figure}

\begin{footnotesize}
\begin{enumerate}
\item Brixius, 34–5 no. 19; 44 no. 30; 47 no. 50; W. Malaczek, ‘Das Kardinalskollegium unter Innocenz II. und Anaklet II.’, *Archivum historiae pontificiae*, 19 (1981), 56–9.
\item Wilmart, ‘Les livres légués par Célestin II’, 101.
\item Cf. Stroll, *Symbols as Power*, 164: ‘Innocent treated the old structure . . . as though it were contaminated’.
\end{enumerate}
\end{footnotesize}
The Lateran painting

Both Boso and Canon Benedict credited Innocent II with shoring up part of the Lateran Palace, and Boso reported that the pope also made two new rooms there. According to later sources the rooms were ‘in the inner part of the . . . palace . . . in the part that faces the front of the Lateran basilica’. A painting in one of these rooms commemorated Innocent’s coronation of Lothar III in 1133. Unremarked in Innocent’s lifetime, the painting later became a cause célèbre when Frederick Barbarossa took offense at it around the time of his own coronation in St Peter’s in 1155. According to his biographer Rahewin, Barbarossa learned of the Lateran painting from ‘faithful’ allies who found it alarming:

... the assertion was rashly made by some Romans that hitherto our kings had possessed the imperial power over the City, and the kingdom of Italy, by gift of the popes, and ... they made such representations and handed them down to posterity not only orally but also in writing and in pictures. Hence it is written concerning Emperor Lothar, over a picture of this sort in the Lateran palace:

Coming before our gates, the king vows to safeguard the City,  
Then, liegeman to the Pope, by him he is granted the crown.

Since such a picture and such an inscription, reported to him by those faithful to the empire, had greatly displeased the prince when he had been near the City in ... [1155], he is said to have received from Pope Hadrian [IV], after a friendly remonstration, the assurance that both the inscription and the picture would be removed.

Two years later, at the Diet of Besançon, a letter from Hadrian IV containing the word beneficium was interpreted to mean that the pope considered the empire a feudum within his power to bestow. The emperor’s violent reaction was inspired by the memory of the offensive painting, which according to a later source depicted the coronation as an act of feudal submission:

Pope Innocent, the second of his name, once had had himself painted on a wall in Rome as if in the pontifical seat, and the emperor Lothar bent in front of him with folded hands receiving the imperial crown.


108 Chronica regia Coloniensis (Annales maximi Coloniensis), ed. G. Wäitiz, MGH SRG, 18 (1880), 93: ‘Papa Innocentius, eius nominis secundus, Rome quondam in muro pingi fecerat se ipsum quasi in sede pontificali residentem, imperatorem vero Lotharium complicatis manibus coram se inclinatum, coronam imperii suscipientem’.
The cardinals who carried the letter were rudely sent back to Rome. The pope subsequently tried to rally the German bishops to his side but they rebuffed him, relaying the emperor’s renewed insistence that the painting be destroyed:

It began with a picture, the picture became an inscription, the inscription seeks to become an authoritative utterance. We shall not endure it, we shall not submit to it; we shall lay down the crown before we consent to have the imperial crown and ourself so degraded. Let the pictures be destroyed, let the inscriptions be withdrawn, that they may not remain as eternal memorials of enmity between the empire and the papacy.109

A few years later, Gerhoch of Reichersberg described a ‘new picture’ that was also objectionable, depicting ‘the emperor of the Romans . . . shown as a groom (marescalchus)’, that is, holding the mounted pope’s bridle or stirrup.110 Because Lothar had performed this service for Innocent II at Liège in 1131, it has been assumed that the pope was responsible for this painting as well, but there is no other reason to think this was so, or even that the painting existed.111

Despite the emperor’s demands, the painting of the coronation endured for centuries. Onofrio Panvinio saw it in the 1560s, in a room that was ‘semi-destroyed’.112 A sketch made later in the century by a draftsman working for the Spanish historian Alfonso Chacón shows a friezelike composition with three episodes against the backdrop of a long basilica, presumably the Lateran cathedral (Fig. 13.15).113 At the left the king, watched by a crowd including some bishops and by a man in secular dress standing in the church doorway, stands before a lectern, raises his left hand and places his right hand on a book. In the centre, now in the nave of the church, the king bows before the seated pope, who seems to reach out to embrace him. At the right, the pope stands behind a raised altar in the apse and holds a crown over the emperor’s head while the queen, already crowned, looks on. In the seventeenth century Cesare Rasponi,  


110 Gerhoch von Reichersberg, De quarta vigilia noctis, xii, in MGH, Libelli de lite imperatorum et pontificum saeculis XI. et XII., iii (Hannover, 1897), 512: ‘valde miramur, unde nova pictura hec emerserit, qua Romanorum imperator pingitur marescalchus’. The text dates to 1167; Walter, ‘Papal Political Imagery (I–II)’, 166.


112 Panvinio, De praecipuis Urbis Romae sanctioribus basilicis, 177.

then canon of the Lateran Basilica and later cardinal, published an engraving of a different scene, in which the pope emerges from a city gate to greet the crowned king, who approaches on horseback. Unlike the sketch, which captures the elongated legs and rounded postures of twelfth-century painting, the engraving is entirely in contemporary style. It is generally considered to be a seventeenth-century (mis)interpretation of the same painting recorded for Chacón.

There is no drawing of the officium stratoris, the scene singled out by Gerhoch of Reichersberg. Christopher Walter reasoned that it was erased by Pope Hadrian IV, fulfilling his pledge to the emperor. The episodes in the Chacón

114 Cesare Rasponi, *De Basilica et patriarchio Lateranensi Libri Quattuor ad Alexandrum VII. Pont. Max.*, (Rome, 1656), 296 and facing plate.


sketch seem to correspond to the distich reported by Rahewin: at the left the king stands outside the cathedral, giving his oath to preserve the rights of the Roman people (*Rex venit ante fores iurans prius Urbis honores*); at the right the pope confers the imperial crown (*sumit quo dante coronam*). The central scene is less clear; Gerhard Ladner suggested that it might be the *commendatio*, in which the king placed his hands in the pope’s hands to symbolise his fidelity, while Michele Maccarrone argued that it showed the pope placing a ring on the king’s finger, investing him with the lands of Matilda of Tuscany. Either way the king ‘became the pope’s liegeman’ (*post homo fit papae*). In a neglected study, Walter Heinemeyer demonstrated that the inscribed verses do not, in fact, explain the scenes sketched for Chacón but interpret them, creating an ‘escalation’ of the painting’s feudal implications. Comparing the images in the sketch to written accounts of Lothar’s coronation, Heinemeyer concluded that ‘the three scenes . . . represent the three highpoints of the imperial coronations in chronological order’: the king’s oath to the Roman people, the king’s oath of loyalty to the pope and the coronation. None of these acts denoted feudal subordination, but the central one could be interpreted to do so, as in the inscription. Heinemeyer implied that the inscription might have been a later addition to a painting that was intended to convey something else:

> In the overall composition the central scene is also the focal point, beside which the coronation recedes. The pope is clearly emphasised: he sits on a chair, wears ceremonial clothing, including the pallium, is adorned with the crown, and raises to himself the uncrowned king dressed in a simple, shirt-like garment, perhaps an alb. Innocent II is thus the focal point of the entire picture. He is the highest authority on earth; he takes into his company the king and future emperor, who has just humbled himself before him.

Removing the inscription – as Hadrian IV probably did, since it was known to Panvinio, Chacón, and all later observers only through Rahewin – presumably removed the offense. Without the verses the painting was simply a case of papal political Selbstdarstellung, grandiose but only implicitly overreaching, lacking the precise claims of the words. ‘The picture became an inscription, the inscription seeks to become . . . authoritative’.

### The porphyry tomb

According to Boso, Innocent II ‘was honourably buried in the Lateran church in a wonderfully made porphyry conch’. The *Descriptio Lateranensis ecclesiae* specified that the conch stood in the nave near the altar of the Forty Martyrs,

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118 Heinemeyer, ‘*beneficium – non feudum*’, 183–97.
119 Heinemeyer, ‘*beneficium – non feudum*’, 196.
120 Heinemeyer, ‘*beneficium – non feudum*’, 196.
121 Ladner, ‘I mosaici e gli affreschi ecclesiastico-politici’, 287.
and that it had been the tomb of the Emperor Hadrian (Fig. 13.6, no. 35).123 The sepulchre was crushed by debris from the roof when the cathedral burned in 1308 and only a fragment survives.124 Innocent’s remains were transferred to Santa Maria in Trastevere in an ancient cinerary urn, newly inscribed with the epitaph quoted earlier.125 They were interred inside the church in the seventeenth century and again in the nineteenth. The empty urn is now displayed in the porch.126

The first mention of the porphyry casket, in the earliest known version of the *Mirabilia urbis Romae*, did not mention Innocent II. According to this text, the porphyry *sepulchrum* ‘which is now at the Lateran in front of the fullery’ had been in the ‘middle circuit’ of the mausoleum of Hadrian (Castel Sant’Angelo), while its lid was ‘in the paradise [atrium] of St Peter’s over the tomb of the prefect’.127 The slightly later *Graphia aureae urbis* repeated this information but dropped ‘ante folloniam’, replacing it with ‘in quo sepultus est papa Innocentius II’.128 Scholars have interpreted this change to mean that the *coucha* or *sepulchrum* was taken from the Mausoleum of Hadrian in Innocent’s lifetime and left outside the cathedral ‘in front of the fullery’ until the pope died, when it was moved inside. This implies that it was Innocent II himself who chose the sarcophagus, had it removed from Castel Sant’Angelo and dragged across Rome to the Lateran.129 According to Michael Borgolte, it was ‘without doubt’ Innocent’s ‘most personal monument’.130 It was certainly unusual. Ingo Herklotz proclaimed it ‘the most sensational case in the history of papal burials of the entire middle ages’.131

The case was sensational, according to Herklotz, because of its political pretensions.132 Innocent II was the first pope to be buried in a porphyry sarcophagus. The placement of the casket *ante folloniam* – the departure and end point of papal processions, opposite the north face and portico of the Lateran Palace – associated it with other notable antiquities in the same area, including the Capitoline she-wolf and the bronze plaque inscribed with the *lex de imperio*, both in the portico, and the equestrian statue of ‘Constantine’.
(Marcus Aurelius) in the adjacent open space known as the Campus Lat-eranensis. Herklotz argued that its association with these symbolic objects made the sarcophagus, like them, a ‘symbol of papal sovereignty’ over Rome and the empire. Developing a suggestion made earlier by Josef Deér, Herk-lotz proposed that the resignification of the sarcophagus from imperial to papal insignie was an expression of higher authority vis-à-vis not only the highest secular ruler but also the newly reconstituted senate; that it was, in fact, the restoration of the senate that inspired the appropriation of the sarcophagus. ‘Thus did [Innocent II] protest . . . the presumptiousness of his Roman subjects, those burgher-revolutionaries whose rebellion was raging even while he lay dying’.133 In Deér’s view the other target of this protest was not the emperor but King Roger of Sicily, who took up the challenge by having two porphyry sarcophagi installed in his intended burial church at Cefalù.134

Michael Borgolte questioned the political interpretation, pointing out that it is not known when the sarcophagus was taken to the Lateran – it could have been sometime before the revival of the senate – nor who moved it into the cathedral. He raised the possibility that Innocent II intended that the sarcophagus remain ‘in front of the fullery’ as a permanent point of encoun-ter for his successors, paradoxically perpetuating his memory among them while also reminding them of the transience of worldly glory and fame.135 Borgolte did endorse the view that the appropriation of the imperial sar-cophagus was ‘a highpoint of imitatio imperii’ and he suggested that the tomb could have symbolised the pope’s triumph over Anacletus II, who lay in an unmarked grave.

In fact, much about the sarcophagus is uncertain. The Mirabilia urbis Romae as written in Innocent’s lifetime says only that the sarcophagus had been in the ‘castellum’ that was the temple of Hadrian’ and is now dispersed, the casket to the Lateran ante folliam and the lid to the atrium of St Peter’s, where it was ‘over the tomb of the prefect’.136 The prefect in question was the papal ally Cencio di Giovanni, murdered in 1077.137 The porphyry lid recorded by later sources was not over his tomb, however, but over the much better docu-mented tomb of Emperor Otto II, who died in Rome in 983 and was buried just inside the entrance to the atrium, on the left-hand side. The emperor’s lid, broken in transport and repaired, was reworked into a baptismal font by Carlo Fontana in 1694 and still survives.138 That leaves the matter of the prefect’s

133 Deér, The Dynastic Porphyry Tombs, 153.
135 Borgolte, Petrusnachfolge und Kaiserimitation, 163–5.
136 Mirabilia urbis Romae, ed. Valentini and Zucchetti, Codice topografico, iii, 46–7; cf. n. 127.
cover unresolved: was it, as has been suggested, a pendant or response to the emperor’s tomb, or did the author of the Mirabilia confute or confuse the two sepulchres?\textsuperscript{139} Either way, the implication is that the casket standing at the Lateran before 1143 had no cover, hardly a suitable condition for a prestigious burial. Whoever moved the sarcophagus must have planned to find a lid for it, unless it was intended to be reused for a purpose that did not require one, and not for burial at all.

Did Innocent II appropriate an object that had been brought to the Lateran by someone else, as he probably appropriated the church repairs initiated by his papal opponent? Was the appropriation made by someone else on his behalf? It is noteworthy that Conrad of Suburra, Innocent’s presumptive executor at Santa Maria in Trastevere, is the only other pope to have been buried in a comparable sarcophagus: the porphyry tomb of Helena, ‘mother of Emperor Constantine’, which he took from her mausoleum on the via Labicana.\textsuperscript{140} Was Conrad, as Anastasius IV (†1154), repeating (and validating) the arrogation of imperial trappings by his quondam friend? Or did he play a more active role in the conception of this spectacular display of papal prerogative?

The one seeming certainty, that the sarcophagus claimed for Innocent II was not Hadrian’s, was denied by Cesare D’Onofrio. While most scholars have assumed that because Hadrian was cremated his remains would have been displayed in an ash urn, not a sarcophagus, D’Onofrio pointed out that the ashes of Nero were placed ‘in a sarcophagus of porphyry, with an altar of Luna marble standing above it.’\textsuperscript{141} Hadrian himself might not have courted such a comparison; in any case, the fragment of a porphyry casket preserved in the cloister of the Lateran cathedral, which has long been identified as part of Innocent’s sarcophagus, was dated by Richard Delbrueck to around 300.\textsuperscript{142} Its location, in medio giro according to the Mirabilia, was not necessarily Hadrian’s cruciform tomb chamber in the centre of the great cylinder but could have been one of the spaces in the level above that are thought to have been made for later burials.\textsuperscript{143} If the identification of the fragment is correct, Pope Innocent’s sarcophagus was decorated with relief carvings like that of Helena/Anastasius IV, possibly with the same theme of victorious battle.\textsuperscript{144}

\textsuperscript{139} D’Onofrio, Castel S. Angelo e Borgo, 200–2, devised an elaborate scenario in which a single cover was moved from one tomb to another and back again.


\textsuperscript{143} Liverani and Tomei, ‘P. Aelii Hadriani sepulcrum’, 17, 20.

\textsuperscript{144} Herklotz, “Sepulcra” e “Monumenta”, 118.
Conclusion

The artistic patronage of Pope Innocent II is almost universally assumed to illustrate his ‘imperialisation of the papacy’.145 The porphyry sarcophagus is the capstone of this supposed program, and if nothing else, it demonstrates that a successor – be it Guido di Castello (Celestine II), Gerard Caccianemici (Lucius II), Bernard of Pisa (Eugenius III) or Conrad of Suburra – perceived it as a fitting symbol of the style and achievements of his reign. Otherwise, a close look at the monuments in question suggests a more nuanced approach. The fresco in the Lateran Palace certainly exalted the pope above the emperor, but the tone and intention of the images have been distorted by their polemical reception under Frederick Barbarossa and possibly by one of Innocent’s successors, if the provocative inscriptions were in fact a later addition. Probably painted after Lothar’s death in 1137, the mural may have been intended to commemorate the emperor, ‘long remembered in the papal curia . . . as a model prince’, as an exemplum of the Gregorian ideal of ‘suitability’ (idoneitas): ‘obedient, humbly devoted and useful to holy Church’.146 Its ideal audience would have included Lothar’s successor Conrad III, but Conrad did not come to Rome.147

The repairs to the Constantinian cathedral and the ‘Three Emperors’ Basilica’, St Paul’s, were imperial in scale, but these buildings had been papal obligations since the fifth century.148 Their restoration spoke to fellow churchmen of Rome’s renewal and made her a worthy seat of western Christendom. This was also true of the smaller churches returned to pristine glory in the course of the twelfth century, of which Santa Maria in Trastevere is the grandest. The meaning of this commission was political but not imperialising; it was a monument to the conclusion of the schism and a symbol of the victor’s superior virtue. The extraordinarily original apse mosaic indicates that there was much more to it, however. The mosaic, which has yet to be fully unpacked, speaks on multiple levels but always of the Virgin Mary, of the forms of her devotion, her power as intercessor, her chastity and her corporeal Assumption. It speaks of a loving God and a devoted, disciplined clergy. Its overriding meaning, in my view, is doctrinal and religious.

146 Robinson, Papacy, 312–6, 442–3, 451–3; quoted passages at 312, 453.
148 St Paul’s was built by the emperors Valentinian II (d. 392), Theodosius I (d. 395), and Arcadius (d. 408).
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