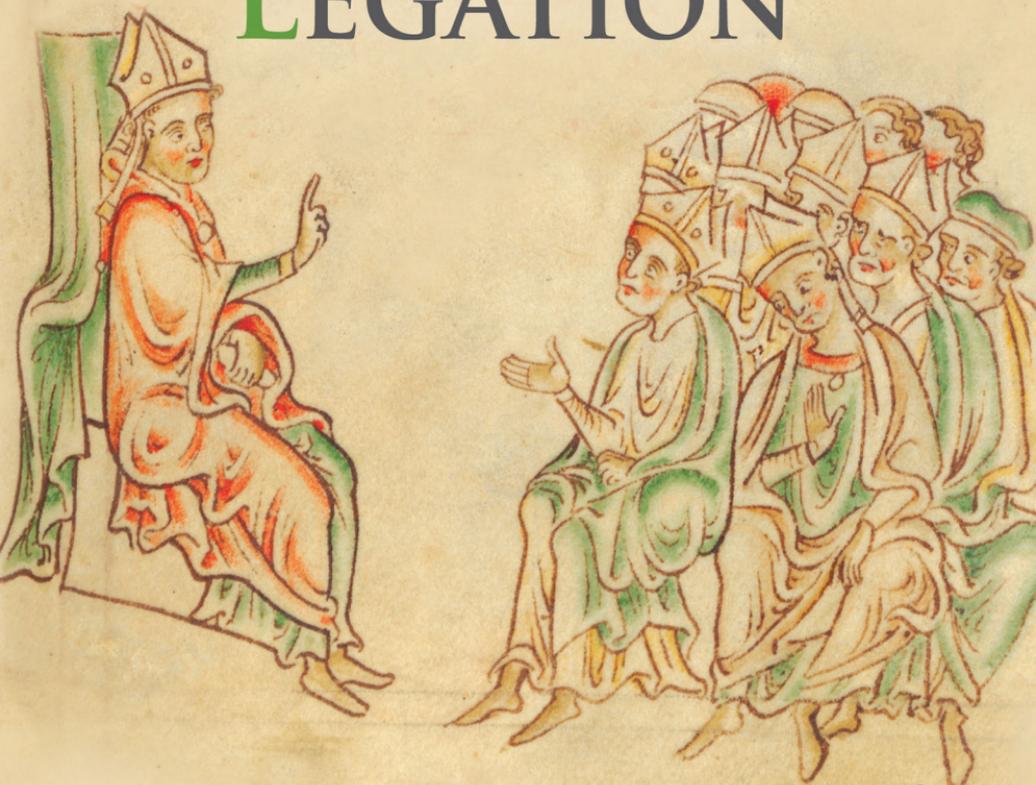


THE
FOUNDATIONS
OF
MEDIEVAL
PAPAL
LEGATION



KRISTON R. RENNIE



The Foundations of Medieval Papal Legation

Also by Kriston R. Rennie

LAW AND PRACTICE IN THE AGE OF REFORM: The Legatine Work of Hugh of Die (1073–1106)

THE COLLECTIO BURDEGALENSIS: A Study and Register of an Eleventh-Century Canon Law Collection

The Foundations of Medieval Papal Legation

Kriston R. Rennie

Senior Lecturer in Medieval History, University of Queensland, Australia

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*For Megan, Jude, Felix (Bertie), and Tess.
My inspiration for going to work;
my reason for coming home.*

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Acknowledgements

I've been obsessed with papal legates for more than a decade now. So much so, in fact, that most of my early career has dealt in one way or another with this ecclesiastical office, its incumbents, and its practical application by medieval popes. Until recently, my interest had centred predominantly on the eleventh and twelfth centuries. However, ever since the birth of my doctoral research, the seeds for a more ambitious project had been sprouting in my mind. Over the years, I'd become increasingly frustrated by the lack of a solid monograph on the subject relating to the early Middle Ages, a lacuna of historical research that partly inspired the present book. But, like most historians of the High Middle Ages, I was initially hesitant to abandon familiar terrain for the unknown. Fortunately, the prospect of discovery soon allayed my fears and enticed me to investigate an even-deeper past.

As with the development of any project, I've become indebted to a number of friends, colleagues, peers, and institutions throughout this book's construction. For their efforts in making available what scholarship does exist on the subject, I am grateful to the staff of the Social Science and Humanities Library at the University of Queensland, Australia. Much of this book was researched and written from Australia, where access to digital and open-access collections and inter-library loans enabled me to advance my research at a steady pace. The polishing and sharpening of my arguments, however, is another matter entirely. The uninterrupted research time necessary for my ideas to coalesce took place during (and with the help of) a Visiting Fellowship at Clare Hall, Cambridge in 2012. Along with my family, I enjoyed six months in England and benefited greatly from the people, intellectual lifestyle, and resources there. During this unadulterated research period, moreover, I was kindly invited to present some of my work to the *Zürcher Ausspracheabende für Rechtsgeschichte* at the University of Zurich, Switzerland, the *Medieval and Early Modern Culture Research Seminar* at the University of Southampton, UK, and the *Centre for Medieval Studies* at the University of Bergen, Norway. All of these forums and their participants helped clarify, refine, and strengthen some previously muddy ideas. For these unique and memorable experiences, I must thank the

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To this great host of people, not to mention the anonymous reviewers of my initial proposal and its final manuscript, and of course, to my own family, I owe a great deal of appreciation. On this latter and final point, it seems strange to say that my wife and kids did not suffer through this book's development, but rather benefited throughout its making from seeing new parts of the world and their father/husband more often than usual. (Then again, maybe they did suffer after all!) This book is dedicated to them.

Abbreviations

ACO	(1914–) <i>Acta Conciliorum Oecumenicorum</i> . Ed. E. Schwarz. 16 vols. Berlin: Walter de Gruyter
ANF	(1950–) <i>The Ante-Nicene Fathers</i> . Ed. A. Roberts and J. Donaldson. 10 vols. Grand Rapids, MI: W. B. Eerdmans Pub. Co.
<i>Annales Bertiniani</i>	(1883) Ed. G. Waitz. MGH SRG 5. Hanover: Hahn
<i>Annales Fuldenses</i>	(1891) Ed. F. Kurze. MGH SRG 7. Hanover: Hahn
CCCM	(1966–) <i>Corpus Christianorum, Continuatio Mediaevalis</i> . Turnhout: Brepols
CCSL	(1954–) <i>Corpus Christianorum, Series Latina</i> . Turnhout: Brepols
<i>Codex Carolinus</i>	(1892) Ed. W. Gundlach. MGH Epistolae 3:469–657. Berlin: Weidmann
<i>Codex Theodosius</i>	(1905) <i>Leges novellae ad Theodosianum pertinentes</i> . Ed. T. Mommsen and P.M. Meyer. 2 vols. Berlin: Weidmann. English translation by C. Pharr <i>et al.</i> (1952) <i>The Theodosian Code and Novels, and the Sirmundian Constitutions</i> . Princeton: Princeton University Press
<i>Collectio Avellana</i>	(1895–1898) <i>Epistulae imperatorum pontificum aliorum inde ab a.367 usque ad a.553 datae Avellana quae dicitur collection</i> . Ed. O. Günther. CSEL 35. Vienna: Holder-Pichler-Tempsky
<i>Collectio Thessalonicensis</i>	(1937) <i>Epistularum Romanorum pontificum ad vicarios per Illyricum aliosque episcopos Collectio Thessalonicensis</i> . Ed. C. Silva-Tarouca. Textus et documenta 23. Rome: Gregorian University
<i>Concilia Africae</i>	(1974) <i>Concilia Africae A.345–A.525</i> . Ed. C. Munier. CCSL 149. Turnhout: Brepols
<i>Concilia Galliae</i>	(1963) <i>Concilia Galliae A.314–A.506</i> . Ed. C. Munier. CCSL 148; Ed. C. de Clercq. CCSL148A. Turnhout: Brepols
CSEL	(1866–) <i>Corpus Scriptorum Ecclesiasticorum Latinorum</i> . Vienna: Holder-Pichler-Tempsky

- Decretum Gratiani* *Decretum Magistri Gratiani*. In *Corpus iuris canonici* (1879–1881; repr. 1955). Ed. E. Friedberg. Leipzig: Tauchnitz; repr. Graz: Akademische Druck-u. Verlagsanstalt
- Digest* (1985) *The Digest of Justinian*. Ed. T. Mommsen and P. Krüger; trans. A. Watson. 4 vols. Philadelphia: University of Pennsylvania Press
- Jaffé *Regesta Pontificum Romanorum* (1956). Ed. P. Jaffé. 2 vols. Akademische Druck- U. Verlagsanstalt
- JL (1885–1888; repr. 1956) *Regesta Pontificum Romanorum*. Ed. Jaffé. 2 vols. Leipzig: Veit; repr. Graz: Akademische Druck- u. Verlagsanstalt
- LP (1884–1957) *Le Liber Pontificalis*. Ed. L. Duchesne and C. Vogel. 3 vols. Paris: E. de Boccard
- Mansi (1759–1798) *Sacrorum conciliorum nova et amplissima collection*. 53 vols. Florence and Venice: Antonio Zatta
- MGH (1826–) *Monumenta Germaniae Historica*. Hanover and Leipzig: Hahn; Berlin: Weidmann
- AA Auctores antiquissimi
- Capit. Capitularia regum Francorum
- Concilia Concilia
- Const. Constitutiones et acta publica imperatorum et regum
- Epistolae Epistolae (in Quart)
- Epp. Sel. Epistolae selectae
- Fontes Fontes iuris Germanici antiqui, in usum scholarum separatim editi
- Leges Leges (in Folio)
- Libelli Libelli de lite imperatorum et pontificum
- SRG Scriptorum rerum Germanicarum in usum scholarum
- SRM Scriptorum rerum Merovingicarum
- SS Scriptorum (in Folio)
- Novellae* (1954) In *Corpus iuris civilis*. Ed. P. Krueger, T. Mommsen, R. Shöll, and W. Kroll. 3 vols. Berlin: Weidmann
- NPNF (1952–1969) *The Nicene and Post-Nicene Fathers of the Christian Church*. 2nd series. Ed. P. Schaff and H. Wace. 14 vols. Peabody, MA: Hendrickson Publishers
- PG (1856–1866) *Patrologiae cursus completus, series Graeca*, Ed. J.-P. Migne. 166 vols. Paris: Garnieri Fratres

- PL (1844–1864) *Patrologiae cursus completus, series Latina*. Ed. J.-P. Migne. 221 vols. Paris: Garnieri Fratres
- Pseudo-Isidore (1863; repr. 1963) *Decretales Pseudo-Isidorianae et Capitula Angilramni*. Ed. P. Hinschius. Leipzig: Tauchnitz; repr. Aalen: Scientia
- Reg.* (1920–1923) *Das Register Gregors VII*. Ed. E. Caspar. 2 vols. Berlin: Weidmann. English translation by H. E. J. Cowdrey (2002) *The Register of Pope Gregory VII, 1073–1085*. Oxford: Clarendon Press.
- Register* (1982) *Registrum epistolarum libri I–XIV*. Ed. D. Norberg. CCSL 140 and 140A. Turnhout: Brepols. English translation by J. R. C. Martyn (2004) *The Letters of Gregory the Great*. 3 vols. Toronto: Pontifical Institute of Mediaeval Studies Press.
- RFA* (1895) *Annales regni Francorum*. Ed. F. Kurze. MGH SRG 6 Hanover: Hahn

1

The Concept of Legation

The Roman Church from the very earliest days of its foundation has had the custom of dispatching its legates to all regions which are distinguished by the name of the Christian religion.¹

For the eleventh-century reforming pope, Gregory VII (1073–1085), papal legation was a practical concept founded on historical authority and precedent – an established custom attributed to his apostolic predecessors in Rome. In both theory and practice, this ecclesiastical office had long offered medieval popes a reliable solution to the intractable problem of governing Christendom. A letter to the clergy in Narbonne, Gascony, and Spain (dated 1077) makes manifest the legate’s administrative and bureaucratic advantages: ‘Matters which the governor and ruler of the Roman Church cannot manage to deal with by his own presence’, Gregory explained,

he can entrust on his behalf to legates, and through them proclaim the precepts of salvation and integrity of life to all the churches established throughout the world; and he can diligently instruct them by apostolic doctrine in all matters which belong to our holy religion.²

Employing a trusted Old-Testament metaphor, these papal agents were commissioned to eradicate and ‘root-out’ errors while attending ‘with careful vigilance to planting the seed-beds of virtues’ (cf. Jer. 1:10). Accomplishing this task required the full thrust of papal authority and jurisdiction, a burden of responsibility that medieval popes delegated with considered thought, thereby ensuring that their representatives would be received as agents of the apostolic see, as if the pope or St Peter were present. Such an expectation was realized only with a working

and established system and culture of representation, the successful execution of which narrowed significantly the physical distance between Rome and the Christian provinces during the Middle Ages. Indeed, as a reliable cog in the larger papal machinery, a legate was axiomatic to effective medieval papal governance and administration; underpinning their office was an implicit obedience to individual legates 'in all things as though you saw our [the pope's] own face or actually heard us speaking. For it is written: "He who hears you hears me"' (Luke 10:16).³

The history of medieval papal legation is nothing less than a study on power. Or, to be more precise, it relates to the transference and nature of power from Rome (centre) to the distant Christian provinces (periphery). How this ecclesiastical office was exercised and experienced determined its contemporary worth and overall function in the Middle Ages. The varied nature of this relationship is what truly characterizes this ecclesiastical office, which developed over centuries into an effective administrative, bureaucratic, and legal weapon of papal government. In totality, the commissioning and actions of individual legates furnish a collective profile by which the foundations of medieval papal legation can be viewed across time and space. This book's central aim is to grasp the trajectory and impact of this institutional growth. As a burgeoning institution of Roman ecclesiastical government, the origins and development of legation reflect wider transformations in the early medieval Church, contributing ultimately to a more nuanced portrait of this influential religious and political institution. For the papacy, exploiting this representative corps was central to its own development as a legitimizing and centralizing force in medieval society, the success of which relied in part on a developing theory and practice of 'sending forth on business' (noun: *legatio*; verb: *legare*) – the very essence and definition of legation.

To experienced and historically minded church administrators like Gregory VII, legation was firmly embedded in church practice, tradition, and principle. The application of legates enabled the Roman Church to reach the territorial thresholds (*limina*) of Christendom, as an effective and efficient means of establishing, extending, and exercising Roman (i.e., papal) authority in the distant Christian provinces. But as this book suggests, such an ecclesiastical tradition of office, with all its administrative, social, and legal *accoutrements*, took centuries to develop. To be sure, the cornerstone of its institutional growth was laid in the early Middle Ages, shaping the foundations for its modern-day and current diplomatic practice, which the Vatican presently extends to 179 countries around the world.⁴ In many respects, the principles of legation have remained the same across the ages. Indeed, 'legates of

the Roman pontiff' in the twenty-first century are likewise 'entrusted the office of representing the Roman Pontiff in a stable manner to particular churches or also to the states and public authorities to which they are sent'.⁵ Similar to their application in the medieval and early modern world, the modern-day legate's 'principal function' is likewise viewed as daily making 'stronger and more effective the bonds of unity which exist between the Apostolic See and particular churches'. In order to reach this potential, contemporary legates require mandated jurisdiction to function freely in matters affecting particular churches, bishops, ecclesiastical offices (nominations, elections, and transfers), peace, and protection, and 'to exercise the faculties and to fulfill other mandates which the Apostolic See entrusts to him [i.e., the ambassador]'.⁶

The increasing and pervasive *need* for papal representation is this book's driving historical question. It also presents this book's central historical problem. In their endeavours to 'reconcile a universal Christianity with the conditions of a highly regionalized world',⁷ medieval popes experienced limitations to their authority and influence – administrative, legal, and territorial constraints to which the developing office of medieval papal legation provided an effective solution. As the pope's *alter ego*, these representative agents provided the crucial connecting link between Rome and the various Christian provinces. As the embodiment of justice, diplomacy, government, and law, they possessed great administrative, legal, and institutional promise, skills, and jurisdictional authority. Pope Gregory I (590–604) seems to have appreciated these official characteristics and qualities well in the late sixth century, as witnessed by his frequent appointment of representatives throughout Italy to alleviate the encumbrance of distance for regional churches and their dependency on Rome for matters of trivial concern. In a most suggestive admission on the inner-workings of this office, he declared to the bishop of Syracuse in 591 that 'we carry out the laws of Heaven more effectively if we share our burdens with our brethren'.⁸ To the modern observer, this effusive reference to Galatians (6:2) bears pastoral overtones of the kind expected from a sixth-century monk-pope. But there is no mistaking the tone or intention of Gregory's missive. By addressing forthright the problem of legal accountability, procedure, and ecclesiastical administration in a region beyond Rome and her immediate surroundings, this late sixth-century pope deployed one of the bureaucrat's most coveted tools: delegation.⁹

This sixth-century example is a poignant marker for the institutional history of the medieval Church as a whole. The representative notion of 'sharing the burden' not only pervades the history of medieval papal

legation and the Roman Church, but it enjoins them in administrative and legal procedure and policy. Nowhere is this hierocratic outlook of descending government more clearly expressed than in Gregory's letter to the bishops of Gaul in 595. On this occasion, the pope stated that

while inferiors show reverence to the more powerful and the more powerful bestow love on their inferiors, one harmonious concord may be created out of diversity, and the administration of individual offices may be properly carried out. For the universality of the Church could not survive unless a great system of different ranks preserved it.¹⁰

Over the next five centuries, the medieval Church transformed its administration to accommodate a burgeoning Christian world. Where necessary, it developed existing infrastructure to exercise authority and execute justice more effectively and efficiently throughout an expanding Christendom. By the eleventh century, the application of legates had become an integral part of this wider ecclesiastical machinery. Addressing the archbishops of Rheims, Sens, Tours, Bourges, and Bordeaux, Pope Alexander II (1061–1073) spoke of his legate Peter Damian, 'who is our eyes and the immobile foundation of the apostolic see'.¹¹ 'Since we are occupied with many ecclesiastical affairs and cannot come to you personally,' he explained, 'we have committed to him our complete authority.'¹² When the canonist Bishop Ivo of Chartres wrote his *Decretum* (post 1093), moreover, the concept of papal legation had evolved significantly into an historically founded legal principle of representation, a theory on office further expanded in Gratian's *Decretum* (c.1140) and Pope Gregory IX's *Liber extra* (1234), in addition to a host of decretalist glosses from the twelfth and thirteenth centuries.¹³ To many such canonists, the legate – simply stated – was a figure commissioned to another land (*patria*) or province (*provincia*) with specific (i.e., mandated) powers (*vices*) – that is, 'whoever is sent from another'.¹⁴ Whereas these late medieval works defined 'legation' according to Roman (i.e., imperial) legal theory, drawing particularly from the maxims on 'power' and 'jurisdiction' found in Emperor Justinian's sixth-century *Corpus iuris civilis*,¹⁵ early medieval legates were not exactly what these later canonists would call *legati e/a latere* ('legates from the pope's side'), nor were they merely *legati nati* ('native legates') or *legati missi* ('legates sent').¹⁶ Though claiming much of the same historical and institutional inheritance and authority, the foundations of medieval papal legation cannot be viewed through the same canonistic lens.

The summative history of papal legation belongs more appropriately to the early Middle Ages (c.300–1000), to the centuries that gave birth to its theoretical, legal, and bureaucratic formalization into a reliable branch of the papal machinery. This appreciation allows for a more concise mapping of its evolutionary history and impact on the narrative of medieval church history – a process of institutionalization extending over seven centuries, spanning the later Roman Empire and its inheritance in early medieval Europe. In re-constructing this more nuanced portrait, this book focuses primarily on the western Christian provinces of Italy, Francia (Gaul and Germany), and England, using these emerging kingdoms as case studies for political communications and governance between Rome (centre) and its distant Christian provinces (periphery). At their core, the ideas and arguments presented in the following chapters demonstrate the growth of the Roman Church as an institution alongside developments of papal power, primacy, government, and representation. Their narrative includes both church and secular history from late antiquity to the turn of the first millennium – a gradual but defining era in the formation or ‘rise’ of western Christendom. Within this wider framework, communication and contact forged through papal legates played a central role in Christianity’s rise and triumph in the Middle Ages; their activity provides a powerful lens for viewing the growth and power of the Roman Church and its papacy as a legitimate, centralizing force in medieval society.

This institutional and governmental approach is especially significant for understanding the Church’s rise to political prominence in the wake of a collapsing Roman Empire (post-fifth century). In this period, secular and ecclesiastical realms established political and religious alliances across great territorial distances and ecological frontiers, creating diplomatic relations and tensions that affected every level of medieval society. As this book will demonstrate by collective example, the formation and maintenance of ties between the centre in Rome and the periphery is essential to understanding this transformative and turbulent period of early European history. The role of the papal legate in this enterprise, moreover, on both individual and collective bases, was evolving to accommodate the papacy’s growing political needs and expectations in a burgeoning Christian world. This *rayonnement de la papauté*¹⁷ was made possible through the effective and increasing use of legation to various provinces.

Seeking justification for the use and legitimacy of papal legates is crucial to understanding this office’s growth over time. Notwithstanding

the twelfth- and thirteenth-century developments briefly described above, the second half of the eleventh century marks an ideal *terminus* to this comprehensive study for the following reasons. After this period, papal legates were a more natural part of the papal governmental fabric, in legal, administrative, bureaucratic, and representational terms. In the 1070s and 1080s, for example, when the German king and emperor Henry IV was controlling the trans-alpine passages in Lombardy, Pope Gregory VII relied on papal representation to his northerly provinces (i.e., France, Germany, and England). As a result, in a period emphasizing the centralization of Church government and authority, Gregory was afforded more opportunity to govern Christendom from its political centre in Rome. In both cases, political demand and rising opposition among German clergy and laity impelled the expansion and extension of papal influence through representative means. Due primarily to this mounting imperial opposition, Gregory did not travel extensively throughout Christendom like his predecessors, or indeed like his successor Urban II (1088–1099), thereby increasing his need for the greater extension of papal influence beyond Rome and its surroundings. Indeed, from the late eleventh century onward, legates of a permanent nature (*legati nati*) were being commissioned to fill any noticeable holes in the papacy's ability to administer and rule.

But was this always the case? Did the office of medieval papal legate develop organically alongside the Roman Church, as a cog in the larger machinery of papal government and law? As I will argue, earlier versions of this representative papal office were not rooted in the same legal traditions as those from the mid-eleventh century onward, creating different versions of the same ecclesiastical office of representation. Church law in the Middle Ages was developing as rapidly as the institution of the Roman Church itself. This realization complicates any parallels between the early, high, and late medieval legate. Beginning with the origins of medieval papal legation in the early fourth century, this book will examine the impetus for development from the first documented case. Making changes to one model of papal representation implies an inefficiency or incompatibility with the surrounding religious and political climate. Why change the current model of papal representation unless absolutely necessary? Further questions surround the conditions and circumstances warranting legal, institutional, and administrative changes to this papal office. In short, this book asks why it was necessary to extend papal influence beyond Rome and its surroundings in the first place. What were the benefits and consequences of so doing? What were the social, political, legal, administrative, and

institutional conditions impelling this development? And, considering these and other questions in the larger context of a growing Latinized and Christianized world in the European West c.300–1000, how did papal legation impact the growth of Christianity and its respective western kingdoms?

Overall, the varied nature, response, and success of medieval papal legation are pervasive and unexplored themes in current medieval scholarship. The need for greater papal representation outside of Rome is but one facet of this office's evolutionary history. In exploring the legate's gradual transformation in the early Middle Ages, the historian inevitably (and immediately) encounters problems of terminology and language, of reconciling theory with practice. How papal representatives transformed from purely messengerial roles between Eastern (i.e., Byzantine, Greek) and Western (European, Latin) empires into fully fledged legal and authoritative papal agents is a significant but complicated question to answer. Yet, this line of enquiry is vital to comprehending how this position was achieved over time. In seeking to answer this question, numerous other queries immediately come to mind, all of which inform this book's overall research direction. For example, it is well worth asking how legates were chosen. What sort of training, education, and/or experience qualified them for this diplomatic position? What were their legal and administrative duties and backgrounds, with what legal authority were these entrusted and exercised, and how did these change over time? What was their legal status and how did this affect their reception into imperial, royal, and episcopal courts?

Significant, too, is the reflection that individual and collective legatine activity bears on the popes themselves. A close examination of this kind reveals much about individual personalities, political and religious networks and relationships, and diplomacy and communications. It will become clear that a heightened or ineffective use of the legatine office sheds significant light on individual papal rulership, ability, and power in the Middle Ages. This means that failure to establish and/or maintain communication and contact with the Christian world beyond Rome is just as important as success in measuring the 'state-of-play' for the Roman Church. That papal legates were not always treated as legitimate representatives of the pope, and that they sometimes encountered resistance by clergy and laity alike, reveals a great deal about the administrative and legal challenges limiting papal representation in the first instance, and papal authority more generally. How the papacy strengthened their legitimacy over time, thereby extending its influence, is fundamental; that there are connections between papal representation

and papal power, the growth of the legatine office and the Roman Church, is certain. Exactly how these elements of papal governance are related, however, and how they impacted the growth and power of the medieval Church is yet to be determined. By examining the foundations of medieval papal legation in the early Middle Ages, this book aims to reveal the papacy's true strength beyond Rome and her surroundings, and the outcome of its exertion.

A grand narrative?

In his magisterial work, *The Rise of Western Christendom*, Peter Brown observed that

it was through the insubstantial but tenacious bonds created by the Catholic Church that the broken unity of Roman Europe was re-created. All roads came to lead, yet again, to Rome, as the papacy established itself as the undisputed centre of a new, Catholic West.¹⁸

This traditional 'grand narrative' offers a convincing paradigm for the early Middle Ages, during which period the Roman Church and its papacy exercised and asserted centralized authority in a largely de-centralized Christian world. Throughout this period, the history of western Europe was marked by the question of 'how to reconcile a universal Christianity with the conditions of a highly regionalized world'.¹⁹ The localization of Christianity in distant Christian provinces – a phenomenon that Brown has famously coined 'micro-Christendoms'²⁰ – certainly helps explain contemporary loyalties to the "“macrocosm” of a worldwide Christianity".²¹ Concerning matters of religious uniformity, the Church in Rome 'strove to cancel out the hiatus between "center" and "periphery" by making "little Romes" available on their home ground'.²² But as the present book suggests, papal efforts to centralize authority carried heavy overtones of institutional subjection; its quest to establish, maintain, and legitimize the bonds of obedience between Rome and the Christian provinces had immediate and long-term consequences. The growth of papal legation illuminates some of the administrative and legal measures enacted to bring the periphery much closer to the centre, to make present the physical authority of Roman (i.e., papal) government in the more distant Christian provinces.

Given this wider (and accepted) historical context, the 'grand narrative' for medieval papal legation still awaits construction. 'Historians', as John Perrin rightly remarked, 'have written a great deal about legates

and legatine development during the European Middle Age'.²³ Certain historiographical trends, moreover, are identifiable within the subject's broader treatment. But, nothing has yet defined the field. This lacuna of scholarship is surprising for two main reasons. The first relates to the extant source evidence, which shows papal legates figuring prominently in the history of the Middle Ages and the Roman Church. In contemporary chronicles, cartularies, annals, episcopal, papal, and imperial letters, in addition to conciliar *acta* and the issuance and dissemination of canon law, individual legates can be seen in the foreground, orchestrating and participating in the business of church and state, commissioned as ecclesiastical and secular agents. Dispatched by Roman bishops since the first century, papal legates are regular fixtures in Roman church administration and law throughout Christendom, representatives (in theory) of the entire Christian community, of the bishop in Rome, and of St Peter (and sometimes, St Paul). Their varied appointments, roles, responsibilities, and missions scatter the contemporary medieval records, most often in relation to communications and exchange between the papacy in Rome and various emperors, kings, princes, counts, dukes, bishops, monasteries, and church councils. In other words, legatine activities are frequently recorded in the sources; their majority pithy accounts, however, lack any synthesis within the larger history of early medieval Europe – an interpretive problem that this book aims in part to correct.

The absence of a 'grand narrative' on medieval legation owes also to the subject's long-standing treatment in historical scholarship, which is deserving of some distillation here. As a general rule, extant histories of papal legation 'trace, describe, and explain the actions of papal legates and the changing tides of papal legatine policy'.²⁴ This applied methodology, favoured heavily in German doctoral dissertations of the late nineteenth and early twentieth centuries, has produced national, pontifical, and institutional histories, many of which are not readily accessible in good libraries.²⁵ Furthermore, the bulk of these studies serves only to catalogue, with minimal socio-historical context, individual legations and their itineraries in chronological order – an impressive (if uncritical) historical feat in itself, and one that can be appreciated for its mining of contemporary sources, namely extant papal registers, chronicles, annals, and conciliar *acta*. (This so-called *Zusammensetzung* becomes a common feature in subsequent legatine studies of the twentieth century.) But as one scholar noted in passing, such coverage fails to 'shed light on contemporary papal policy or the diplomatic method used to implement it'.²⁶

These more recent methodological criticisms notwithstanding, the historical trend established in pre-World War I Germany dominated the 1920s and 1930s.²⁷ Three studies in particular stand out as essential and widely consulted reference works. Though reminiscent of previous scholarship in terms of style and format (catalogue of legates + *Zusammensetzung*), Ina Friedlaender's work on papal legates to Germany and Italy between 1181 and 1198 allows for a more in-depth treatment of the legate's legal classification, operational territory (i.e., jurisdiction), and political activity, which ultimately provides a much more systematic and critical treatment of the subject than previous scholarship.²⁸ Moving beyond Germany, France, and Italy, Helene Tillmann's 1926 dissertation tackles the field of legation beyond the European continent, from its beginnings in seventh-century England to the more heavily documented eleventh, twelfth, and thirteenth centuries.²⁹ With the exception of some recent (and relatively unknown) doctoral theses on legates and English politics in the thirteenth century,³⁰ this work remains the most-cited, comprehensive, and authoritative examination of the subject for this region. In recognizable fashion, Tillmann summarizes legations from 680 to 1218 in chronological order, turning in the second part to consider (briefly) the history and classification of legates, in addition to the jurisdictional position of Roman representatives in England.³¹

From this generation of scholarship on papal legation, however, no study is more deserving of praise than Theodor Schieffer's 1935 masterpiece on legates in Capetian France from the synod of Meerson in 870 to the schism of Anacletus in 1130.³² Breaking with tradition somewhat, Schieffer's comprehensive work synthesizes the history of legation through a broad, chronological treatment of individual legations. Similar to the methodology applied to the present book, he furnished a collective legatine profile for France between the late ninth and early twelfth centuries. Distinguishing his research from the field, moreover, Schieffer engaged with the growing body of scholarship from his own time, applying a more critical eye to the source materials for France. Significantly, he argued for changing trends in the institutional history and structure of this ecclesiastical office, which distinguished its application in the tenth century from the reforming era of Pope Gregory VII. In outlining these perceptible institutional changes between the pontificates of Hadrian II and Honorius II, he demonstrated the individualistic characteristics of legatine power and jurisdiction, whose application defined the papacy's ability to reach the distant provinces in matters affecting the Roman Church.

Pontifical and institutional histories of legation help balance these more general expositions. With more concentrated chronological studies, a clearer view emerges on contemporary papal policy and diplomatic method, and the relationship between these two dimensions in the grander scheme of medieval papal representation. Pope Gregory VII has received the majority of attention, owing primarily to the institutional transformations to the legatine office practiced under his rule. Albert Grosse's 1901 work on the 'Roman legate' under Gregory sheds light on this pope's concept and use of legation, which evolved throughout his pontificate through increasing experience, administrative, and legal necessity.³³ Ernst Königer's articles on this subject focus more closely on the power (*vicis*) entrusted to individual legates under Gregory VII, as the primary means of identifying and distinguishing their specific responsibilities.³⁴ The 'turning point' (*Wendepunkt*) of this ecclesiastical office, he argued, is witnessed most visibly in the diplomatic and political activity of the mid-eleventh century. As Schieffer clearly recognized, Gregory's application of the legatine office gave birth to a distinct, new breed of legate (*legatus natus*), which ultimately served the papacy's more immediate interests in Germany, France, Spain, and Lombardy in particular.³⁵ As my more recent study on the subject has shown, this particular reforming pope transformed the legatine office into an invaluable branch of the larger papal machinery, entrusting to a select handful of legates unprecedented powers in the regions to which they were commissioned.³⁶

Like many nationalist histories on legation, the majority of pontifical studies focus on the twelfth and thirteenth centuries.³⁷ According to Heinrich Zimmermann's important work on legates under the thirteenth-century Popes Innocent III, Honorius III, and Gregory IX, for example, legatine authority correspondingly transformed with the papal curia and its college of cardinals.³⁸ The contextual material of Zimmermann's work is worth noting here, as it offers much of what previous legatine histories overlook. That means that this study examines (briefly) the institutional origins of this office, with a predominant interest in the post-Gregorian and decretal periods.³⁹ Distinguishing this work from many others is its brief exposition of the historiography, which, together with the institutional dimensions of legation, frame his concentration on the period between 1198 and 1241.⁴⁰ After outlining the numerous legates commissioned in the first half of the thirteenth century, Zimmermann turns in the remainder of his book to the 'reasons for legation', the 'selection and commissioning of legates', the 'classification of legates', and the procuratorial powers of legation.

Departing from historical tradition, pontifical studies of this sort narrow the focus considerably to illuminate the localized and regional example. The result is a richer and more in-depth analysis of historical events, which collectively provides a fuller portrait on the organizational history of papal legation for the High and Late Middle Ages. Going beyond the mere chronological record of individual legations, moreover, pontifical histories often address central historical problems; they engage with the political and ecclesiastical history of a particular period, developing this context to explain the social and legal force and application of papal legation.

In a sense, therefore, institutional histories of papal legation work towards a similar goal. On occasion, their analyses build on and merge with national and pontifical agendas, but their treatment of this ecclesiastical office contends more with the legal structure and evolutionary development of papal representation. H. Karl Luxardo's very short but oft-cited 1878 dissertation defines this subject for the pre-Gratian period (pre-c.1140), with a particular focus on the foundations (*Gründe*) of *ius legationis pontificium* and the problem of jurisdiction.⁴¹ Inspiring many of the arguments put forward in Chapters 3–4 below, his work made some clear distinctions between early offices of papal representation and their terminology, namely, the Greek-oriental character of the *apocrisarius* and the ordinary legate (*legatus* and *legatus e/a latere*).⁴² The juridical and administrative shaping of this office is what Gino Paro calls the 'right of legation' – a more modern definition describing the power of sending and receiving legates according to international law.⁴³ His 1947 dissertation on the subject has received little attention, however, owing to its focus on the twentieth century and its overall 'polemic on the position of the papacy in international law between 1870 and 1929'.⁴⁴ The same oversight is recognizable for Pierre Blet's general history on the diplomatic history of the apostolic see, due presumably to its uncritical appraisal of the legatine office over the wide historical span of 19 centuries.⁴⁵

The 'shortcomings' and 'achievements'⁴⁶ of this body of scholarship have impelled some more modern and definitive studies in the field of medieval papal legation. Richard Antone Schmutz's 1966 doctoral dissertation (University of Southern California) on the foundations of medieval papal representation sought to distinguish 'the role of the legate [...] from the other, non-legatine categories'.⁴⁷ In fact, it was imperative to Schmutz that historians 'adhere to a systematic ordering of the forms of papal representation based on their appropriate place

and role in the historical development of the institution'.⁴⁸ The catalyst for his study was the

confusion which still exists with regard to the derivation of the decretal classes of legates and also by the failure of earlier studies to distinguish legates from the other forms of papal representatives important in the medieval period, namely nuncios and judges-delegate.⁴⁹

The incertitude resulting from a predominantly German body of scholarship prompted Schmutz's investigation on 'pre-Hildebrandine' institutions, which gives the subject a good 'systematic analysis' for understanding the growth of procuratorial powers and jurisdiction during Gregory VII's pontificate. Distinguishing between the apostolic vicar, *apocrisarius*, and *legatus ad causam*, Schmutz considers the principles and organization of the legatine office, arguing for two separate stages in its institutional history between the early church and the thirteenth century. More concerned with the birth of the 'medieval' legate in the late eleventh century, however, his study never purports to be an investigation on the early Middle Ages. Furthermore, his thesis is sometimes over-argued, to the point where his desire for accurate and transparent classification overshadows the legate's fundamental representative function and role. In some ways, efforts to untangle the myopic and generalist views of previous historians beset his work down the same path. As the present book demonstrates by example, understanding this ecclesiastical office does not always require that legates be classified into distinct legal categories. The scope and 'right' of legation, defined primarily by the transference of specific papal powers, is what truly defined a legate's function. Thus, contrary to Schmutz's main argument, I believe that it remains possible to synthesize the records of their representative activities without engaging fully with the decretalist classes that dominate so much of the scholarly work in this field.

That is not to say, however, that later legal classifications of legation can be eschewed completely. As Robert Charles Figueira's study on the canon law of medieval papal legation demonstrates, this was a crucial phase in the office's development. In his impressive doctoral dissertation (Cornell University, 1980), he examined the organizational history of this ecclesiastical office through Gratian's *Decretum* and its commentators (decretists), in addition to the *Liber extra* and its commentators (decretalists). The personal influence of Robert Benson and

Brian Tierney is apparent in the refined legal exposition of this work, which draws heavily on the contemporary legal collections, glosses, and commentaries from figures like Bernard of Pavia, Hostiensis (Henry of Susa), Huggucio, Rufinus, Willian Durantis, and others. Despite this later, canonistic focus, Figueira's work explores the subject of legation for some familiar reasons. With the popes in Rome having already established their centralized position of authority by the twelfth and thirteenth centuries, however, he focuses on the 'administrative devices devised and utilized by the popes over an extended period of time to share those tasks of government claimed or exercised under papal supervision'.⁵⁰ The political and legal changes effected by a 'tremendous upsurge in the papacy's utilization of legates during the eleventh-century reform, and the next century's crystallization of church law in Gratian's *Decretum*',⁵¹ moreover, meant that institutions like the Roman Church adapted to survive and maintain pace. What Figueira's work demonstrates is how the institutional history of papal legation became immortalized in late medieval canon law, the consequence of which projects a dark shadow over the office's development and application in the first millennium.⁵²

Casting some light on this earlier historical period are a number of specialized studies on the specific dimensions and sub-offices of legation. L. Chevailler and Jean-Claude Genin composed a detailed study on the *apocrisarius* between the fifth and eighth centuries.⁵³ Donald Queller's book on the office of ambassador in the Middle Ages focuses primarily on the institutional development of diplomacy, which culminated in the late medieval/early modern era.⁵⁴ The significance of power and its fullness (*plena potestas*) is made clear in this broader study, which helps considerably in tracing the origins of procuratorial and plenipotentiary powers back to imperial Rome. The work of Gaines Post – to whom Queller dedicated his book – likewise formulates some important conclusions on *plena potestas* in Roman and canon law, with a particular interest also in examining (in one of many chapters) its role in representative assemblies.⁵⁵ Whereas the former two studies consider the medieval secular world, Robert Benson's article on the evolution of *plenitudo potestatis* ('fullness of power') from Popes Gregory IV to Gratian (c.827–1140) offers valuable insight into the papacy's most prized expression for jurisdiction in the High Middle Ages.⁵⁶

These micro-studies notwithstanding, the historical canvas is almost entirely blank for legation in the early Middle Ages. The 'grand narrative' is still unwritten, despite ongoing work in the field and a renewal of scholarly interest over the last two decades. Stefan Weiss'

prosopographical work (1995) on *Legatenurkunden* between Popes Leo IX and Celestine III (1049–1198), for example, provides an extended reference to Dieter Riesenberger's classic study (1967) on the early Middle Ages.⁵⁷ The latter work in particular, with its careful (chronological) re-construction of legates and their activity between Popes Stephen II and Sylvester II (753–1003), was aimed at complementing the established works of Engelmann, Schieffer, and Ruess.⁵⁸ Concentrated national and regional studies continue to punctuate the twentieth- and twenty-first century scholarship, with investigations primarily into England, Germany, and France, which are concerned more with the practical application of legates as instruments of law and reform, propaganda, politics, and communications.⁵⁹ Building on an established historical tradition, their methodology has necessarily evolved from once static examinations of individual legations to contextualizing their role in medieval church politics and governance more broadly.⁶⁰ Taking full stock of previous generations of scholarship, modern historians are still fleshing out the prescriptive sources for legation, more conscious than ever of achieving a fuller understanding of the legate's central role in, and impact on, medieval ecclesiastical governance, administration, and the law.

To be sure, papal legates are interwoven into the fabric of medieval ecclesiastical, political, and legal history. As such, they continue to receive due historical attention and have recently become a subject of particular importance and research interest, though the focus remains chronologically centred on the High and Late Middle Ages, with a number of studies on the twelfth to fifteenth centuries in particular. Distinguishing their work from their predecessors, however, is a thematic approach exemplified by three relatively recent symposia on 'centre and periphery' (2008), 'centre and networks' (2008), and 'papal legates and delegates' (2012), to which Italian, French, and German scholars have turned their attention in profitable collaborative efforts. One anchor to this movement is Claudia Zey, whose much-anticipated *Habilitation* on *Legatenpolitik* in the eleventh and twelfth centuries (1049–1181) holds the potential to consolidate and supersede existing literature in the field.⁶¹

Common to many of these studies is the problem of definition. In this regard, the question of what constitutes a legate pre-occupies a majority of historical curiosity on the subject. As Figueira rightly asked: 'if no distinction of legates as a group can be made on the basis of activities alone, then how can one decide whether a specific person is a legate or not?'⁶² Like many German historians before him, he began his work with an

exposition of terminology, which served the immediate purpose of containing and justifying the topic under investigation. Typically, however, scholarly attempts to categorize legates into orderly sub-offices produce technical and juristic conclusions, which inevitably confuse rather than clarify the subject. There is certainly merit to this type of analysis, especially where it concerns the canonistic development of *legatus* in the twelfth and thirteenth centuries, and the relationship between this legal elaboration and Roman (i.e., imperial) legal theory from the fifth and sixth centuries. Furthermore, it raises the all-important question of whether 'legation' is defined by the virtue of office, the specific activity or set of activities commissioned by individual popes, the transference of authority from Rome to select individuals, or a combination of these elements. But as will become apparent in Chapters 3–4 below, the terminology for *legatus* is not a reliable guiding principle for revealing the papacy's representative actions and objectives. The Latin terms *legatus* and *legatio*, moreover, are not exclusively ecclesiastical or papal in context, nor do they indicate the extent of jurisdictional power(s) entrusted to individuals for the completion of their mission. But as Figueira rightly noted, some contemporary understanding of what constitutes a papal legate is a necessary pre-requisite to investigating legatine activities across a broad spectrum. Whereas previous historical scholarship has flooded the theoretical and legal application of legation, the present book tackles a full range of contemporary sources to construct a more complete and nuanced portrait. With this objective in mind, it takes a very broad definition of legation, interested more with the contemporary conceptions and uses of the available representative machinery throughout the early Middle Ages.

Notwithstanding the quality and volume of previous historical research on this subject, the origins and development of medieval papal legation remain something of an enigma. As the above distillation of extant secondary sources demonstrates, the historiographical tradition hitherto has focused predominantly on the twelfth and thirteenth centuries. For better or worse, the literature surrounding this subject has created a rigid framework in which legation is repeatedly treated and viewed. The present book aims to break this cast while offering a new interpretation of its own. By examining the coercive means of church councils, letters, and the perambulations of select legates throughout western Europe, it considers the concept and use of medieval papal legation as a means by which the papacy governed and administered to Christendom in the early Middle Ages. It will be argued that the office of papal legation developed over centuries, influenced by individual motives and prevailing socio-political circumstances and

conditions that invariably impelled institutional change and growth. The evidence presented in the following chapters, moreover, suggests an *ad hoc* arrangement, showing papal responses to immediate needs and circumstances, which were transforming from generation to generation. That means that the foundations of medieval papal legation largely relied on individual popes and their administrations, contemporary legal needs, and socio-political ambitions, all of which defined the institutional character of the Roman Church in the Middle Ages while simultaneously shaping the office of legation.

This book begins by considering the theoretical models and paradigms framing the legatine office (Chapter 2). While much of the scholarly focus has been legal in context, this foray into the field considers the political and sociological dimensions to papal representation as important driving forces behind a centralizing ecclesiastical administration. By applying social and political theory, this chapter aims to reveal the contemporary papal notions and *mentalité* of 'representation', as a means to understand how legates were exploited within the larger machinery of papal government. Moving from the theoretical to practical realms, Chapters 3–4 then turn to examine five particular 'sub-offices' of early medieval legation that demonstrate a diversity and range within the papal arsenal: apostolic vicar, papal *apocrisiarius*, *nuncius*, *defensor ecclesiae*, and a category of my own devising: *legati vagantes*. Contributing to the larger thesis of this book, moreover, these offices form the institutional and legal basis for the entire history of medieval papal legation, reflecting the true extent and legitimacy of papal influence beyond Rome and her immediate surroundings. These two chapters examine the qualities and value inherent in this ecclesiastical office, in addition to the context in which legates were operating, in order to make sense of the distinctions between contemporaneous legatine offices. In so doing, the multifarious uses and powers of papal legation in the early Middle Ages become manifest. Presented here as parts of a much larger and evolving representative system, these 'types' of legation bear witness to the growing complexity, purpose, and standardization of this ecclesiastical office in the early Middle Ages, presenting evidence for the papacy's exercising of juridical and jurisdictional authority throughout Christendom. Most significant is how these branches of the early medieval legatine office illustrate a diversity of representative coverage that was designed to accommodate the papacy's more immediate interests and needs.

After outlining the institutional framework of legation, Chapter 5 reconstructs legatine appointments and examines the background of their commissioning. In viewing the means by which such figures were

raised to the legatine office, this chapter assesses how the ecclesiastical office of legation emerged as an established, but loosely organized (and sometimes loosely defined) organ of papal government. In reality, as will be argued, the extent of legatine influence abroad and the very reasons for the legates' selection were varied. Any administrative modifications to this office followed in tandem with the papacy's general outlook, expectations, and needs. Of particular interest to this chapter, therefore, are the theoretical and personal reasons for selecting and commissioning individual agents in the first place, in addition to their procedural and customary use throughout western Christendom. In examining the papal initiative for appointing legates to specific tasks, commissioning them with various powers and tasks, this chapter focuses primarily on trends in legatine staffing, training, jurisdiction, and power over the centuries – characteristics that, over time, determined the efficacy and power of this office as a whole.

As early medieval popes increasingly legitimized their political and juristic authority, the 'international' role and character of papal legation correspondingly intensified. As Chapter 6 demonstrates by examining the 'right of legation' (i.e., diplomatic practice), the papacy's ability to delegate power and jurisdiction epitomized the legate's value as a legal and administrative agent of ecclesiastical government. The increasingly juridical character, quality, and function of papal legation in this period will be seen primarily through the 'credence letter', 'mandate', or *commonitorium*, that piece of parchment accompanying legates in the regions to which they were commissioned. The rationale impelling individual legations, the level of expected cooperation, and the contemporary meaning of invested powers come to the fore in this customary practice, which effectively helped establish and define the legal status and right of legation in the Middle Ages.

The true 'growth' of medieval papal legation, however, is witnessed in the exercising of these powers. Nowhere is this practice more fully recorded than the church council arena. To this end, Chapter 7 reconstructs the legate's role in convening and presiding over councils throughout the early Middle Ages, shedding light on some important trends in papal policy and outlook. Active primarily in matters of dispute settlement and Christian doctrine and faith (two opposite extremes), legates exercised and honed their role as 'arbiters and judges' in a range of minor and major ecclesiastical and secular cases. By the eighth and ninth centuries, they were convening church councils with more regularity, disseminating canonistic materials and legislation to and from Rome, and were fast becoming established figures in

ecclesiastical and secular court circles. Giving further credence to this changing trend, Chapter 8 re-examines the conception of legation in the Carolingian era (8th–9th centuries) with a view to understanding a decisive phase in its ideology, symbolism, and practice for the early Middle Ages. This pivotal chapter brings together the study's central argument, that is, the legate's rise to prominence as a legal, administrative, bureaucratic, and institutional cog in the papal machinery. That the medieval papal legate was by the eleventh century an established part of papal government is re-considered in the final chapter (Chapter 9), which offers a brief conclusion on the evolutionary trends in papal representation, diplomacy, and communications that came to maturity over seven centuries. In all, the following history on the 'foundations of medieval papal legation' presents arguments for continuity *and* change within this ecclesiastical office and its governance, the fruits of which have been enjoyed by popes from the High Middle Ages to the present day.

2

Theories of Legation

The theories underpinning medieval papal legation are typically generic and abstract. This phenomenon is partly because representation (*representare*) is ‘an idea, a concept, a word’.¹ But the long-standing obscurity surrounding this subject is also shaped by previous historical treatment, which has tended to favour the legal context of representative views and actions. In the thirteenth-century glosses of Bernard of Parma, Hostiensis (Henry of Susa), Johannes Teutonicus, William Durantis, and William of Drogheda (among others), a juristic framework clearly existed for determining the legate’s (the agent’s) capacity to represent his principal (the pope) – the very essence of direct representation.² For these and other late medieval canonists, the office of legation was characterized primarily ‘by reference to certain institutions such as proconsuls, praetorian prefects, *praesides*, [and] senators’.³ Legal connections were firmly established between the medieval practice of legation and the Roman legal concepts of ‘fullness’ (*plenitudo*) and ‘full’ (*plena*) power, ‘share of responsibility’ (*pars sollicitudinis*), and various forms of delegated jurisdiction (*iurisdictio*). But little credence was given in these works to earlier medieval practices. As a consequence, the history of medieval papal legation often elides into one amorphous and anachronistic category. By focusing too closely on classical legal precedents, not enough attention has been given to the political and sociological nature of papal legation – theoretical tools that help considerably in defining the medieval legate’s full scope and theatre of action.

The present chapter thus examines the theory of papal legation with a view to conceptualizing the subject for the early Middle Ages. It deals necessarily with the means and modes of authorization, apparent most readily in the subject fields of ‘power’ and ‘jurisdiction.’ But more crucially, it seeks to conceive of legation in more contemporary

(i.e., medieval) terms, as a developing administrative and legal branch of papal machinery. Such an investigation must begin with the deceptively simple question of what or who is being represented. Because to say that each legate represented the pope alone is to simplify the true nature of the agent-principal relationship, which exhibits a number of competing dimensions throughout the Middle Ages. To suggest that the legate represented the Roman Church, or St Peter directly, is perhaps more accurate but still underspecified in its interpretation. In one of a few explicit references, Pope Hadrian II (867–872) mentioned an allegiance to Saints Peter *and* Paul, ‘from whose see they [the legates] were sent’.⁴ The truth is that, to medieval contemporaries, the legate’s intrinsic value was not simply defined by individual qualities or ‘secondary values’,⁵ though charismatic leadership could (and did) certainly benefit the Church in diplomatic relations (see below). Rather, the true powers of legation were drawn from more implicit claims to spiritual, political, and legal authority and precedent, qualifications of office that are connected to the institutional and cultural history of the Roman Church and the papacy’s claims to centralized authority. While each pope and his appointed legates contributed to the processes of representation through individual outlook and experience, the fundamental principles of representation were more inherently collective and increasingly organized. Given the variety and purpose of dispatching legates, it does well to remember that while ‘all legates represented the pope... some represented him “better” or “more” than others did’.⁶ And that, while recognized as a personification of the pope, ‘the legate at all times remained an agent subject to papal supervision (to varying extents) and to the pope’s ultimate review’.⁷

As a general rule, the ‘power of representation’ is a defining legatine characteristic for the Middle Ages. As with other representative bodies, it was ‘conferred in accordance with particular *characteristics*, permanently or for a limited term’, as well as being ‘conferred by specific *acts* of the members or of outside persons, again permanently or for a limited term – the cases of “derived” or “delegated” powers’.⁸ The means of exercising authority were closely and carefully monitored and dispensed, resembling – in the legatine example – a blend of what Max Weber has called ‘instructive’ and ‘free’ representation: that is, contrasting models that distinguish powers that are ‘strictly limited by an imperative mandate and a right of recall’ from those which allow for greater freedom of movement and privileges.⁹ Together, these theoretical casts emphasize the mutual responsibility of representation more generally, as a form of imputation that involves a religious orientation to the centre

(Rome) and a formal recognition of appropriated governing powers in the periphery.

In a strictly procedural sense, the legate's power was altogether formalistic, symbolic, descriptive, and substantive.¹⁰ That means he was nominated and authorized (to varying degrees) by the papacy for a specific task, supervised actions for which he was held accountable; as the physical embodiment of the pope, moreover, the legate – by way of his actions – connected Rome (*caput*) with its members (*membra*) through the execution of justice. These inter-connected modes of representation suggest an individual complexity to the papal-legateine relationship, offering an interpretation that fits nicely within the existing framework of modern political thought. For, in any context, whether modern or medieval, representation is a 'black box', that is, 'shaped by the initial giving of authority, within which the representative can do whatever he pleases. If he leaves the box, if he exceeds the limits, he no longer represents'.¹¹ The 'component factors' comprising this theory introduce central questions of power, means, accountability, and latitudinal judgement.¹² It follows that the mechanisms for granting authority introduce a vital element of accountability, which provided the legate with a necessary, institutional pre-requisite to his legal commissioning. In other words, the structure of these often-implicit, but formal, arrangements is what characterized medieval legation. The true extent and value of legateine powers relied heavily upon the 'symbolic' value of what was being represented, which, in this case, meant the pope and/or the Roman Church. That a legate 'stood for' or 'reflected' his principal further defines the 'descriptive' and active nature of his representation, which value was likewise fashioned by his reception in a designated territory. And finally, it was the legate's 'substantive' actions that qualified his activity among the constituents in a designated Christian province, thereby 'making present again' or 'bringing back into presence' what is literally absent – the very definition of *representare*.

This brief political consideration leads to another, more pertinent question: how did representation develop during the early Middle Ages into a means of legitimizing papal authority and jurisdiction? Such a discussion cannot entirely avoid the 'right' of legation, which diplomatic practice will be given fuller treatment in Chapter 6. It must also account for the legate's main conduit of business in the church council (*concilium*, *synodus*), which legal arena was itself little more than a representative assembly (see Chapter 7). But it helps to remember at the outset that the procedures and ideals of medieval ecclesiastical representation were connected directly to a larger corporate community or body (*corpus*): the pope, the Roman Church, and Christendom (*respublica Christiana*),

more ideologically. As direct agents of these institutions, offices, and religious societies, medieval papal legates guided and shaped the practices for exercising Church authority, jurisdiction, and legitimacy throughout the Christian world. But without the 'inherent sacredness of central authority',¹³ which the popes in Rome claimed through a direct, apostolic connection to St Peter, the legate's function never could have been truly appreciated. Indeed, like the pope who commissioned him, the medieval papal legate enjoyed authority because his office 'arouses sentiments of sacredness'.¹⁴ And sacredness 'is by nature authoritative'.¹⁵

The origins of legatine authority and jurisdiction thus rely heavily upon Rome's unequivocal claims to supremacy in the wider Christian world. This chain of apostolic authority and succession, though frequently challenged throughout the Middle Ages, remained continuous and unbroken in its tradition, providing the framework for political cohesion and unity within the medieval papacy. When Jesus exhorted his disciple Peter to 'feed my lambs... feed my sheep' (John 21:16–17), he promised him 'the keys of the kingdom of heaven' (Matt. 16:18–19) with which to do it. As this well-known Gospel passage is often interpreted, the future pastoral, spiritual, and administrative role of the Roman Church was conferred directly upon Peter, thereby laying the foundations for its authority and jurisdiction over all faithful believers in Christendom (though not without some dispute from Eastern and African Churches).¹⁶ For the first few centuries of the early Church, historical justification for this 'primacy of leadership' was predominantly dynastic in origin, classifying bishops of Rome as successors to an apostolic and juristic tradition of 'binding and loosing'. The *Liber Pontificalis*, that Latin biography of Roman bishops (whose compilation began in the late sixth century), provides a reliable and 'orderly account of the history'¹⁷ of Roman bishops since Peter c.64/7. Writing about Clement (c.91–101), to cite an early example, the compiler mentions his undertaking the pontificate 'for governing the church, as the *cathedra* had been handed down and entrusted to him by the Lord Jesus Christ'.¹⁸ In the *Epistola Clementis* (JK 10–11), a third-century letter attributed to Clement, Peter is made to explain the spiritual and dynastic claims of his office. The legal flavour of this oft-cited epistle contributed much to the juristic theme of papal primacy that was developing in the early Middle Ages, being incorporated also into early canonical collections such as the *Quesnelliana* (begun c.425).¹⁹ It stated that:

For this reason, I [Peter] impart to him [Clement] the authority of binding and loosing, in order that whatever he [Clement] will decide upon earth, will be approved in heaven, for he will bind what must

be bound and he will loose what should be loosed, because he knows the canon of the Church.²⁰

By the third century, the theme of papal primacy rested firmly on the argument for Roman pre-eminence and leadership. The unity of the episcopate converged on Rome, it was argued, because the Roman Church was the ‘womb and root of the Catholic Church’ (*matrix et radix ecclesiae catholicae*).²¹ In the fourth chapter of his *De ecclesiae catholicae unitate*, the Christian apologist Cyprian of Carthage (d.258) explained apostolic succession in the following manner:

It is on him [Peter] that he builds the Church, and to him that he entrusts the sheep to feed. And although he assigns a like power to all the Apostles, he founded a single chair, and he established by his own authority a source and hallmark of the oneness. Indeed, the others were all that Peter was, but a primacy is given to Peter, whereby it is made clear that there is but one Church and one chair . . . If a man does not hold fast to this oneness of Peter, does he imagine that he still holds the faith? If he deserts the chair of Peter upon whom the Church was built, has he still confidence that he is in the Church?²²

The first-ever papal decretal (c.385) introduced an important juristic concept of succession to St Peter.²³ With explicit reference to the apostle Paul, Pope Siricius’ letter to Bishop Himerius of Tarragona (JK 255) speaks of Rome’s ‘solicitude for all churches’ (2 Cor. 11:28).²⁴ As the metaphorical head over all members of the body, the pope alone was responsible for all burdens (*onera*).²⁵ This outlook certainly played its part in bolstering the connection between the ‘apostolic see’ and the Roman episcopal see – arguably two separate offices before the late fourth century. A later decretal (JK 258) to the African bishops (386) reveals another statement on ‘the origin of the episcopal office and founder of the apostolic succession, a phrase which was often quoted, especially by Siricius’ great successors Nicholas I (858–867) and Gregory VII (1073–1085).²⁶ The legal power of such early medieval *dicta* resonated with the likes of Pope Agatho (678–681) (JE 2108), whose view that ‘all sanctions of the apostolic see are to be received as though they had been confirmed by the voice of St Peter himself’²⁷ became one of the most cited seventh-century decretals in canon law.²⁸

The development of a legal theorem in the fifth century secured Rome’s place of primacy for the duration of the Middle Ages, giving substantial juridical credence to successive Roman bishops as well as

to legates commissioned on their behalf. In terms of substantiating Rome's centralized political authority, no pope proved more effective than Leo I (440–461).²⁹ As Walter Ullmann suggested long ago, Leo was the first Roman bishop responsible for erecting 'a fully-fledged and satisfying doctrine culminating in the juristic succession of the pope to St. Peter'.³⁰ Writing to Bishop Anastasius of Thessalonica c.446, the pope professed that

although bishops have a common dignity, they are not all of the same rank. Even among the most blessed Apostles, though they were alike in honour, there was certain distinction of power. All were equal in being chosen, but it was given to one to be preeminent over the others. From this formality there arose also a distinction among bishops, and by a great arrangement it was provided that no one should arrogate everything to himself, but in individual provinces there should be individual bishops whose opinion among their brothers should be first; and again, certain others, established in larger cities, were to accept a greater responsibility. Through them the care of the universal Church would converge in the one see of Peter, and nothing should ever be at odds with this head.³¹

Similarly, in a sermon written before 461, Leo commented that

from the whole world only one, Peter, is chosen to preside over the calling of all nations, and over all the other Apostles, and over the Fathers of the Church. Thus, although among the people of God there are many priests and many pastors, it is really Peter who rules them all, of whom, too, it is Christ who is their chief ruler.³²

Going further than the 'naively factual thesis of the pope's occupying Peter's chair',³³ therefore, an argument repeatedly asserted by his papal predecessors and Christian apologists alike, Leo gave the medieval papacy enough legal backing to rival its opponents, namely the imperial government and church in Constantinople. According to this elaboration, popes were mere office-holders; neither personal charisma nor 'uninterrupted temporal sequence'³⁴ was essential to establishing unrivalled juridical authority. Rather more importantly, as the argument goes, 'the totality of Petrine powers equaling the totality of Christ's powers is juristically continued in the heir of St Peter'.³⁵ In theory at least, Leo's interpretation of Matthew granted new powers of judgement to the Roman see. In other words, 'it was Leo's achievement to articulate

a theory that invested the orthodox churches, and especially Rome, with the authority to participate in the power to implement justice that had been given to Peter'.³⁶

Thus, while individual qualities might qualify a legate for office (see Chapter 5), identification with Rome is what ultimately determined his ability to exercise authority. To be sure, Rome was the undisputed 'centre' to which papal legates owed their representative powers. That it was little more than a 'frontier city'³⁷ in the early Middle Ages is of little consequence to this theoretical concept, as the apostolic city developed throughout the medieval period to represent the 'order of symbols, of values and beliefs, which govern the society'.³⁸ It was also the 'realm of action' from which emerged a complex and developing 'structure of activities, of roles and persons, within the network of institutions'.³⁹ In practice, as David D'Avray has argued, the entire bureaucratic system of the Roman Church depended on

acceptance of the Pope's power to command the time of moderately important men. In Weber's language, this is the charisma of office: the conviction that its divine origin gave it an overriding claim on obedience irrespective of the personal qualities of the individual holding it.⁴⁰

Authority of this kind 'derives from *membership in the body as such, apart from any allocated, specific powers*'.⁴¹ As hand-picked representatives of this ecclesiastical corporate body, papal legates provided the crucial 'connecting link' between the centre in Rome and the periphery; based exclusively on their personal and administrative association to the ecclesiastical elite, they were 'vessels'⁴² of charisma, delegated agents capable of saturating the Christian world with papal (i.e., Roman) authority.

Authority in this context means both power (*Macht*) and domination (*Herrschaft*). The legate's capacity to represent the pope hinges on the latter's exalted social position and coercive powers, which allows his representative to 'carry out his own will despite resistance, regardless of the basis on which that probability rests'.⁴³ The legate's ability to implement a specific command, to be obeyed by the constituents to which he was sent, is a visible mark of his 'domination', which can be viewed also as a form of voluntary compliance reliant on the communal and individual 'discipline' of others to demonstrate 'prompt and automatic obedience in stereotyped forms'.⁴⁴ Significantly, this belief in the legitimacy of the institutional Church necessitated a reliance upon an administrative staff capable of guaranteeing obedience to the centre and its official offices.

This form of allegiance was physically furnished and in need of constant reinforcement.

To be truly effective, however, authority requires a measure of deference. Corporate bodies like the medieval Church possessed 'charismatic qualities simply by virtue of the *tremendous* power concentrated in them'.⁴⁵ Consider, for example, the forms of obedience allocated to the medieval papacy, whose institutional existence alone does not legitimize its long-standing authority as the western world's oldest institution. Rather, its history and claims to centralized authority require a coherent and sustained social response from the Christian faithful, whose constant appreciation affirms the institution's coercive power as a governing body and religious-political force. Deference, according to the sociologist Edward Shils, 'is an acknowledgement of, a response to the presumptive charismatic connections of roles at the centre of society and at the centre of life'.⁴⁶ Thus, its main recipients are 'those who exercise authority in the central institutional system and those who occupy the main positions in the central value system of the society'.⁴⁷ In this scenario, the Roman Church can be interpreted as an important subsystem of medieval society, a central value system 'pursued and affirmed by the *élites*' who 'by their very possession of authority... attribute to themselves an essential affinity with the sacred elements of their society, of which they regard themselves as the custodians'.⁴⁸ As self-professed *and* socially acknowledged arbiters, lawmakers, and judges over a vast territorial and spiritual domain, the papacy's authority steadily increased throughout the Middle Ages, a development that gives witness to the evolutionary and 'self-legitimizing consequence'⁴⁹ of effective governance throughout medieval Christendom.

The ratification of authority is vital to the integrity of this notion. For representation to work properly, individual popes expected their legates to be received 'with due reverence and charity' and yielded 'faithful obedience and collaboration' in 'all respects that either the business of their legation or the necessity of weariness shall require'.⁵⁰ In political and diplomatic terms, this meant acting independently and discretely and exhibiting judgement without unnecessary conflict, all in accordance with the interests of the principal in Rome.⁵¹ Such a concept summarizes nicely the intended operational value of medieval papal legation. Conceived as the natural extension of Roman authority from the centre to the periphery, legates were to be heard as if it were the pope himself speaking, because according to the Gospel often repeated: 'He who hears you hears me, and he who despises you despises me' (Luke 10:16). These apostolic origins and ideological inheritances were extended well

into the early Church, developing alongside the representative offices of apostolic vicar, *apocrisarius*, and *legatus ad causam* (see Chapters 3–4).⁵² From this steady institutional growth, the theories and concepts driving legation developed in the practical fields of conferring the papal *vices*, and the conduct for judging cases, both minor (*causae minimae*) and major (*causae maiores*).⁵³

Max Weber's theory of 'legitimate order' helps to conceptualize the legate's overall function. Medieval belief (*Vorstellung*) in the validity (*Geltung*) of the Roman Church as a legitimate order was (and still is) a powerful currency. In subscribing to the conventions of rational belief, whether in the expression of ultimate values, religious (i.e., affectual, emotional) attitudes, salvation, or conformity with ecclesiastical order, Christian faithful continually replenished the basis of legitimate order in the Middle Ages. Rational belief in tradition, absolute value, and legality ascribed to the Roman Church and its papacy a firm and committed measure of obedience, which was transmitted from the periphery to the centre. For the present argument, the bases of legitimacy thus rested firmly on religious tradition and social conformity, which worked because of a 'willingness to submit to an order imposed by one man or a small group'.⁵⁴ According to this Weberian theory, bureaucratic and patriarchal structures are vital to fashioning the structural permanence for such legitimate order.⁵⁵ This hierocratic or 'ruling' organization, in addition to the 'routinization of charisma', fostered a stable relationship between the community of Christian followers and the political-hierocratic organization of the Roman Church, forming the bedrock of its institutional prestige and claims to political and religious primacy.

The legate's coercive powers, therefore, were manifested along rational, traditional, and charismatic lines – what Weber called the 'three pure types of legitimate authority'.⁵⁶ Yet significantly, very few medieval popes or legates would have fit the strictest, 'value-free' description of a charismatic hero, that figure who 'does not deduce his authority from codes and statutes, as is the case with the jurisdiction of office; nor does he deduce his authority from traditional custom or feudal vows of faith, as is the case with patrimonial power'.⁵⁷ Indeed, the legate's value rested on his ability to maintain custom, law, and tradition, not to overthrow them as would some kind of revolutionary or innovator. But in representing the larger, corporate body of the Roman Church, both popes and legates were claimants to charismatic authority through recognition and individual merit alone. Both demanded obedience for the sake of their mission, appreciation, and allegiance that

was determined, given, and/or taken away depending on their success. 'It is', as Weber contended, 'the *duty* of those to whom he addressed his mission to recognize him as their charismatically qualified leader.'⁵⁸ And even though our understanding of charisma relies to a large extent on individual personality, its intrinsic quality is defined also 'by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities'.⁵⁹

Weber's distinction between institutional and individual power is an important one. The latter argument built on the work of Rudolf Sohm (1841–1917), the Lutheran theologian to whose theory of charismatic organization (*Gewaltstruktur*) Weber's generalization is directly attributed.⁶⁰ It expands on the personal, theological (i.e., early Christian), miraculous and perceptively supernatural powers of charisma as a 'gift of grace' (in the Pauline sense), to a more general and all-encompassing concept that was not strictly religious or sectarian. Where it differs and extends the argument, however, is in the suggestion that legitimacy can derive also from institutional office, thereby 'de-personalizing' the charismatic theory and organization. The Roman Church, as Weber explicitly argued, 'is the bearer and trustee of an office of charisma, not a community of personally charismatic individuals... [Here] the decisive fact is the separation of the charisma from the person and its linkage with the institution, and, particularly, with the office'.⁶¹ Therefore, as Weber continued, 'charismatic sanctity is transferred to the institution'.⁶² In other words, 'charismatic qualification is objectified; it adheres to the ordination as such and is, in principle, detached from the personal worthiness of the officeholder'.⁶³

Following this argument, the legatine office should be viewed along institutional lines. What is the legate, after all, but the elected incumbent of an ecclesiastical office, which is itself a delegated branch of the larger papal machinery? Following Weber's theory of representation and responsibility, moreover, the legate constitutes a 'governing authority' (*Regierungsgewalt*) whose basis of independent (i.e., legitimate) power was determined and bound by corporate identities, rules, and procedures.⁶⁴ Such an interpretation highlights the legate's potential as a 'social force'⁶⁵ in medieval Christian society, as a representative figure to whom papal (i.e., Roman) authority is conferred for a specific judicial task, and one whose ambit is recognized and appreciated by the Christian faithful in the region to which he is commissioned. Given this theoretical view, it is worth treating papal legates as projected leaders

whose 'charismatic' traits are thus a function of public belief and action. That these exalted figures are elevated far above the crowd is a reflection of how they are treated and regarded... Their 'magnetism' is never inherent; it is an emergent result of popular projection.⁶⁶

In practice, this means that some legates were always destined to be more effective representatives than others, owing entirely to their individual qualities and personalities. But the bases of their legitimacy was theoretically level, reliant upon a recognition of their powers to intervene, to settle disputes, to issue judgements, to convene and preside over church councils, and to relay and receive messages from the centre to periphery and vice versa. Herein lies their personal value, which theoretically relied less on the 'importance of individual action' and more on the 'permanent structures of social action'⁶⁷ that served to legitimize their ecclesiastical office.

The creation of legitimate order, however, is not enough to sustain a working system of representation. In terms of maintaining that order in society, bureaucracy and law are important pre-requisites. Their very existence and structure help determine the natural limits and effectiveness of medieval papal legation, which enabled two-way communications between Rome and the Christian provinces. They provided '*the* means of transforming social action into rationally organized action'.⁶⁸ It must be said that without 'a voluntary agreement of the interested parties,⁶⁹ which is 'imposed by an authority which is held to be legitimate and therefore meets with compliance',⁷⁰ legatine – and by association, papal – authority was essentially null and void. The commissioning of legates was a visible and active expression of Roman authority, a flexing of papal muscle; it was an administrative and legal means to reach the peripheries of Christendom through the intermediary of legation. That individual legates should be received as indistinguishable from the pope in matters of legal judgement was fundamental to its success.⁷¹

In practice, this working system would never have functioned without sufficient bureaucratic organization. The ordered, dominance hierarchy of the Roman Church presented the operational playing field for legatine activities, 'official jurisdictional areas, which are generally ordered by rules, that is, by laws or administrative regulations'.⁷² The governing of this ecclesiastical system was 'distributed in a fixed way as official duties', based on an authority that was carefully regulated and distributed according to specific methodical provisions.⁷³ While the

individual legate might possess leadership qualities and a charismatic personality, he was still considered a political official and agent of the Roman Church. This means that, in principle at least, he served a functional and routinized purpose on the Church's behalf, which influenced the formal and substantive rationalization of the law and its practice in medieval society. As the papacy became more experienced in commissioning legates, legal procedure became more systematized. According to Weber's theory, this formal and substantive development was a natural by-product of increasingly centralized administration, whose rationalizing of authority contributed directly to 'the extent to which administrative "officials" were used in the exercise of the power'.⁷⁴

Exactly how that power was exercised is the fundamental question. As early as 227, the Roman Emperor Alexander Severus appointed 'full powers' (*plena potestas*) to the office of imperial procurator (*procurator Caesaris*).⁷⁵ This third-century formula of a representative carrying to conclusion the deeds of his principal, and with full imperial authority in matters of sentence and judgement, was later preserved in Emperor Justinian's sixth-century *Codex*, where it was decreed that

if a procurator appointed for one transaction exceeded the mandate (authority) given him, his actions could not prejudice his principal. But if he had plenary power of action, an adjudication should not be revoked, since if he committed any fraud or deceit, you are not forbidden to sue him in the customary manner.⁷⁶

Bolstering this interpretation even further are texts from Justinian's *Digest*, which state, in a consideration of procuratorial authority, that 'whatever acts and deeds are performed by the imperial procurator, they obtain the same force and validity from him as if they had been done by the emperor'.⁷⁷ Furthermore, this imperial agent 'exercises power in that one province which has been assigned to him', thereby holding jurisdiction 'from the very moment they leave the city'.⁷⁸ In all, the *Digest* decreed that 'the powers of one who administers justice are of the widest', and 'One who administers justice is granted all those powers without which justice cannot be administered'.⁷⁹

Not only did these Roman legal maxims provide some 'precedent and inspiration'⁸⁰ for the practice of medieval papal legation, but they also served to administer the principal's powers through his agent. Indeed, the legate's power was only ever understood 'within the limits of the definition of that power',⁸¹ which is another way for describing

‘jurisdiction’, According to Weber, this ‘specified sphere of competence’ involves:

- (a) A sphere of obligations to perform functions which has been marked off as part of a systematic division of labor.
- (b) The provision of the incumbent with the necessary powers.
- (c) That the necessary means of compulsion are clearly defined and their use is subject to definite conditions.⁸²

The Roman (imperial) origins of this geographical/legal concept fall into three distinguishable categories: ordinary jurisdiction (*iurisdictio ordinaria*), mandated jurisdiction (*iurisdictio mandata*), and delegated jurisdiction (*iurisdictio delegatus*).⁸³ The early medieval legate appears to cross over these more formalized and categorical thresholds, which have their foundations in Justinian’s *Digest*⁸⁴; rather, he derives his ordinary jurisdiction from holding the ecclesiastical office of legation, which was arguably modelled on the customs and privileges assigned to bishops in their diocese or to priests in their parish. By this definition, ordinary jurisdiction was inherent in the legatine office, which was bestowed upon the legate at the time of his appointment. Any explicit reference to the legate’s operational power, however, comes from the papacy’s mandated and delegated jurisdiction, which holds the greater potential for quantifying and qualifying the agent’s freedom of authority.

From almost every angle, therefore, contemporary notions of power determined the legate’s representative value. For thirteenth-century popes like Innocent III (1198–1216), ‘fullness’ of that power (*plenitudo potestatis*) ‘served to invoke, express, and justify the papacy’s most exalted claims to jurisdiction over the Church and even over the secular world’⁸⁵ – an interpretation at variance with its traditional, early medieval intention. The original meaning was born c.445/6, in Pope Leo I’s letter to his bishop and apostolic vicar over Illyricum (modern-day Balkans), Anastasius of Thessalonica.⁸⁶ In this rebuke for unsolicited actions against the metropolitan bishop of Old Epirus, Atticus, the papacy’s contemporary views on delegation and power come to light for the first time in the Church’s recorded history. The contentious issue was Anastasius’ severity in matters of ecclesiastical business, which ultimately prompted Leo’s direct interference from Rome. For as the pope argued,

even if he [Atticus] should have deserved such treatment, you ought to have waited until we had written our opinions to you. But even if

he had committed some grave and intolerable act, our censure ought to be awaited, so that you yourself should decide nothing before you know what is pleasing to us. For we have entrusted our place unto your love, that you should be called to a portion of solicitude, not to the fullness of power [*non in plenitudinem potestatis*].⁸⁷

Because Anastasius' power was delegated and therefore limited, according to Leo's interpretation, he 'was constantly subject to papal control and supervision, and should consider himself a mere executive instrument of the pope'.⁸⁸ That this letter served to undermine the vicar's actions only reinforces the limited nature of his commission over that eastern Christian province.⁸⁹

In the first half of the ninth century, Pope Gregory IV (828–844) transformed this Leonine dictum by removing 'the expressions *plenitudo potestatis* and *pars sollicitudinis* from their original setting' and subsequently applying 'the technical language of delegated power (*vices*)'.⁹⁰ In a letter to Bishop Aldric of Le Mans (833), the pope decreed that in cases concerning bishops, Rome's 'censure ought to be awaited . . . before a command has been given by the authority of that same church'.⁹¹ In effect, he summoned ecclesiastical custom and tradition in the legal treatment of major cases (*maiores causae*), arguing that such decisions belonged to the realm of the Roman Church alone – an idea clearly presented by Pope Anacletus in the first century.⁹² Gregory's intended meaning is clear: he referred explicitly to the legal appeal, which he argued could be made to 'our authority' in Rome, or alternately presented before 'our legates' (*e/a latere*), who – according to the decrees of his predecessors – had been exercising similar powers in judging ecclesiastical matters to conclusion.⁹³

That bishops should be excluded from 'major cases', moreover, was a notion elaborated in a Pseudo-Isidorian forgery attributed to Pope Vigilius (537–555), which false decretal argued for the pope's supreme jurisdiction in judicial matters.⁹⁴ This position, based primarily on the historical supremacy of the Roman see as the head of the Christian Church, served to reinforce the concept of delegated authority (*vices*) and responsibility (*pars sollicitudinis*) to other churches. Significantly, however, this legal doctrine was not 'discussing the general question of relations between the papal and episcopal jurisdictions',⁹⁵ but rather elaborating on the pope's role in matters of appeal – an administrative and legal concept that developed considerably between the ninth and eleventh centuries.⁹⁶ Indeed, the potential for broadcasting the primacy of the Roman Church was not lost on medieval

canonists. The *Collection in Seventy-Four Titles*, Bonizo of Sutri's *Liber ad amicum*, Anselm of Lucca's *Collectio canonum*, Bernold of Constance's *Apogoleticus*, Deusdedit's *Collectio canonum*, Ivo of Chartres' *Decretum* and *Tripartita*, Bernard of Clairvaux's letters, and Gratian's *Decretum* (among others), all republished Gregory IV's and Pseudo-Vigilian formulas on 'fullness of power' in some form or another.⁹⁷ Resulting from this formula's increasing exposure and treatment in the canon law, the legate's function became more systematized in both theory and practice throughout the High Middle Ages. By the pontificate of Alexander III (1159–1181), it was conceived more specifically as the delegated authority conferred by the pope to his legate.⁹⁸ But was it so in the early Middle Ages?

The theory of medieval papal legation has a figurative threshold. Conceptual frameworks must ultimately give way to the formal and procedural activity of *legatio* itself. That is to suggest that the concept of legation cannot be reduced solely to ideological notions of 'power' and its transference between centre and periphery; these are but precursors to much more complex and often individual relationships. Rather, abstract theory must be translated into concrete practice to gain true and relevant meaning; the conduct and actions of individual legates are what truly furnish the collective profile of this ecclesiastical office. What matters most, therefore, are the contemporary views and uses of legation, such as those introduced by Pope Gregory I in the first year of his pontificate (590). It will be recalled that, in his justification for appointing the sub-deacon Peter to Sicily, the pope claimed that 'we have considered it very necessary that we should commit all your affairs to one and the same person, and that our authority should be represented through the man entrusted with it, where we cannot ourselves be present'.⁹⁹ In a direct reference to Galatians (6:2), which speaks of carrying on 'another's burdens' in order to 'fulfill the law of Christ', Gregory explained in another letter that representatives were figures sharing in the burden of papal responsibility.¹⁰⁰ As a papal representative, the recipient of this letter, Bishop Maximian of Syracuse, was granted full, apostolic authority over his clergy. The foreseeable benefit to Rome was to free the papal curia from the 'minor cases' that occupied too much of its time, leaving open the way for more consideration of 'major cases' affecting the Roman Church (*minimae causae, difficilia, maiora causae*). To Gregory in the late sixth century, 'representation' was an administrative necessity for the Roman Church; the transference of authority to lesser ecclesiastical offices was a commonplace, a customary practice widely enforced by his predecessors.

By the late sixth century, the citing of historical precedents was presumably authority enough to quell the argument of agency. This authoritative custom suggests very strongly that the principles of legation were widely recognized as an administrative practice from early on in the history of the Roman Church. Indeed, many references can be found in the New Testament to 'sending forth' (*legatio*), mostly in relation to God and his Son/Spirit (Galatians 4:4), the 70 disciples ('laborers into the harvest') (Luke 10:2), and the preaching missions assigned to the 12 apostles (Luke 9:1–6; Matthew 10:5; Mark 6:7). In his first letter to the Corinthians, to cite a more literal example, the apostle Paul mentions his sending of Timotheus, 'who is my beloved son, and faithful in the Lord, who shall bring you into remembrance of my way which be in Christ, as I teach everywhere in every church' (1 Cor 4:17). Referring to the ministering of saints in his second epistle to the Corinthians, about which he boasted to the faithful of Macedonia and Achaia, Paul also sent Titus as a 'messenger of the churches' (2 Cor 8:23). And in his second epistle to Timothy, moreover, Paul mentions his sending of Tychichus to Ephesus (2 Tim 4:12), among others, to 'preach the word; be instant in season, out of season; reprove, rebuke, exhort with all longsuffering and doctrine' (2 Tim 4:2). According to this application, therefore, these figures were apostles of the Church – that is, 'envoys or messengers sent out by a local church to perform some function on behalf of that church'.¹⁰¹ And in their own way, each example assumes the representative capacity attributed to St Peter in the Gospel of Matthew (Matt. 16:18–19), which Saint Augustine described in the following manner:

Peter appears in many places of Scripture because he personates the Church, especially in the place where it is said, 'I will give to thee the keys of the kingdom of Heaven' [Matt 16:18]. Whether, then, did Peter receive the keys and Paul not? Did Peter receive them, and did not John and James receive them? But when in signification Peter represented the person of the Church, that which was given to him alone was given to the Church. Peter therefore represented the Church [*figuram gestabat ecclesiae*], the Church is the body of Christ.¹⁰²

Such nascent ideas of representation were important to the concept of medieval papal legation. And perhaps more importantly, they were quickly adopted and institutionalized in practice. At the end of the first century, Pope Clement I (c.91–101) addressed the clergy in Corinth, to whom he entrusted three clerics with the transportation and distribution of his letter from Rome. While their powers are nowhere explicitly

defined, the three 'faithful' and 'trusted' figures under discussion – Claudius Epebus, Valerius Bito, and Fortunatus – were commissioned as direct representatives of the Roman see. Their task was clearly laid out before them in the papal correspondence. By commissioning these figures to Corinth, Clement sought 'news of the truce and the unity for which we are praying and longing may reach us more speedily, and we may the sooner rejoice over your return to order'.¹⁰³ While no appeal-system to Rome yet existed, it is generally assumed that Clement's first epistle to the Corinthians provides evidence for his response, which involved the exercising of papal authority through the vehicle of legation. If this source is taken as a reflection of papal responsibility and jurisdiction more broadly, then the commissioning of three Roman (i.e., papal) legates correspondingly demonstrates their juridical and administrative role in a distant Christian province. In other words, this example is possibly the earliest witness to the practice of papal legation.

Without the fundamental activity of legates, however, a theoretical framework would be impossible. Indeed, in order to comprehend the explicit distribution of administrative and legal tasks, individual qualities that truly characterize papal legation throughout the Middle Ages, we must now turn to a full investigation of individual offices and their associated powers in practice. To represent fully and effectively a corporate body like the Roman Church required a diverse team or 'types' of legates, delegated representatives whose direct relationship with the pope in Rome, in addition to the urgency of the business at hand, ultimately defined the full thrust of their working parameters. Whereas extant theories of papal legation undoubtedly informed the legate's medieval usage and reception in the distant Christian provinces, it was ultimately the implementation of this developing office by individual popes that determined its contribution to the papacy's broader claims of centralized authority in medieval Christendom.

3

Early Categories and Uses

The history of representation does not begin with the Middle Ages. For Western society, the origins and uses of representation date back to the frameworks and conventions of ancient diplomacy, first established and exercised in classical Greek and Roman civilizations.¹ Our ability to comprehend early medieval papal legation, while admittedly religious and Latin (i.e., western) in focus for this book, requires at least a rudimentary knowledge of diplomatic practices and offices across the ages, if only to identify existing precedents or trends within the Roman Church. Although the present chapter is interested primarily in two early categories and uses of permanent *papal* representation, it will be argued that the office of medieval papal legate evokes characteristics from earlier Greek and Roman models. As Andrew Gillett noted in his study on envoys and political communications, ‘the conventions covering embassies in classical Greece and imperial Rome, and the administrative arrangements of the latter, form the background to the patterns of political communication in the post-imperial West’.² To some extent, this same secular administrative model inspired the medieval papacy in its own organization and use of representation throughout western Christendom, lending weight to the argument for administrative, bureaucratic, and legal continuity following the Western Roman Empire’s political collapse in the late fifth century.

To be sure, the embassies of classical Greece presented a viable and exemplary representative model for the Roman Church in late antiquity. As a prototype of Athenian power and prestige, these ancient civil representatives reflect the breadth of a civilization through their contact and influence with Persia, Sparta, Macedonia, and Rome, to say nothing of their activities and conquests with other Greek city-states. In Ancient Greece, where the methods and instruments of diplomacy

were transformed over six centuries (Sixth to First B.C.) into systems of representative government, diplomatic missions became an established and necessary practice for domestic and foreign state politics.³ Elements of this early practice pervade the history of western representation, from ancient Greece (Archaic and Classical) through to Republican and Imperial Rome, and onward into the Middle Ages; as such, these ancient models are valuable for understanding ecclesiastical representation in the medieval and modern eras alike. By the Treaty of Westphalia in 1648, permanent representatives had become the hallmark of independent European powers, a recognizable symbol of their foreign power and prestige in distant (i.e., foreign) lands and states. 'The right to send and receive embassies', as Garrett Mattingly argued long ago, 'began to be considered a test of sovereignty.'⁴ Indeed, by the seventeenth century, permanent ambassadors and envoys had become standard fixtures at foreign courts, exalted figures commissioned to handle the political and religious affairs of the early modern state.

The twenty-first century understanding of 'representation' is not far removed from this Renaissance counterpart. The latter's most common diplomatic office of political ambassador or envoy remains akin to the modern state diplomat. Today, these offices and their incumbents operate in an exclusively secular context, with embassies and consulates on foreign soil governed by the 'norms of international law'⁵ defined by the United Nations (former League of Nations) at the Vienna Convention on Diplomatic Relations of 1961. In other words, according to this international legal standard, they operate according to customary practices and procedures, complete with expected immunities and inviolable rights. And moreover, they are treated as Heads of Mission, 'without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See'.⁶ To the Vatican, therefore, the modern legate now serves a central function 'to promote and foster relations between the Apostolic See and the authorities of the state'.⁷ As will become evident, this office served much the same purpose from its outset in the early Middle Ages.

The systems of representation operating in the early Middle Ages are ostensibly crude by comparison, revealing only a skeletal framework of this later diplomatic office. Under the first Christian Emperor, Constantine I (306–337), notable steps were taken to improve imperial communications, which provided both the impetus and the sustaining influence for developing various offices to meet contemporary needs. In addition to pre-existing offices of envoys and ambassadors, praetorian prefects and counts of the provinces (*comites provinciarum*)

became active agents between the Roman provinces and the new imperial capital in Constantinople (founded in 330). According to the *Theodosian Code* (issued in 438), the Roman emperor issued an edict in 331 that strongly encouraged political communications from the periphery to the centre, from the Roman provinces to the imperial capital. This edict stated that praetorian prefects and counts 'who have been stationed throughout the provinces shall refer to our wisdom the utterances of our provincials'.⁸ Ensuring direct reports from the periphery to the centre was crucial for the growing rights of legal appeal, which effectively ennobled the various representative offices with a defined responsibility and civic duty.⁹ Distinguishing between provincial duties, however, Emperor Constantine decreed in the same year that appeals could be taken from proconsuls and counts, though precedence was given to praetorian prefects 'who alone can truly be said to try cases as representatives of our sacred majesty, lest veneration for us may seem to be affected'.¹⁰ Thus, in the practice of diplomacy, 'the notion that exchanges of ordinary life should occur in a stable and regulated environment was a consequence of the Roman system'.¹¹

Representative activity of this kind continued largely undisturbed throughout late antiquity. As modern historians of this period are keen to recognize, such embassies were 'ubiquitous, constant, and crucial during the break-up of the late Roman West and the establishment of first medieval kingdoms in the fifth and early sixth centuries'.¹² Yet, while historians agree on the constant use of envoys and embassies after Rome's political 'fall' in the late fifth century, their application by the Roman Church is far less transparent or familiar. It is, for example, much more difficult to establish the papacy's direct, continuous, or conscious borrowing of Greek and Roman systems of representation, which begs the question of their exact influence on the history of medieval papal legation more generally. In fact, some scholars are doubtful of any connection at all. In his study on *The Republic of St Peter* (1984), Thomas Noble suggested that Rome, 'as an outpost of the eastern empire', did not possess 'a diplomatic service or a foreign ministry comparable to the rather elaborate structures that attended to foreign affairs at Constantinople. It follows, therefore, that no structures survived that could have been taken over by the papacy'.¹³ Over one decade earlier (1972), Garrett Mattingly reached the same conclusions, namely that 'the first popes to employ legates were conscious of no more precedent than was implied by the existence of a Latin word which could be bent to their meaning'.¹⁴ In a more recent study, Andrew Gillett noted the

same lacking equivalency between eastern and western diplomacy and their respective diplomatic histories.¹⁵

To subscribe wholeheartedly to such views, however, is to ignore the inheritance of Roman administration and bureaucracy in the Latin West. Early medieval popes did not create a system of representation without precedent. Indeed, as Noble acknowledged, popes throughout the Middle Ages 'had always sent envoys to rulers and churchmen to address particular concerns'.¹⁶ Representation more generally, as Helen Maud Cam observed, 'was already on the scene as an obvious common-sense solution of constantly recurring problems'.¹⁷ The 'forms and patterns of communication'¹⁸ evident in ancient Greek and Roman diplomacy were not entirely abrogated by more modern, contemporary, or novel practices of representation. It must be argued that ancient Roman bureaucratic traditions often provided political legitimacy and authority for the Roman Church and its papacy. Indeed, the very essence of diplomacy, communication, and political exchange developed in response to the outside world. For the historian of this period, the problem lies with the Roman Church's implicit borrowing of such Greek or Roman representative models, which ultimately forces us to rely exclusively on piecemeal conciliar and papal sources for reconstructing papal legation in the first few centuries of the Roman Church. To my knowledge, no political or legal treatise exists on the subject of papal representation until the twelfth century, when commentaries on Gratian's *Decretum* (compiled c.1140) secured the ecclesiastical office of legation a place in the legal and religious traditions of the High Middle Ages.

In the absence of such evidence for late antiquity or the early Middle Ages, it becomes increasingly relevant to identify the common and contemporaneous framework and uses of early medieval papal legation. In so doing, it is possible to classify legates in the early Church into three broad categories: (1) apostolic vicar (*apostolicus vicarius*), (2) papal *apocrisiarius*, and (3) *legatus ad causam* (only the first two offices will be examined in the present chapter; the third receives separate treatment in the following chapter). While historians have examined these offices traditionally from both the decretist and the decretalist perspective (i.e., twelfth- and thirteenth-century viewpoints), the remainder of this chapter is devoted to identifying their institutional place and practice in the larger evolutionary history of medieval papal legation. By examining, in turn, the offices of representation available to early medieval popes, important institutional and juridical developments in this ecclesiastical office become apparent. Contributing to the larger thesis of this book, moreover, the offices examined below (Chapters 3–4) form the

institutional and legal basis for the entire history of medieval papal legation, reflecting the true extent and legitimacy of papal influence beyond Rome and her immediate surroundings.

Apostolic vicar

Papal authority was frequently passed down to individual papal legates.¹⁹ Describing it hierarchically as a ‘theme of descending government’,²⁰ Walter Ullmann relates an administrative system whereby juristic powers inherited by the pope are subsequently delegated to other members of the Roman Church. Nowhere is this distribution of papal powers and responsibilities more evident than in the privileges entrusted to the ecclesiastical office of the apostolic vicar (*apostolicus vicarius*). From as early as the fifth century, these figures were foremost agents in translating the prestige of papal primacy into practice. Their representative role and capacity on behalf of the Roman Church, moreover, is reminiscent of the *legatus natus* – that permanent branch of medieval papal legation that came to prominence in the High Middle Ages. Indeed, as an institutional precursor to the resident papal legate, the apostolic vicar furnished the framework on which this later office was constructed. In administrative and legal terms especially, these ecclesiastical agents were more than mere bishops; their office and its incumbents provided strategic contacts for governing the Christian provinces from a distance.

The apostolic vicar was the pope’s direct representative over an appointed ecclesiastical jurisdiction. Simply stated, they were ‘early holders of certain metropolitan sees who were chosen... within extended geographical areas’.²¹ That means that their primary role, which is almost synonymous with metropolitan status, was to safeguard and administer over a designated ecclesiastical province, and often with special functions and privileges entrusted *nostra vice* (‘on our behalf’) by individual popes. In practice, the term *vicarius* is used widely throughout the Middle Ages in both political and religious contexts, ranging from a papal-nominated archbishop filling a vacant see (*sedis vacatio*), a vice-regent, provisional, or auxiliary bishop or abbot, to the royal official of a Visigothic or French count.²² In the first instance, however, a *vicarius* refers historically to the direct representative of Christ, namely the pope in Rome. While Roman bishops from Gregory the Great (590–604) onward preferred the humbler title ‘servant of the servants of God’ (*servus servorum Dei*), there are occasional references in the sources to late antique popes as ‘vicars of Christ’ (*vicarius Christi*) or ‘vicars of the

Lord' (*vicarius Domini*).²³ But in practice, the term's popularity ebbed and flowed among medieval Christian authors. Writing in the ninth century, the Frankish deacon and priest, Amalrius of Metz, described the 'vicar of Christ' as the metaphorical head (*caput*) of the whole Church (*corpus*): the *pontifex*²⁴; this idea was propounded centuries later by the twelfth-century theologian and philosopher Bishop Honorius of Autun.²⁵ Yet, for early medieval Christian authors like Cyprian of Carthage, the term could be used more loosely in reference to the apostle Paul.²⁶ Indeed, as Bishop Alcuin of York employed it in the eighth century, the 'vicar of Christ' was a far more inclusive term, referring more broadly to the 'bishops who fill his office'.²⁷ This meant, as Honorius elsewhere noted, that the expression was applied more generally to all Christian bishops,²⁸ not exclusively to the bishop or see of Rome – a view reiterated more recently by the Second Vatican Council of 1964 (*Lumen gentium*).²⁹

For our present purposes, the term *vicarius* refers more accurately to the *representative* of the representative of St Peter – that is, the pope's agent. With ostensible links to New Testament (scriptural) authority, the administrative origins of this office date more specifically to late Roman imperial administration, to the reign of Emperor Diocletian (303–313) in the early fourth century. By grouping provinces into more manageable dioceses, the Roman emperor relied on deputies of the praetorian prefects (*vices agens praefectorum paetorio*) to govern them. These secular agents, known in short as 'vicars' (*vicarii*), 'deputised for the praetorian prefects in all their manifold functions', namely by controlling the troops.³⁰ Exhibiting more than just a passive, bureaucratic role, however, the imperial vicar under Emperor Julian c.362 was an acting soldier and second-in-command of the regiment,³¹ a sort of deputy that almost three centuries later (c.623) was used by Emperor Heraclius to lead an attack against the Arabs of Mothous.³²

Modelled in part on this Roman (i.e., civil) administrative office, the apostolic vicar evokes similar characteristics of representation and territorial jurisdiction. The bishop of Thessalonica, the Greek city home to the praetorian prefecture,³³ offers the first and best documented example of this ecclesiastical office, whereby papal (i.e., Roman ecclesiastical) powers were delegated to a distant episcopal see.³⁴ Possibly commissioned for the first time by Pope Damasus (366–384) to Bishop Acolius of Thessalonica in 380,³⁵ the metropolitan privileges of this see are laid out more clearly in the records of successive popes. Writing to Bishop Anysius of Thessalonica in 385, Pope Siricius (384–399) sought to ensure this bishop's role in ordaining bishops in *Illyricum Orientale*, that territory over which the vicariate's jurisdiction extended, comprising the

ecclesiastical provinces of Dacia, Macedonia, and Greece (i.e., modern-day Balkans).³⁶ Confirming the vicar's precedence in episcopal elections, moreover, the pope stated that 'no one shall presume to ordain bishops without your consent'.³⁷ The rationale impelling this decision follows immediately after the statement. As Siricius logically contended, existing contentions among Illyrian bishops were surely better known to the bishop of Thessalonica than the more distant bishop of Rome.³⁸ For this reason, according to the pope, it was more fitting for the bishop's intercession to prevent the ordination of unworthy (*indignos*) bishops into the Church. Calling attention to the synodal statutes issued at the council of Nicaea in 325, Siricius hoped that a bestowal of religious rights and jurisdiction upon the see of Thessalonica would preserve the equilibrium of order and justice in this eastern Christian province.

Future popes saw fit to uphold the same representative arrangement, thereby rendering the vicariate of Illyricum 'an established institution'.³⁹ Despite Emperor Theodosius' claims in 421 that all ecclesiastical disputes in this region should be referred to the patriarch of Constantinople, a decision made after the civil dioceses of Macedonia and Dacia were transferred in 395 from the western to eastern empire, the apostolic vicar of Thessalonica continued to oversee and administer ecclesiastical affairs in the region. That is to say that the see remained largely orientated towards the western Church, to Rome and her bishop. Thus, the main reason for instituting the vicariate, as A. H. M. Jones argued long ago, 'was doubtless to reinforce their influence in this area, which might easily have drifted into the sphere of Constantinople'.⁴⁰

The cumulative measures taken to ensure this western orientation are worth noting here in some detail, as they belie a growing papal interest during the fifth century for administering to a burgeoning Christian Church. They are also revealing for the papacy's developing institutional and administrative means to maintain direct contact across vast geographical and territorial domains. Addressing Bishop Anysius of Thessalonica soon after his election in Rome, Pope Innocent I (401–417) effectively confirmed the latter's powers in Illyricum. Although no explicit reference is made to the issue prompting his outgoing papal correspondence, this brief letter nevertheless reads like a vote of confidence for the bishop's authority and ecclesiastical jurisdiction in that region. Notably, too, it traces the heritage of this arrangement back to Pope Damasus I, an association not entirely accepted in modern scholarship. As J. Macdonald has suggested, it was Innocent I who first initiated the vicariate in Thessalonica, while Damasus, Siricius (384–399), and

Anastasius (399–401) were merely asking the bishops of Thessalonica to exercise influence in the eastern churches.⁴¹ The crux of the argument hinges on the absence of representational evidence, as Popes Damasus, Siricius, and Anastasius never explicitly entrusted the bishops of Thessalonica with full papal authority. Furthermore, in the surviving *Collectio Thessalonicensis* (Vatican Ms 5751), a source consisting of 24 papal letters from Damasus (366–384) to Hilary (461–468), in addition to a letter from Siricius to Anysius, no explicit mention is made to any vicariate in Illyricum, nor is there any reference to the powers being commissioned on the papacy's behalf.⁴²

That no such ecclesiastical office existed until the early fifth century is a convincing argument, especially when considering Innocent I's two letters to Bishop Rufus of Thessalonica. Writing first in 401 (as noted above), soon after assuming the papal throne, Innocent stressed in no uncertain terms the continuing privileges extended to this eastern episcopal see. More to the point, the pope took care to note the jurisdictional breadth of Thessalonica's primatial powers, defined here as extending over the dioceses of Achaia, Thessaly, Epirus, Crete, Dacia, Moesia, and Dardania.⁴³ Once again, the duties and responsibilities (*solicitudo*) enjoined to this office are explained in imitation of his papal predecessors, namely Popes Damasus, Siricius, and Anastasius. The powers delegated to Rufus' predecessors, namely Bishops Acholius and Anysius, were likewise extended to the current bishop; care was taken also to note the foundation of this authority, derived not from any claims to apostolicity or Thessalonica's civil (i.e., imperial) importance in the Roman Empire, but rather from personal merit and the ecclesiastical authority of Rome. Moreover, according to a letter written one decade later (412), it was Innocent's expressed wish that Rufus should exercise the pope's wishes in all matters concerning this eastern ecclesiastical province.⁴⁴ (According to this record, these were made known (*manifesto*) to him from previous letters and charters (now lost).⁴⁵)

Whether the vicariate was founded under Damasus, Siricius, Anastasius, or Innocent, its privileges pervade the late fourth and fifth centuries. Much like his papal predecessors, Pope Boniface (418–422) reiterated the powers of the Thessalonican see, making them known c.422 in a general letter to the bishops of Thessaly, Macedonia, Achaia, Epirus, Dacia, and Praevalitana. Distinguishing this correspondence from the examples cited above, however, is Boniface's strong use of and apparent familiarity with representative terminology. It is no small matter that he commended 'his own vicar' (*vicarium suum*) Bishop Rufus 'on our behalf' (*ad vicem nostram*) in all things.⁴⁶ Furthermore, by expressing

his desire to be kept abreast of all matters affecting this eastern see, the pope instructed Rufus to oversee negotiations and, when absolutely necessary, to delegate to other brethren. Significantly for the history of medieval papal representation, Boniface explicitly mentioned the bishop's duty to relate back to Rome the knowledge gained from the matter at hand,⁴⁷ an obligation of office that was expected by successive popes throughout the Middle Ages.

The historical context surrounding this correspondence helps explain its general tone. The pope was enquiring after a recently convened council at Corinth, from which he had already received Rufus' dutiful summary.⁴⁸ At that Church's behest for ecclesiastical discipline in that region, Boniface had ordered that Rufus attend the council in order to examine any unknown affairs (*summam petitionis*), while always being careful to exercise the utmost moderation. The benefit of this directive is described as 'restraining the presumption of others'. So that the bishop's presence and judgement might be recognized universally, moreover, Pope Boniface – like his papal predecessors – saw fit to renew and reiterate the esteemed vicariate of Illyricum upon the Thessalonican see.

Pope Sixtus III (432–440) was quick to follow suit after his election in July 432.⁴⁹ With every successive pope, in fact, the expected duties and responsibilities of 'apostolic vicar' were becoming increasingly delineated, an institutional development that implies a legal and religious furnishing of this office's role over time. Certainly, by the mid-fifth century, the permanency of the Illyrian vicariate is without question; subsequent papal confirmations upon the see of Thessalonica suggest a well-defined, able, and operative branch of the papal machinery. Writing to the bishops of Illyricum, Sixtus stressed their obligation to inform the vicar on whatever was done by individual bishops. Taking care to note also the *vicis* (power) of the apostolic see bestowed upon Bishop Anastasius of Thessalonica, Pope Sixtus reveals his personal understanding and application of papal primacy. By way of conclusion, he employed the metaphor that 'there is no body that is not ruled by a head'.⁵⁰ The bishops of Illyricum, as presumably in every ecclesiastical province, were thus treated as members (*membra*) of this institutional body, the Roman Church. As the pope goes on to explain, 'it is customary to care for and honor the head: for honor of the head contributes to the hope of all sanctity'.⁵¹ Thus, it stands to reason that the same honour and privileges would have been extended to each apostolic vicar, as personal and direct representatives of the Roman bishops.

As to what these official duties and responsibilities entailed, some examples can be drawn from the first half of the fifth century. Under

Popes Innocent I and Sixtus III (432–440), the apostolic vicar was responsible for referring cases to Rome when the need arose,⁵² in addition to making known any appeals to the Roman see directly.⁵³ Further to these important administrative responsibilities and duties, which set this ecclesiastical office apart from others in terms of representational qualities and character, the vicar had the authority to convene church councils⁵⁴ and to allow bishops to meet separately.⁵⁵ In summary, this figure was responsible ultimately for correcting abuses and maintaining peace over select Christian communities and dioceses, empowered by the pope to grant ‘permission for candidates to be promoted to the episcopacy, and hence to investigate the suitability of those elected’.⁵⁶

While developing throughout the first half of the fifth century, the legal rights and jurisdiction assigned to Thessalonica became far more pronounced during Leo I’s pontificate.⁵⁷ On the whole, this pope in particular was committed to investing the see with Roman authority, helping to strengthen his personal, juristic vision of papal hegemony. However, his reservations in so doing are also apparent. According to Susan Wessel’s recent study, Leo showed little confidence that the bishops of Thessalonica ‘understood the legal temperament of Rome. They required, in other words, the detailed guidance that Leo provided’.⁵⁸ Such instructions can be found in Leo’s correspondence to successive bishops of Thessalonica, in which he outlined the duties and obligations expected from this see. Confirming the privileges of that see upon Bishop Anastasius, Leo also pronounced the powers of this metropolitan in matters of consecration, the translation of bishops, the convening of synods, and other ‘major cases’ (*maiores causas*).⁵⁹

Leo elucidated this legatine role in his letter to Anastasius, where he stated explicitly that the bishops of Thessalonica have always executed (*impleo*) the authority of the apostolic see.⁶⁰ Among the vicar’s specific duties were to report to Rome on the election of the metropolitan of Epirus, who was recently ordained into the bishopric, and to ensure that the future election of provincial bishops be made by the metropolitan.⁶¹ Furthermore, it fell to the bishop of Thessalonica to ensure that a council of bishops be celebrated twice a year, and if difficult affairs should arise therein that could not be concluded by the judgement of Thessalonica, these were to be reported to the bishop of Rome.⁶² And finally, in convening provincial bishops, moderating was to be upheld by the bishop of Thessalonica.⁶³ Thus, by outlining some of the expected duties and responsibilities of this vicariate, the see’s leadership role over Illyricum and ties with Rome were more firmly established, providing the basis on which its exalted ecclesiastical status and honour rested.

A precedent for papal representation was thus clearly in place after the mid-fifth century. And after the successful custom established at Thessalonica, apostolic vicars were soon appointed in the western provinces of Gaul, Spain, and Sicily.⁶⁴ Next to assume the *vicis* of papal authority was the Mediterranean see of Arles in 417; bishops appointed to this see exhibit powers of administration and jurisdiction reminiscent of Thessalonica, with similar historical and representational justifications. The inherent authority of this metropolitan appointment is apparent from a handful of papal letters, none more explicit than when Pope Zosimus (417–426) addressed all the bishops of Gaul and the ecclesiastical provinces of Vienne, *Narbonnensis Prima* and *Secunda*. Asserting the privileges of this metropolitan see upon Bishop Patroclus, the pope stressed the bishop of Arles' esteemed role in overseeing matters affecting bishops, priests, deacons, or other inferior grades in this Christian province. 'This privilege of granting credentials', he stated, 'we have conferred upon our holy brother and co-bishop Patroclus in special recognition of his merit.'⁶⁵ Authority was conferred also upon the metropolitan bishop for ordaining other bishops, thereby officially subjecting the three ecclesiastical provinces just mentioned to his spiritual rule.⁶⁶ In reiterating the 'ancient privileges' (*vetus privilegium*) of this metropolitan see, moreover, which he claimed date back to St Trophimus (a missionary sent by St Peter), Zosimus reinforced the metropolitan's customary role and authority in all the territories of Gaul, right down to the individual parish.

Like the see of Thessalonica in Illyricum, Arles was strategically chosen for this ecclesiastical honour.⁶⁷ The southern Gallic city owed its prestige to the emperor Constantine, who allegedly renamed it in the early fourth century; his imperial successors, Valentinian and Honorius, later supplied it with the designation 'the mother of all the Gauls'.⁶⁸ Not only was Arles the seat of the praetorian prefecture from 395 (recently transferred from Trier), just like Thessalonica in Illyricum, but 'consuls had inaugurated their office there'.⁶⁹ With the early fifth-century collapse of Trier under the barbarians,⁷⁰ moreover, Arles came to adopt also the Roman position of *principatus*, thereby ennobling the city's role in civil administration even more. And as Pope Leo recognized in the mid-fifth century, 'just as the church of Arles deservedly held the primacy over the ancient bishoprics throughout Gaul, so too did the city itself auspiciously hold the first place in the secular realm'.⁷¹

Yet notwithstanding Arles' advantageous geographical position and imperial history, the papal vicariate was not so easily established there. To borrow the exacting words of A. H. M. Jones, the whole process

'proved a fiasco'.⁷² The assertions made by Patroclus and Pope Zosimus were strongly opposed at the time by Bishops Proculus of Marseilles and Simplicius of Vienne, figures who both stood to lose much authority with the metropolitan (i.e., jurisdictional) privileges being entrusted to the see of Arles. In revoking Zosimus' ruling, in fact, Popes Boniface (418–422) and Celestine (422–427) were forced to reassert the metropolitan rights of each individual province (Vienne, *Narbonnensis Prima* and *Secunda*), with the latter pope urging that 'everyone is to be content with the boundaries granted to him. Let neither appropriate anything in the other's province.'⁷³

Rival claims for metropolitan status were clearly being asserted, and those by the bishops of Vienne were eventually acknowledged in the mid-fifth century. After 'mature deliberation' of the various appeals to Rome, Pope Leo I was forced to defend the see of Vienne against 'novel usurpations of power'.⁷⁴ Ultimately, he sought to level the playing field, stating that 'both Vienne and Arles have always been famous cities in your province', and that 'among the people ... it is reported that at one time both were under a common jurisdiction'.⁷⁵ Taking particular issue with Bishop Hilary of Arles (d.409), however, whose ordination of bishops was drawing complaints to Rome from the clergy and people of Gaul, Leo strongly criticized the bishop's claims to and exercise of power in northern and southern Gaul.⁷⁶

From what is largely regarded as a personal dispute, Rome's inability to administer and govern fully in this Christian province nevertheless becomes evident. At its core, the problem was one of securing ecclesiastical obedience to Rome, which Hilary failed to show through his sacerdotal activity and self-initiative. Writing to the bishops in the province of Vienne, Leo defined the problems in the following manner:

He [Hilary] seeks to subject you [the bishop of Vienne] to his authority while not allowing himself to be under the jurisdiction of the blessed Apostle Peter. He claims for himself the right to consecrate in all the churches of Gaul and takes as his own the dignity which belongs to the metropolitan bishops. He even lessens the reverence due to the most blessed Peter himself by his quite arrogant statements. And although the power to bind and loose was given to Peter before the others, still, in an even more special way, the pasturing of sheep was entrusted to him.⁷⁷

In addition to these complaints, Hilary was accused also of banding about the provinces with the assistance (i.e., intimidation) of soldiers,

summoning synodal meetings without the authority to do so; in short, meddling in ecclesiastical affairs beyond his jurisdiction. This evident abuse of powers severely weakened Arles' claim to a tradition of vicarial privileges bestowed by Rome.⁷⁸

Even the western Roman emperor was forced to intervene in the dispute. In July 445, Valentinian III issued an imperial rescript calling the bishop of Arles a 'usurper' who had wrongly 'seized for himself the bishops', 'removed some beyond his competence, others he ordained inappropriately, against the wishes and over the objections of the citizens'.⁷⁹ As Wessel has suggested, the very notion of the papacy seeking imperial defence shows Hilary's support in that region.⁸⁰ However, 'the authority of Rome was not so fragile that Hilary did not consider himself bound, on some level, to acknowledge it. Gaul needed Rome just as much as Rome needed Gaul'.⁸¹ Indeed, the commitment exhibited by Leo and successive popes to exercise power in that region helped to secure the privileges of Arles until the mid-eighth century, thereby solidifying the papacy's centralizing (i.e., hegemony) efforts over the bishops and clergy in this northern province, for centuries to come.

The metropolitan privileges of that see were restored only when Ravennius succeeded Hilary as bishop of Arles (449).⁸² 'For just as the sacred church of Rome held the primacy among the churches of the entire world through the most blessed Peter, the first of the Apostles', as the bishops argued on Arles' behalf, 'so too the church of Arles (which was deemed worthy to have St Trophimus as a priest sent by the apostles) claims the right of episcopal ordination throughout Gaul'.⁸³ Pursuing what he called a 'middle course of justice', however, Leo sought also to preserve peace in the province of Vienne by ensuring that it did not 'go completely without honor'.⁸⁴ So as not to demote the jurisdictional powers earlier entrusted to the bishops of Vienne, Leo explicitly assigned the see precedence over the cities of Valence, Tarentaise, Geneva, and Grenoble – a jurisdictional mandate approved by the bishops of this region. As stated in a letter to the pope:

Such honor and dignity has been granted to him that he governs not only these provinces by his won authority, but he also subject (on account of the orders issued to him by the apostolic see) all Gaul to the entirety of the ecclesiastical rules.⁸⁵

And with the subsequent support of Popes Hilary (461–468), Gelasius (492–496), Anastasius (496–498), Symmachus (498–514), Hormisdas (514–523), Felix IV (526–530), John II (533–535), Agapitus (535–536),

Vigilius (537–555), and Pelagius I (556–561),⁸⁶ the apostolic vicariate at Arles sustained its jurisdictional powers for investing bishops with the *pallium*, convening councils and settling disputes, and even, if the appointment of Caesarius of Arles in 508 is any indication, extended the jurisdictional powers of this vicariate territorially to cover parts of northern Spain as well.

Indeed, from 514 onward – when Symmachus re-confirmed metropolitan privileges to Caesarius – the bishop of Arles was heralded as the papal vicar in Gaul, overseeing a miniature Rome (*Gallula Roma Arelas*). Through the investment of the *pallium*, Caesarius and his successors to the *cathedra* of Arles were entrusted with responsibilities for

convening councils to take care of problems of concern to Rome, referring to Rome conflicts that could not be resolved at the local or regional level, and furnishing clerics traveling to Rome with letters of introduction (*litterae formatae*) to ensure that only authorized reports on Gallic affairs reached the Roman see.⁸⁷

As William E. Klingshirn has argued, this was a

relationship between Arles and Rome that would endure until the end of the sixth century. It was a relationship founded on mutual interests. The bishops of Rome gained a source of information in Gaul, a voice in Gallic affairs, and a legitimization of their primacy; the bishops of Arles gained a new source of prestige that could be used in their own political initiatives.⁸⁸

Given this continuous papal support, the vicariate of Arles proved advantageous for legitimizing Rome's influence in sixth-century Gaul. In 545, in a general letter written to all the bishops in Gaul, Vigilius confirmed the vicariate upon Bishop Auxanius while exhorting his participatory role at local and regional church councils. As with many of the papal epistles mentioned above, the general mandate for provincial representation exposes an important reality of papal government during the early Middle Ages. In the absence of direct papal presence to this northern Christian province, papal authority (*vicis noster*) was bestowed upon Auxanius. In the very real (i.e., common) case of existing or arisen disputes, whether in the wider diocese or the smallest parish or monastery, all Christian faithful were expected to obey apostolic and canonical authority. And significantly, acting as a direct papal agent in distant Christian lands, the vicar of Arles was a vessel

through which Rome's judgement could be directly summoned and expressed.⁸⁹

So, this familiar pattern of establishing vicariates at Thessalonica and Arles continued with Sicily in the late sixth century. The whole patrimony of this particular Church, in fact, was entrusted in 590 to the Roman subdeacon Peter, a trusted friend and confidante of Pope Gregory I. Fulfilling purposes of tradition and necessity, Gregory committed all ecclesiastical duties of this province to this one representative, 'where we cannot be present ourselves'.⁹⁰ As a regional representative of the pope, Peter was charged with convening regular annual synods, either at Syracuse or Catania, to address any concerns that might have arisen in his province, within or between its churches, to help 'lighten the burden of the poor and oppressed', in addition to 'admonishing all men and those whose faults happen to have been proved'.⁹¹

Distinguishing this vicariate from the sees of Thessalonica or Arles, however, is the selective and personal commissioning of its ecclesiastical agent. In the case of Sicily, the pope hand-picked a Roman figure to occupy this position, whereas the custom in the former sees was to appoint from among resident bishops of the individual region. Somewhat curiously, in fact, a second vicariate was appointed to Sicily in 591; the mandate issued to the bishop of Syracuse, Maximian, moreover, reveals explicit and important limitations to his powers as apostolic vicar. In contrast to the examples of Thessalonica and Arles, the pope's expectation for his particular appointee is candid: Maximian was appointed to represent the apostolic see in Sicily so that it would no longer be necessary for the clergy in that region to disturb the papacy with 'trivial reasons', thereby avoiding 'sailing over such great expanses of sea'.⁹² Furthermore, such an appointment was essential in the pope's mind for 'freeing' the Roman curia from 'minor cases' (*causae minores*), ultimately in order to occupy itself 'more effectively in solving major ones' (*causae maiores*).

The jurisdictional limits of papal representation to Sicily were also clearly laid out. The bishop of Syracuse was to handle ecclesiastical matters locally, unless they absolutely demanded papal judgement. It is well worth noting, too, that the church of Syracuse was never confirmed with permanent papal privileges akin to Thessalonica or Arles.⁹³ That is to say that the powers commissioned to Bishop Maximian in 591 were not attached to the see of Syracuse itself; rather, they were more transitory in that they belonged exclusively to the individual, thus expiring with his death. This type of appointment, therefore, which differs from the juridical entitlement asserted by Roman bishops, suggests a short-term

papal solution to an ongoing problem of ecclesiastical administration, not an institutional trend or modification to its representative machinery.

While initially focused on reforming Sicily, Gregory's eyes were soon cast northward as well. By conferring the *pallium* and vicariate upon Bishop Virgil of Arles in August 595, the pope stressed his religious expectations for this northern Christian province, emphasizing the pastoral obligations associated with the office holder. 'Your concern should also increase', he argued,

and your vigilance towards the protection of others should be greater, and the merits of your life should also serve as an example for your subjects, and your fraternity should never seek things for yourself on account of the honour received by you, but the treasures of our heavenly fatherland.⁹⁴

For Gregory, apostolic vicars ostensibly filled a gap for spiritual guidance in distant lands. With increasing reports of simony in Gaul and Germany filtering into Rome, in addition to reports of the laity's undeserved promotion to ecclesiastical offices, Gregory seized the opportunity to commit to Virgil 'our vicariate in the churches which are under the rule of our most excellent son, Childebert [III]' – the Merovingian ruler from 570 to 595. The pope's priority, especially given his positive recognition for 'the growing faith in the regions of Gaul', was for Virgil to act as a religious role model and advisor to the recently converted Germanic king and his people, 'so that he should drive out the stigma of this sin [namely simony] from his kingdom absolutely, so that almighty God may reward him at his abode all the more greatly'.⁹⁵

That this Frankish-papal alliance would gain significant traction over the subsequent centuries is now a truism. For the present discussion, however, the burgeoning political and ecclesiastical relations between Rome and the Frankish court, which effectively re-orientated the papacy's allegiance from Constantinople to north of the Alps, greatly reduced the papacy's reliance on the apostolic vicar in Gaul. As a direct result of this changing political and religious orientation, when Chrodegang of Metz, the former royal chancellor to Charles Martel, was appointed archbishop in 754, he effectively supplanted the metropolitan (i.e., jurisdictional) authority of Arles, entrusted as he was with the spiritual care of the entire Frankish kingdom. According to the contemporary *Annals of St-Bertin*, 'Bishop Drogo [of Metz] was designated papal vicar in the regions of the Gauls and Germanies'.⁹⁶ Three years later,

in 847, Pope Sergius II (844–847) confirmed Drogo’s authority over ‘all the provinces across the Alps’ (*cunctis provinciis trans Alpes constitutis*).⁹⁷ Thus, by the mid-eighth century, the ecclesiastical governance of Gaul and Germany was much more central to the papacy’s immediate outlook, an institutional and governmental transformation owing in large part to the mounting Frankish domination in western Christendom that so characterizes the Carolingian era of the eighth and ninth centuries.

It is worth mentioning, moreover, that the see of Thessalonica experienced a similar decline in representative responsibilities around the same time as Arles.⁹⁸ This ninth-century development is sometimes explained by the Iconoclastic controversy that saw the province of Illyricum cease ‘to depend on Rome in ecclesiastical matters’.⁹⁹ Prior to this dispute, however, and particularly after Roman Emperor Justinian divided Illyricum territorially and ‘raised to primatial dignity the episcopal see of Justiniana Prima, his native land’,¹⁰⁰ the vicariate of Arles was already beginning to lose its exclusive prestige and leadership role in Gaul.¹⁰¹ A more-even distribution of ecclesiastical power and responsibilities may account for this administrative shuffling. By Gregory I’s pontificate, the metropolitan see of Corinth was already exercising primatial rights over Greece,¹⁰² thereby competing with the jurisdictional and ecclesiastical powers of Thessalonica, especially in matters of dispute settlement, judgement, and episcopal elections. It is difficult to establish, however, whether the office of papal vicar was losing its privileges completely or whether these were incorporated into the transformative episcopal hierarchy of late imperial Rome. Complicating matters in this case is the contemporary status and meaning of ‘metropolitan’ (*metropolitanus*),¹⁰³ a title assigned to figures whose representational role and authority are almost indistinguishable from the apostolic vicar’s in this period. When Pope Symmachus addressed all the bishops in Gaul in 502, for example, he referred to the bishop of Arles as *metropolitanus* and not *vicarius*,¹⁰⁴ either confusing the two titles or – what is more likely – making little distinction between the two ecclesiastical offices.

Given progressive changes in the ecclesiastical structure, it seems plausible to suggest that the vicariates of Illyricum and Arles became mere metropolitans. That is to say that, over time, they assumed new sanctions in custom. This transformation should not be interpreted as a deliberate demotion of primatial office or powers; rather, it reflects a significant re-structuring of the ecclesiastical administration throughout Christendom as a whole. Indeed, from an institutional perspective, the vicar’s role evolved in late antiquity as the papacy began reaching out to

and successfully integrating local and regional systems of church government, thereby increasing the Roman Church's ability to administer to a growing body of Christian faithful. This administrative framework was constructed foremost by granting metropolitan status and privileges to numerous other ecclesiastical sees besides Thessalonica, Arles, and Sicily. Similar to the privileges extended to Bishop of Metz in the mid-ninth century, to cite a few examples, metropolitan powers were soon entrusted to the Gallic sees of Vienne (428, reconfirmed in 445),¹⁰⁵ Rheims (514),¹⁰⁶ Sens (876),¹⁰⁷ and Lyons (1079, reconfirmed in 1097) in France; the sees of Tarragona (517),¹⁰⁸ Seville (520),¹⁰⁹ and Toledo (681, re-confirmed in 1088)¹¹⁰ in Spain¹¹¹; the German sees of Trier (969) and Salzburg (973) in Germany¹¹²; Pisa (1078?) and Sardinia (1092) in Italy¹¹³; and Canterbury in England (731).¹¹⁴

The example from Spain, in particular, is testimony to this administrative evolution. Pope Simplicius (468–483) first conferred the bishop of Seville with special authority, an action affirmed by his predecessors Felix II (483–492) and Hormisdas (514–523).¹¹⁵ Distinguishing this vicariate from the others mentioned earlier are the limitations imposed on this office, which restricted the vicar's authority to observing ecclesiastical traditions, calling church synods, and administering custodially in religious matters. To Bishop Sallust of Seville, Hormisdas described the *vices* of his authority over the provinces of Baetica and Lusitania, a duty of care in accordance with ancient custom.¹¹⁶ And to Bishop John of Tarragona in 517, the same pope delegated the *vices* of the apostolic see to the privileges of this metropolitan, primarily so that in matters pertaining to the canons and ecclesiastical causes, the bishop would hold sufficient authority to exercise his solicitude with adequate faith and integrity.¹¹⁷ Given this apparent restriction of representative powers, as Karl Baus has argued,

it is perhaps advisable not to speak of 'vicariates' in the general sense, but merely to regard the bishops personally charged in each case as extraordinary envoys for very specific functions. Each individual Pope appointed them for the duration of his pontificate only, in the expectation that their zeal would be enhanced by the granting of the 'vicarship'.¹¹⁸

Their function in the early Middle Ages was diminished already by the late sixth century, as a consequence of strong political presence from the Visigothic King Recared.¹¹⁹ Pope Gregory I's letter to Bishop Leander of Seville (July 599), to whom he had just sent the *pallium*, makes no

mention of a vicarial relationship or the transference of representative powers along the lines mentioned one century earlier.

As the Roman Church changed its political and religious outlook, therefore, the ecclesiastical hierarchy was necessarily transformed in its wake. The practice of upholding the privileges granted to any one see ostensibly continued but gradually weakened. By distributing the primatial responsibilities across a greater array of ecclesiastical sees – appointing metropolitans to govern and administer to select ecclesiastical provinces, over bishops and their dioceses – the papacy's ability to control and monitor its provinces was significantly improved. By checking the power of any one see (if the need arose), while widening the field of direct papal representatives and loyal followers, the Roman Church was effectively extending its reach and influence throughout Christendom. This administrative reality reflects an important step towards legitimizing the papacy's centralized political, religious, and legal authority, an evolutionary transformation that can be witnessed also in the contemporaneous representative office of papal *apocrisarius*.

The papal *apocrisarius*

Unlike the apostolic vicar, the papal *apocrisarius* was the crucial connecting link between Rome and Constantinople. This Greek representational office, whose terminology implies 'making a choice' or 'giving a response', exhibits a varied administrative purpose and function. (Its western equivalent, the Latin *responsalis* ('one who answers') evokes much the same meaning, though it appears less frequently in the sources.¹²⁰) Whether relaying messages on behalf of the imperial chancery,¹²¹ operating as a military judge,¹²² or being sent as an envoy from the patriarchal sees of Antioch, Jerusalem, or Alexandria¹²³ (or some other monastery or church¹²⁴), holders of this office are recognized in the sources most commonly as ecclesiastical plenipotentiaries sent from the papal court in Rome to Constantinople.¹²⁵ Indeed, the permanent establishment of this Roman papal representative at the imperial court was 'the symbol of alliance between the Roman Church and the Eastern Empire'.¹²⁶ Their physical presence in the Eastern Empire attests also to amiable political relations between Church (Rome) and State (Constantinople), which implies a contemporary belief that the interests of both western and eastern sees should be closely aligned. Through his ecclesiastical and political actions, the papal *apocrisarius* exercised a formidable role in the wider Christian community as well; not only was he important to the pope in matters of orthodox faith and information

gathering, but the Roman (i.e., Byzantine) emperor trusted and relied on him also for maintaining political communications with Rome, in times of crisis and peace.¹²⁷

At a basic level, the contemporary (i.e., early medieval) importance of this representative office can be measured by the consistent quality of its occupants. It was customary for deacons to be appointed to this office, many who in the sixth and seventh centuries were soon after elected as pope. Indeed, during this office's institutional lifespan (c.450–750), seven *apocrisarii* went on to become popes, namely Felix IV (526–530), Vigilius (535–537; pope from 538–555), Pelagius (538–545; pope from 555–560), Gregory (578–587; pope from 590–604), Sabianus (593–596; pope from 604–606), Boniface III (603; pope from 607), and Martin (649–655).¹²⁸ Diplomatic sojourns to Constantinople were evidently part and parcel of the papal education; a crash course in eastern political and religious systems and practice was ostensibly desirable for likely candidates to the papal office – the very definition of *papabile* in the early Middle Ages.¹²⁹

According to Archbishop Hincmar of Rheims (806–882), the origins of this ecclesiastical office can be traced to the early fourth century, coinciding with the foundation of Constantinople as the new imperial capital (c.330).¹³⁰ While this may indeed be the case, the first commissioning of a papal *apocrisarius* appears in the evidence only under Pope Leo I, thus, around the middle of the fifth century. Our first and best example of this office follows Bishop Julian of Cos, who is a model legate for the early Church in more ways than one.¹³¹ Often counted among those envoys sent to the ecumenical council of Chalcedon in 451,¹³² which convened to discuss (among other matters) the definition of Christian faith, Julian was an active *apocrisarius* to Constantinople. Commissioned by Leo to handle various and complex legal, doctrinal, and civil matters affecting the Roman Church and its wider interests in the East, he can be seen operating extensively on the papacy's behalf throughout the 450s. As Wessel has recently noted, 'not only Leo's concept of papal representation, by which the person of the pope was present in his legate, but also his ideology of Christian unity, therefore, shaped the sphere of action that was permitted to Julian'.¹³³

Commended to Emperor Marcian and Empress Pulcheria (453),¹³⁴ Julian set to work immediately on the church in Constantinople. When the patriarch Anatolius of Constantinople had replaced the archdeacon Aetius with Andrew, a suspected supporter of Eutyches (condemned at Chalcedon for his monophysite beliefs), it befell Julian to restore the former figure to church office. While Leo confessed to personal differences with the newly elected archdeacon,¹³⁵ his opposition to the

appointment rested ultimately on Andrew's objectionable religious (i.e., Christological) views. To correct what Anatolius had done, Julian proved an advantageous political insider who, through his intervention in the Constantinopolitan church, effectively extended his power to achieve the papacy's desired result.¹³⁶ As the pope concluded, that power (*vicis* and *sollicitudinis*) was delegated to his agent in matters of faith and ecclesiastical discipline, for the benefit of the universal Church.¹³⁷

On the more contentious issue of Chalcedon, Julian attempted to smooth over the mounting political pressures in Constantinople by continually seeking papal approval.¹³⁸ Although Leo never fully endorsed canon 28 concerning certain prerogatives for the see of Constantinople, which he argued ran counter to the ecumenical Council of Nicaea (325), he eventually ratified the remaining 27 conciliar decrees on 21 March 453. Julian's actions here exemplify the extent of his influence over pope and emperor in matters of church and state. Indeed, further letters to this legate suggest that 'imperial policy may indeed have been influenced by Julian's intervention'.¹³⁹ Clearly, Leo's papacy was interested in promoting Chalcedonian views throughout Christendom, for which end he attempted to garner more imperial support against monks who had been rioting in Palestine,¹⁴⁰ for example, or by replacing vacant episcopal sees with pro-Chalcedonian bishops.¹⁴¹

As the brief example of Julian of Cos demonstrates, the papal *apocrisiarius* inevitably came into close contact with the patriarch of Constantinople and the Roman emperor, influential figures both, whose political interests, aspirations, and religious views and practices were not always aligned with Rome's. In promoting Chalcedonian interests in 455, Julian was commissioned with enough authority to settle the date for Easter.¹⁴² It was this same papal agent, moreover, who physically carried Leo's written approval of Chalcedonian decrees to Emperor Marcian in 453.¹⁴³ To be sure, this legate's political abilities were nothing short of astute. According to one recent historical view, Leo 'knew that Julian, steeped in the everyday politics of the imperial city, was better situated than he to judge the emperor's reaction'.¹⁴⁴ This measure of personal contact, discourse, and mutual respect with the political and religious leaders of Constantinople presented a winning recipe for exercising and extending papal influence abroad in the mid-fifth century.

Yet while the ecclesiastical office of papal *apocrisiarius* was born under Leo I, Pope Gregory I elaborated on its practice. His letters provide rich examples for its use in the late sixth and early seventh centuries. Writing frequently about the deacon Sabinian, the extent of Gregory's reliance on this representative agent is revealed at once. He entrusted his agent

in Constantinople to 'reveal' the Church's wounds to Bishop Domitian of Melitene in one case¹⁴⁵; he used this 'common son' as an intercessor with the patriarch John of Constantinople, especially when it concerned doctrinal matters¹⁴⁶; he even used Sabinian for political leverage, threatening to prohibit the deacon from celebrating communion with John if the papacy's will was not met. Writing to Sabinian himself, the pope referred to other expected roles from his agent, ranging from a bearer of letters to one entrusted 'with the highest authority'¹⁴⁷ to accomplish whatever needs to be done. Less common is this deacon's role in bringing to Rome 30 pounds of gold from the emperor Maurice, 'to be given for the ransom of captives, and to be paid out to the poor'.¹⁴⁸

So ingrained was the papal *apocrisarius* in Constantinople by Gregory's pontificate, in fact, that the Byzantine emperor Phocas lamented the figure's absence after he murderously seized the imperial throne from Maurice in 603. In his reply to an imperial letter (now lost), the pope apologized for this institutional lapse, offering Phocas the following explanation: due to 'a very heavy necessity', and not of his own negligence, Gregory had not been able to send a 'deacon from the apostolic see to remain permanently' at the palace of Galla Placidia, the permanent residence of papal *apocrisarii*.¹⁴⁹ The turbulent political climate of Constantinople, worsened by the patriarch of that city acting contrary to canon law by claiming for himself the title of 'ecumenical patriarch', had severed the more-or-less continuous communications with Rome.¹⁵⁰

For the most part, however, legatine vacancies from Constantinople were usually brief; both the papacy and the Empire had vested interests in maintaining this avowedly 'ancient custom' of diplomacy, communication, and exchange.¹⁵¹ Under Phocas' predecessor, Gregory had commissioned as *apocrisarius* the deacon Anatole; following his death in 601, the pope appointed the deacon Boniface (future Pope Boniface IV (608–615)) – a trusted and experienced representative of Gregory, previously active in Milan, Ravenna, Sicily, Corsica, and Corinth.¹⁵² Only after receiving Phocas' letter did Boniface travel to Constantinople, 'treading' in the emperor's footsteps where he was afraid to go before. Satisfied that the emperor had now 'obtained control of the empire', Gregory then commended Boniface as one suitable for his piety, going further to promote his agent as 'the first among all the defenders', a figure 'upright in his life, faith, and morality'.¹⁵³

Gregory's eagerness to re-instate his representative in Constantinople is manifest in his correspondence. In commissioning and commending Boniface as *apocrisarius*, the pope urged the emperor to learn of and

respond to the Lombard inflictions that had been oppressing parts of Italy for nearly 38 years, since the initial conquest of May 568. He hoped that the 'daily sword thrusts' and 'great incursions' inflicted by their hands would soon be ended with prompt imperial assistance, the initial phase of which involved re-establishing diplomatic communications through this ecclesiastical agent.

The imperial reliance on the office of *apocrisiarius* is also clear. Twenty-four years after Phocas' ascension to the throne, in a bid to end the Monothelite (= one will) controversy rampant in Byzantium, Emperor Constantine IV convened the third ecumenical council of Constantinople (681). According to the records for this synod, the emperor urged Pope Agatho (678–681) to send a legate (*apocrisiarius*) to the imperial city in order to help preserve the dogmatic and canonical matters of the Church.¹⁵⁴ While indicating yet another legatine absence from Constantinople, owing presumably to the ongoing dispute over Christ's will(s), this particular letter is revealing for the expected representative activity of papal *apocrisarii* in Constantinople more generally.

As the champion and guardian of orthodoxy, the papal *apocrisiarius* played a decisive role in maintaining, strengthening, and promoting Roman (i.e., Latin, western) doctrinal views. When eastern and western views were at odds, of which many examples can be given for the history of the medieval Church, the political and religious obligations of this ecclesiastical office were rendered ineffective as a result. During the Acacian schism (472–518), for example, which saw Pope Felix III (483–492) condemn the bishops of Constantinople and Alexandria for their Eutychian (i.e., monophysite) sympathies, the pope's legates became too embroiled in the affair, much to their detriment.¹⁵⁵ After Emperor Zeno issued his *Henotikon* in 483, an imperial edict demanding that the pope reinstate Bishops Acacius of Constantinople and Peter of Alexandria to their respective offices, political relations between Rome and the imperial city came to a standstill. According to Theophanes Confessor (writing from east in the early ninth century), Felix's legates had been maltreated and enticed to bribery by the emperor, who persuaded them to take communion with one Peter Mongos.¹⁵⁶ After taking part in the service, news of which reached Felix in Rome, the pope summoned a Roman synod on 28 July 484 that ultimately deposed his representatives alongside Acacius.¹⁵⁷

This dispute between essentially orthodox and monophysite views created a temporary but significant rift between western and eastern churches that needed remedying by successive papal rulers.¹⁵⁸

This mission was painstakingly undertaken by Pope Hormisdas (514–524), who sent Bishops Ennodius of Ticinum, Fortunatus of Catania, the Roman priest Venantius, the apostolic deacon Vitalis, and the notary Hilarus, to Emperor Anastasius in 518.¹⁵⁹ Failing this first attempt, however, the pope (acting on the advice of the Ostrogothic king in Ravenna, Theodoric), sent Ennodius and Bishop Peregrinus of Misenus, but again achieved very little against one too ‘implicated in the Eutychian heresy’. A third papal team was sent to Constantinople nonetheless, this time joining the forces of Bishop Germanus of Capua, John, Blandus the priest, the deacons Felix and Dioscorus, and Peter the notary – figures, according to the *Liber Pontificalis*, ‘instructed on every aspect of the faith’.¹⁶⁰ Thanks to these resilient papal efforts, and greatly assisted by the succession of Justin to the imperial throne in 518, Hormisdas agreed to reinstate those who condemned Peter and Acacius ‘and all the heretics into unity with the apostolic see’, thereby bringing the schism to an end.

Much like Greek envoys in times of war, papal *apocrisarii* were necessarily active in times of theological crisis. In a letter to the patriarch John of Constantinople (593), Pope Gregory I sent the deacon Sabinian ‘to provide answers to the Church’ about different canonical interpretations, expecting his agent to relay ‘everything in greater detail’, prepared as he was ‘for all things that are just’.¹⁶¹ A flurry of papal activity, however, did not always yield immediate or desired papal results; more often than not, as evidenced above, a prolonged schism or doctrinal controversy would inhibit or endanger the papal *apocrisarius* from performing his representative role in Constantinople, ultimately and physically removing him from harm’s way for the short term.

Such breaks in papal-imperial communications are evidenced also in the sixth and seventh centuries. The ‘Three Chapters’ controversy of 543–551, in which Emperor Justinian condemned by edict the writings of Bishops Theodore of Mopsuestia, Theodoret of Cyrillus, and Ibas of Edessa – actions interpreted by the African and Italian churches as pro-monophysite attacks on Chalcedonian doctrines – provides yet another example of strained diplomatic relations between the churches in Rome and Constantinople.¹⁶² For his opposition to Justinian’s imperial edict, ‘which aimed at showing that the synod of Chalcedon gave no support to Nestorianism’,¹⁶³ Pope Vigilius was arrested in Rome (December 546) and shipped off to the eastern capital, where he eventually celebrated communion (against his wishes, we are told in the *Liber Pontificalis*) with the patriarch Menas (January 547).¹⁶⁴ According to Theophanes Confessor, however, it was Vigilius’ excommunication

of the patriarch – accompanied by an imposed penance – and his ‘delay in fulfilling his promises about uniting the Church’ that instigated the arrest.¹⁶⁵ Whatever the truer case, responding to growing tensions over his actions, the emperor convened an ecumenical council in Constantinople (553) that ultimately affirmed Chalcedonian doctrines, yet continued to maintain monophysite tendencies.¹⁶⁶

Christological controversies of this nature certainly kept papal agents busy. Under Pope Martin I (649–653), western antagonism towards the patriarch of Constantinople and the emperor was mounting over their persistent adherence to opposing theological views. According to the *Liber Pontificalis*, the nature of this dispute was such that the altar in Galla Palacidia was ‘overthrown and destroyed’, thereby preventing papal *apocrisarii* from celebrating and receiving communion.¹⁶⁷ Because Bishop Paul of Constantinople was reportedly ‘puffed up with a spirit of pride against the correct dogma of God’s holy church’ (i.e., monophysitism), Martin’s representatives in Constantinople attempted to censure him ‘following orders in an apostolic warrant’. Acting along similar lines, Pope Zacharias (741–752) issued an ‘orthodox synodic letter’ to Constantinople via his *apocrisarii* (unnamed), offering a ‘pledge of his faith’¹⁶⁸ to the eastern Church, presumably confirming the pope’s orthodoxy and attacking Constantinople’s persistent iconoclastic views. Efforts in this and other matters show the *apocrisarius* operating in delicate matters of negotiation and reconciliation in order to clarify, deliver, and sustain orthodox (i.e., Latin, western) views, all the while trying to avoid full-blown schism between eastern and western churches.

As permanent resident ambassadors in Constantinople, papal *apocrisarii* ostensibly filled a politico-religious function for the pope and emperor alike. By the seventh century, they were familiar and recognizable symbols of papal authority in the eastern half of the Roman Empire. In their detailed study on this ecclesiastical office, the French historians L. Chevailler and Jean-Claude Genin compiled a laundry list of duties, privileges, and responsibilities attached to this representative office, which helps considerably in comprehending the expected but varied nature of *apocrisarii*. Whether implicated in the patrimony of churches, care for the poor and needy, the reorganization and restoration of monasteries, the protection of persons, arbitration between bishops and episcopal possessions, episcopal elections, or deliberating and issuing judgement on unworthy prelates or heretics, *apocrisarii* were active and trustworthy agents of papal reform and administration in distant Christian lands.¹⁶⁹ There was no ecclesiastical affair too insignificant that did not invite their activity. The breadth of their

mission, the permanency of their relations in Constantinople, and their physical appointment and residence in the imperial city are proof of the papacy's growing authority in regions beyond Rome and her immediate surroundings. The exercising of such duties likewise provides a good, contemporary reflection of papal governance and hegemony in the early Middle Ages.

For these reasons alone, it is surprising that papal *apocrisarii* ceased operating between Rome and Constantinople by the mid-eighth century, only to be replaced by the more flexible office of papal *legatus 'ad causam'*. The reasons for this institutional demise are presumably manifold and idiosyncratic, but limits to institutional and jurisdictional powers surely played some part in rendering this ecclesiastical office redundant over time. Unlike the apostolic vicar examined above, the papal powers entrusted to *apocrisarii* were individual and limited in purpose; they often served individual papal interests and needs. As such, they are difficult to categorize wholesale, though some initial attempt must be made here. Concerning religious matters, as noted above, these papal agents followed papal ruling, exercising powers and issuing rulings designated by individual popes. In civic affairs, by contrast, their activity was collectively determined (i.e., governed) by imperial law. In Justinian's *Novellae* (534), some of the customs, privileges, and powers of this office are defined, affirming legates' (*apocrisarii*) roles in matters of litigation while laying out certain guidelines for their actions in the imperial city. When 'a necessary transaction arises in ecclesiastical matters', for example, 'it shall be made known to the emperor or to our magistrates either by those who carry on the business of the holy churches, called *apocrisarii*, or by some of the clergymen sent for that purpose'.¹⁷⁰ For supplicant bishops arriving in Constantinople, *apocrisarii* could serve as the first point of contact, as political intermediates between the Church and the emperor.¹⁷¹ But their powers were also checked in matters of representation, being unable to 'answer in any action for their bishops or for any transaction of the church or for a public or private debt, or be subject to any exaction, unless they have a mandate from their bishop or steward to sue some persons'.¹⁷²

Notwithstanding the more permanent characteristics of this ecclesiastical office, it did not last institutionally. It is nevertheless hard to imagine that contemporaries would have foreseen its demise as an ecclesiastical or political institution. Similar to the diminishing (and almost contemporary) use of apostolic vicars, the disappearance of the papal *apocrisarius* may also have coincided with the Iconoclastic controversy that erupted in the Byzantine Empire under Emperor Leo III.¹⁷³ Whatever the

case, no permanent *apocrisarii* were appointed after Pope Constantine (708–715), the last documented case being the figures accompanying him to Constantinople in 715, namely Bishop Nicetas of Silva Candida, George of Portus, the priests Michael, Paul and George, the deacon Gregory, and a few others.¹⁷⁴

Despite attempted and short-lived revivals by Popes Zacharias (c.744) and Leo III (795–816), this representative office became largely civil in function for the remainder of the Middle Ages, losing its religious significance and institutional permanence for the papacy – the two foundations on which this office’s representative power most rested between the fifth and eighth centuries. Ceasing to function as an office of papal representation in Constantinople, it was transformed gradually into an honorary title bestowed on certain dignitaries, such as on the referendaries (secretaries) of Merovingian kings.¹⁷⁵ While Honorius of Autun refers in the twelfth century to the *apocrisarius* as a bearer of ‘secret mandates’,¹⁷⁶ Hincmar of Rheims applied the term to the Carolingian arch-chaplain, Adamar, as denoting an ecclesiastical dignitary (*responsalis*) to the Frankish royal court.¹⁷⁷ A singular reference to this office does appear in the *Annals of Saint-Bertin*, referring to Pope Nicholas I’s envoy to Frankish lands c.864,¹⁷⁸ but as Hincmar elsewhere wrote, this was a title bestowed upon senior clerics of the Carolingian court.¹⁷⁹ What the archbishop may have sought to install was a permanent papal representative akin to the *apocrisarius* of old, but a figure who might also function as a protector of the king and his royal court (*custos palatii*),¹⁸⁰ an intermediary figure in matters of dispute between the ecclesiastical and secular domains¹⁸¹ – a representative role that still garnered some use in the pontificates of Nicholas I (858–867), John VIII (872–882), Theodore II (897), and John X (914–928).¹⁸² Indeed, as Hincmar specifically stated in his *De ordine palatii*, the *apocrisarius* of the late ninth century regulated the life and order of the Church, charged especially with handling disputes of monks and canons that reached the Carolingian court.¹⁸³

Whatever the institutional lifespan of this ecclesiastical office, its representative character was transformed permanently in the Carolingian era. While it had clearly outlived the papal-imperial context of early medieval Europe, the title could sometimes be used synonymously with *legatus* to denote a representative of the Holy See (*sanctae Romanae Ecclesiae apocrisarius*), as evidenced in the letters of the ‘Gregorian’ legate Hugh of Die in the late eleventh century and the later canonistic writings of William Durantis.¹⁸⁴ Yet, while the title of *apocrisarius* continued to be used in both Latin and Greek worlds, it appears more

exclusively in a monastic context, denoting either the monastic treasurer or specific monks commissioned by the abbot for establishing and maintaining contact with the world outside the monastery walls.¹⁸⁵

By the turn of the first millennium, apostolic vicars and papal *apocrisarii* had outgrown their representative function and use. By the ninth century, the papacy was already employing ulterior governmental and administrative practices to suit its more immediate political and religious needs in distant Christian provinces. (The remaining chapters of this book are dedicated to mapping this representative activity throughout the early Middle Ages.) A burgeoning ecclesiastical administration increasingly marginalized the more permanent ecclesiastical offices operating between the fifth and eighth centuries. Yet, the early categories and uses of medieval papal legation examined in this chapter were not cast aside entirely; as the following chapter demonstrates, the administrative framework of papal representation established in this period proved foundational to the institutional development of papal legation in the Middle Ages as a whole. As the apostolic vicar gradually gained (or asserted?) its independence from Rome, the agent-principal relationship embodied in the *apocrisarius* proved to be a more profitable and long-lasting system of representation across a broad territorial scope. In both cases, the *legatus* that came to prominence in the eleventh century ‘absorbed’¹⁸⁶ these earlier models of representation, which marks an evolutionary tide in the institutional history of this ecclesiastical office.

Significantly for the medieval Church, the two ecclesiastical offices examined in this chapter were not the only available branches of representative machinery. Indeed, in order to comprehend more fully the legitimacy of papal legation in the early Middle Ages and the corresponding power of the medieval Church, it is necessary to examine the full range of papal agents operating alongside the apostolic vicar and *apocrisarius* – in many ways, the natural inheritors of both offices. Whereas the former representative offices should be treated as the institutional backbone of medieval papal legation, the rights, privileges, duties, responsibilities, and powers enjoyed by papal representatives throughout the High and Late Middle Ages (namely c.11th–15th centuries) owe considerably more to the *legatus ad causam* – that third, broad, and somewhat inaccurately defined category of early medieval papal representatives, and one deserving of entirely separate treatment in the following chapter.

4

Towards Standardization

In the wider history of medieval papal legation, the *legatus ad causam* is a recognizable but historically confused branch of representative government. In modern scholarship, this ecclesiastical office is often perceived as a prototype for the later offices of *legatus natus* ('native legate'), *legatus missus* ('legate who is sent'), and *legatus e/a latere* ('legate from the side') – offices that came into play between the Carolingian and church-reforming eras (ninth to eleventh centuries). According to the important work of Richard Antone Schmutz, this legatine category represents the very 'tap root of legation', 'the workhorse of early papal representation',¹ and the trunk from which 'new branches of representation indeed grew'.² Operating alongside the more specialized offices of apostolic vicar and *apocrisiarius*, this 'old style' model of representation gradually 'absorbed the other roots and formed the trunk of medieval papal legation', 'furnished medieval papal legation with an example of subservience in the agent-principal relationship', and 'contributed flexibility to medieval legation'.³ Doubtless, this category constitutes a central part of legatine history, yet the evidence rarely points to anything beyond the forces at work, making the present chapter both necessary and challenging in its objectives. Exactly what official function the *legatus ad causam* served for the early medieval papacy and how its agents contributed to improving or widening communications between Rome and the Christian provinces are questions impelling the present investigation.

In truth, the category of *legatus ad causam* is little more than a historical construction. Similar to the expression *e/a latere, ad causam* is an adverbial phrase that is seldom employed by early medieval popes. In administrative terms, however, the terminology is not entirely inaccurate; it serves a common purpose for identifying a group of papal

representatives whose mandates, duties, and responsibilities set them apart from the apostolic vicars and *apocrisarii* of their time, and whose impermanent commissioning distinguishes them more explicitly from the later general legate (*legatus generalis*). For these reasons, the terminology continues to be employed, and indeed is worth maintaining, but not without first identifying the various components constituting the office, in addition to the recognizable distinctions in the clerical hierarchy of medieval papal representation.

In practice, *legatus ad causam* is a blanket term: it subsumes a number of distinct representative officials, many who were executing legatine roles, and many who were operating on the papacy's behalf at any one time. In its broadest categorization, the terminology connotes a general quality of papal representation exemplified in the offices of (1) papal nuncio (*nuncius*), envoy, emissary, orator, ambassador, *delegatus* ('delegate'), *familiaris* ('intimate'), *lator* ('bearer'), *portitor* ('carrier'), *cursor* ('carrier'), and *vir religiosus* ('religious man'); (2) 'defenders of the Church' (*defensores ecclesiae*); and to a lesser extent, (3) *legati vagantes* – a category of my own devising that refers primarily to Christian missionaries. For popes in the twelfth and thirteenth centuries, this complex nomenclature of legation was more clearly understood and distinguishable – it was certainly more explicitly defined in the legal sources of William Durantis and Pope Gregory IX's *Liber extra*, for example, but it continued to be used interchangeably.⁴ Indeed, medieval authors repeatedly applied the term *legatus* loosely and inconsistently, which exacerbates the historical problem of definition and categorization that this book seeks (in part) to remedy. Some of this confusion understandably originates from the nature and function of the office itself, which medieval popes transformed for individual reasons of time, matter, and person – the direct meaning and origins of *ad causam*. But as Schmutz has convincingly argued, and as this chapter seeks to justify, 'medieval men recognized technical differences...and, in spite of inconsistent terminology, differentiated among them when necessary'.⁵

Thus, it befits us here to examine the context(s) in which legates were operating, to make sense of the distinctions between contemporaneous legatine titles. In so doing, the multifarious uses and powers of papal legation in the early Middle Ages become manifest. Concentrating primarily on the commissioning and activity of papal *nuncii*, *defensores ecclesiae*, and missionary legates, in particular, the present chapter offers a more concise mapping of their papal business as legates *ad causam*. These three ecclesiastical offices bear witness to the growing complexity,

purpose, and standardization of papal legation in the early Middle Ages, presenting evidence for the papacy's increasingly effective exercising of juridical and jurisdictional authority throughout Christendom. Most significant, however, is the question of how these branches of early medieval legation demonstrate a diversity of representative coverage, which was – it will be argued – designed to accommodate the papacy's more immediate needs and interests.

Nuncius

In his most basic role, the medieval papal legate was a messenger of written and oral communications: a 'living letter'. A veritable ancestor to the modern-day resident ambassador, the *nuncius* was a favoured advocate for ecclesiastical and secular governments alike, throughout the Middle Ages.⁶ Historically, the *nuncius* figures much more prominently in extant sources as an organ of state formation and secular diplomacy in the late medieval and early modern periods.⁷ Yet, while a great deal more is known about this office for the fifteenth and sixteenth centuries, its institutional growth in the ecclesiastical sphere owes considerably to its classical and medieval pedigree. How closely this secular model relates to its ecclesiastical counterpart informs a large part of the present discussion, which argues for the nuncio's distinctive role in matters of papal representation, a role evident well before the turn of the first millennium. Although scarcely visible, exercising powers beyond that of a common messenger, this ecclesiastical officer nevertheless remains one of the most constant, long-standing, and vital nerve centres for communications to and from the Apostolic See in Rome.

The basic framework for this representative office changed very little over the centuries. In the classical writings of Cicero (*Oratio pro publico Quinctio*, 25.80), Caesar (*Bellum Gallicum*, 1.26), Vergil (*Aeneis*, 2.547), Ovid (*Heroides*, 16.68 and *Consolatio*, 1.10.5), Livy (*Ad urbe condita*, 42.37.6), and many others, *nuncii* were widely recognized and used as bearers of written messages, commands, and orders. As a political office, they can be seen

arranging alliances, keeping allies up to the mark, arriving at truces, declaring war, making protests, selling details of military support, settling financial transactions (usually loans), and the recovery of debts, involving the physical transport of actual money and the multifarious dealings which *nuncii* undertook for private person or commercial bodies.⁸

Similar to the ecclesiastical offices of apostolic vicar and papal *apocrisiarius* described above (see Chapter 3), the legal impetus for sending *nuncii* is bound in post-classical Roman law, which in turn governed the actions of papal legates. The breadth of their experience and activity in the secular realm, characteristics of an administrative and diplomatic office that carried over into the ecclesiastical domain, are evident already by the sixth century. In addition to providing a direct means of communication between two parties, (D. 29, 2, 25, 4), as Justinian's *Digest* declares in several different articles, the *nuncius* could act as proxy for administering justice for and against someone of higher or equal rank (D. 2, 14, 2), or for absent parties in matters of 'purchase', which requires consent (D. 18, 1, 1, 2). Building on these imperial (i.e., Roman) legal foundations, late medieval lawyers sought to classify the *nuncius* according to his growing procuratorial powers, describing more explicitly the agent-principal relationship that defines this representative office.⁹ Writing in the fourteenth century, the Italian jurist Baldus de Ubaldis (c.1319–1400) proposed the analogy that

just as a magpie speaks through himself, and not from himself, and just as an organ does not have a sound by itself, so a *nuncius* says nothing from his own mind or by his own activity, but the principal speaks in him and through him.¹⁰

In other words, as Donald Queller rightly observed, 'whether bearing a letter or interpreting the mind of his principal ... the *raison d'être* of the *nuncius* was to provide a channel of communication between principals'.¹¹

This application of *nuncii* is, thus, commonplace across the ages. Whether in ancient Greece or Carolingian Europe,¹² the sending of messages and messengers sought to achieve many of the same objectives, a reality most evident in themes of war and diplomacy. In his *Later Roman Empire*, for example, Ammianus Marcellinus described various scenarios whereby messengers arrived in Milan with the unexpected message that Silvanus' army had pronounced him Augustus¹³; unveiled a 'monstrous plot' that had been 'hatched by certain persons' against Emperor Julian¹⁴; delivered the unwelcome message that the Persian commander Surena had attacked three squadrons of scouts¹⁵; and were sent to Gaul with the news of a barbarian attack in Lepcis and Oea.¹⁶ In his *History of the Franks*, the Merovingian bishop, Gregory of Tours, described nuncios in a similar light, as diplomatic intermediaries in matters of peace and concord, as bearers of military reports and clandestine messages, and as

important contacts between the political centre and dukes and counts.¹⁷ In other words, these agents proved as valuable to Frankish kings as they were to Roman emperors and Greek city-states.

The Frankish Church, too, fell within the nuncio's theatre of action, opening a window onto this office's function in the ecclesiastical realm. Following a planned attack against the Arians in and around Poitiers and Tours, to cite one of many examples from Gregory of Tours' *History*, the Merovingian king Clovis 'sent messengers to the church of Saint Martin', commissioning them to see whether they might 'bring me some good tidings from God's house'.¹⁸ Loading them 'with gifts which they were to offer the church', the king sought a 'propitious sign' as recognition of God's support for his campaign. After hearing a particular Psalm (18, 39–40) upon entering the church, the *nuncii* 'went happily back to report to the King', thereby fulfilling their mission. Communicating directly with Gregory of Tours, King Chilperic sent messengers demanding that he expel the apostate Merovech from his Church, threatening to set the 'whole countryside alight' if he refused.¹⁹ Seeking refuge within the Church seemed only to anger the Frankish kings, however; for, in a similar case, Bishop Magneric of Trier was accused of harbouring a criminal by the name of Guntram Boso.²⁰ Instructions for his release were communicated between king and bishop by means of messengers (*nuncii*). In what is perhaps the most relevant case for our present interests, once the Visigothic King Recarred converted from Arianism to Catholicism in 587, he 'sent messengers to the province of Narbonne to explain what he had done, so that the people of those parts might join him in his conversion'.²¹ As these few cases illustrate, the Frankish *nuncius* was operating widely throughout the realm, involved in the political affairs of both secular and ecclesiastical governments.

By their very definition and commissioning, therefore, nuncios (noun: *nuntius*; verb *nuntio*) were empowered to announce, declare, report, relate, narrate, make known, inform, and give intelligence. According to the syntax provided in Bishop Isidore of Seville's *Etymologies* (written in the first decades of the seventh century), the *nuncius* is described simply as "one who 'brings a message' (*nuntiare*)" and "what is announced," that is, ἀγγελος and ἀγγελια ("messenger" and "message").²² Angels are called 'messengers' in Latin (*nuntii*), he continues, 'because they announce (*nuntiare*) the will of God to people'.²³ But in practice, as noted elsewhere in his *Etymologies*, *nuncii* 'is the name of their function, not of their nature'²⁴ – a subtle distinction that suggests the varied application of their office. Whereas the basic, messengerial

'function' of this office is rooted firmly to a classical and legal past,²⁵ its nature can be defined more broadly, but only if the scope of our search is not restricted exclusively to the Latin terminology for a messenger. Indeed, throughout the early Middle Ages, legates (*legati*) of various descriptions were operating in a nunciatorial capacity. When, for example, Pope Celestine I sent unnamed legates (*legati*) to the synod of Ephesus in 431, he gave them instructions to ensure the reading of his letter first in Latin and then – for those who could not understand the language – in Greek.²⁶ The applied nomenclature notwithstanding, these papal agents were commissioned with limited responsibilities that are identical to the nuncio's role.

For early medieval popes, this office's 'function' and 'nature' was ideologically rooted in Scripture, with majority Old Testament meanings and understandings. From Genesis onward, the *nuncius* is frequently employed in the Latin Vulgate in a strictly messengersial sense. The Book of Numbers (20:14), for example, describes Moses sending messengers (*nuncii*) from Cades to the king of Edom (cf. Book of Judges 11:17), while Israel sends messengers (*nuncii*) to King Sehon of the Amorrites (21:21), etc. The Book of Deuteronomy (1:28) describes messengers (*nuncii*) delivering a communication that terrifies the hearts of its listeners. The New Testament portrayal of *nuncii* reveals yet another dimension to this ecclesiastical office. Most commonly, the term is synonymous with *angelus* (i.e., messenger²⁷) in commentaries on the apocalypse, as demonstrated in the work of countless church figures like Eusebius of Caesareus, Caesarius of Arles, Augustine of Hippo, Hilary of Arles, Gregory the Great, Bede, Aelred of Rievaulx, Alcuin of York, Hrabanus Maurus, Anselm of Canterbury, Peter Damian, Bernard of Clairvaux, Peter the Venerable, John of Salisbury, Peter Abelard, Hildegard of Bingen, Thomas Aquinas, Bonaventura, and numerous others (many anonymous). To read these and other Biblical passages literally demonstrates a one-dimensional application of messengers, revealing above all the nature of their mission, their importance as bearers of oral and written communications, sometimes their treatment (or mistreatment²⁸) by recipients. But more generally, sources depict their positions as advocates (not procurators), utilized time and again for effective contact between peoples, societies, and cultures.

That the papal *nuncius* was limited to delivering messages, however, is not an accurate portrayal of his representative capacity. To be sure, the majority of evidence points to this important diplomatic and communications role, but a few examples do provide interesting exceptions to the rule. Writing about the Frankish bishop in his *Deeds of the Bishops*

of Tongrum, Maastricht, and Utrecht, for example, Anselm of Laon mentions a *nuncius* sent by Pope Nicholas I (858–867) to the synod of Soissons in 863, with the express purpose of investigating (diligently) the truth of adultery charges brought by Queen Theutberga against Emperor Lothar II.²⁹ By this description, the papal messenger was commissioned with procuratorial (i.e., canonical) powers far surpassing the traditional letter bearer. So that Rome could be heard in this contentious case, the *nuncius* was sent to ‘investigate diligently the truth of the affair’,³⁰ which, in practice, might be interpreted as being invested with full powers to settle a dispute.³¹

The strongest papal correlative to this diplomatic model is found in late medieval/early modern Europe.³² In between the classical and early modern eras, however, papal *nuncii* remained active, despite the obtuse evidence for their commissioning and movement in medieval sources. This gap in historiography is not easily explained, though one can posit that, before the thirteenth century at least, the term was seldom used in any specific sense in the sources. According to Clifford J. Kyer’s comparative study on *legatus* and *nuncius*, the ‘consistency and care with which the words . . . were used by officials of the papal curia’³³ between 1245 and 1378 reveals a recognized distinction between two ecclesiastical offices, defined in this later medieval period by the context (i.e., a representative of the pope or someone else), type of source (i.e., chronicle, biographies, or papal letters), and overall purpose of their mission. A few centuries earlier, the occasional reference is found in Gregory VII’s *Register* to envoys sent *ab apostolica sede* (‘from the apostolic see’), tasked with information gathering and suing for peace and concord.³⁴ But again, here as elsewhere, the terminology (*nuncius*) remains confused with the loaded definition of *legatus*.³⁵ Thus, even in the post-Gregorian era (post-1085), the continual and generic application of the representative terminology limits a full assessment of the nuncio’s official status and institutional function.

For these reasons, the *nuncius* belongs to the category of *legatus ad causam*. Borrowing directly from the civil (i.e., secular) representative model described above, the papacy actively employed *nuncii* in the Christian provinces from its earliest days. Like this older, civil counterpart, the papal *nuncius* was empowered to do little more than express the will of his master. Given this administrative and legal reality, the most notable feature of this office becomes immediately manifest: the very absence of procuratorial powers (with a few notable exceptions mentioned above). In terms of exercising papal authority, the *nuncius* was bound by his mandate, which meant that ‘he could conclude nothing

on his own volition; he possessed no private will and was as the very letter of his sender'.³⁶ In other words, he held no powers to debate, settle, or conclude³⁷ – attributes of representation on which the papacy came to depend for effective, universal government. His mission was independently pre-determined by the papacy before his departure from Rome, while his instructions clearly defined the legal and administrative threshold of his actions.

The apparent difficulties in generalizing the nuncio's role suggest a transforming representative office. As to what initiated such change, no singular catalyst can be positively identified, though the growth of legatine powers throughout the early Middle Ages undoubtedly played its part. Suffice to say that the basic application of *nuncii* as 'messengers' was a direct inheritance from this classical, legal representational framework, an office frequently employed by secular and ecclesiastical governments for minor commissions. By the late Middle Ages, however, the ecclesiastical branch of this office was transformed into the resident papal ambassador to European states, staffed by permanent figures who wielded unprecedented fiscal and diplomatic responsibilities and powers. For popes in the early Middle Ages, this messengerial role was vital to maintain and establish communications throughout Christendom – a consistent and reliable cog in a much larger and developing papal machinery of legation.

Defensor ecclesiae

Like the papal *nuncius*, defenders of the Church (*defensores ecclesiae*) evolved from an older, civil, administrative counterpart. Operating in Arabia and Egypt as early as the 320s,³⁸ but first established by Emperor Valentinian (364) as temporary officials in Illyricum,³⁹ secular 'defenders of the city' (*defensores civitatis*) were employed (among other tasks) in the late Roman Empire to protect the lower classes from upper-class extortion, to watch over (and fix) market prices,⁴⁰ and 'to decide minor cases of debt or restitution of runaway slaves... and to remit more important cases to the governor'.⁴¹ Judging from the letters of Cassiodorus, this civil office gained importance throughout the Roman Empire in the fifth century, becoming one of the most prominent offices in individual cities, with its officials being confirmed by the praetorian prefect, the emperor (since 458), and for the Ostrogoths and Visigoths by their respective kings.⁴² Being almost identical in function to the 'curator of the city' (*curator civilis*), Cassiodorus further explains, the defender (or curator) is told also 'to govern the ranks of the Curia'.⁴³

The importance of this civil office was enhanced by Emperor Justinian's administrative reforms, which created a set of instructions (*mandata*) for governors, in part to curb their malpractice but significantly also to increase their jurisdictional powers for settling cases,⁴⁴ thereby 'relieving the provincial governor of a great mass of petty cases' and expediting justice 'cheaply and promptly in their own cities'.⁴⁵ As 'municipal magistrates', according to Isidore of Seville's definition, *defensores* are so called because they 'defend the common people entrusted to them against the arrogance of the wicked'.⁴⁶ Yet primarily, according to the title's use in Ostrothogic, Visigothic, Burgundian, and Frankish kingdoms, the *defensor civitatis* maintained responsibility for collecting taxes, which fiscal role was eventually taken over by the royal representatives – the *comes civitatis* ('count of the city').⁴⁷

Many of these administrative qualities are found among 'defenders of the Church' first established in Imperial Rome and Germanic kingdoms. At the highest level, popes saw themselves as 'defenders of the Holy Roman Church'.⁴⁸ In a strictly pastoral sense, this can be understood as a burden of responsibility presumably experienced by the entire episcopacy, as bishops were dutifully encumbered by the responsibility for protecting their flocks. In reality, however, *defensores ecclesiae* were never bishops but rather figures chosen from among the ranks of lector, sub-deacon, deacon, and priest.⁴⁹ According to A. H. M. Jones, 'they rose in seniority from the bottom of the list to *primicerius notariorum* or *defensorum*'⁵⁰; once promoted to the rank of subdeacon or deacon, however, although they continued in the same line of administrative work, 'they were no longer styled *defensores*'.⁵¹

In practice, then, 'defenders of the Church' were 'regional agents in charge of church lands'⁵² – that is, protectors of the papal patrimonies in Gaul, Africa, and others throughout the Italian peninsula, namely Dalmatia, Sardinia, Campania, Cagliari, and Sicily. By the sixth century, according to one recent study, they dealt primarily 'with the financial, fiscal, labor, and legal matters arising on estates located within a particular *patrimonium*'.⁵³ Swearing an oath 'before the most sacred body of Saint Peter the apostle',⁵⁴ faith and a fear of blame and final judgement were guiding administrative mechanisms for men of this rank. A quick glance at Justinian's *Novellae* reveals their extensive involvement in the civil affairs of the Roman Empire, where, for example, they participated in the registration of marriages, depositing a document (i.e., contract) into the Church archives that served as evidence for matrimonial inclination.⁵⁵ In order to preserve security, chastity, and justice within the Church, moreover, bishops, abbots, and the defenders of the

Church beneath them in the clerical hierarchy were called upon for enacting disciplinary measures against unruly clergy or monks.⁵⁶ Such legal predilections are evidenced also in Justinian's *Codex*, where defenders of the Church are chastised for meddling in matters of wills, which implies both their familiarity with the civil courts of Constantinople and the imperial will to curb their enthusiasm.⁵⁷

This proficiency in the legal arena was tantamount to the defenders' worth in ecclesiastical government. From the institutional origins of this office, agents appointed to this position protected the Church's 'legal interests and served as clerical policemen'.⁵⁸ In the fifth-century African Church, it was apparently customary to appoint *defensores ecclesiae* with powers of negotiation, summons, and judgement in the Church.⁵⁹ According to Possidius's *Vita Augustini*, a defender was 'not silent before the law' concerning the ongoing Donatist controversy⁶⁰; rather, he occupied an important physical presence to ensure that 'progress of the peace of the Church [of Calama] might not be further hindered'.⁶¹ When, in this case, the *defensor ecclesiae* eventually withdrew, it became necessary – we are told – for a Catholic bishop to replace him in his steadfast opposition to this heresy. Ostensibly posing as local ecclesiastical henchmen, therefore, so-called 'defenders' assumed a responsibility, when necessary, to remove enemies physically from the threshold of the Church,⁶² and to protect their church from any outside interference, even if – as in the time of Pope John II (532) – the threat was posed by a case of simony and extortion surrounding the papal chair.⁶³

These 'legal officers of the church'⁶⁴ held impressive coercive powers as well, which are evident some 70 years before Pelagius I's pontificate (556–561).⁶⁵ Felix III sent a *defensor* to Constantinople 'with the advice of his see', who maximized his powers to convene a council wherein he condemned Bishops Acacius of Constantinople and Peter of Alexandria.⁶⁶ When the issue of iconoclasm was rampant in the eighth-century Byzantine Church, the papacy under Gregory III (731–741) sent Constantine a *defensor* with 'warnings in writing for setting up the sacred images', which earned him 'confinement for almost one year'.⁶⁷ Pursuing this Roman line even further, Gregory later sent Peter the *defensor* to Constantinople with another letter 'urging the setting up of these sacred images and reinforcing the orthodox faith'.⁶⁸ In a most explicit case, Pope Hadrian I mentions that his predecessor, Stephen II, had sent Anastasius the first *defensor* and Gemmulus the subdeacon to the Lombard king Desiderius to 'exhort him to fulfill what he had promised in person to St Peter',⁶⁹ namely the protection of the Roman Church. In later dealings with this king, Hadrian again used Anastasius,

in addition to Pardus, 'the religious *hegumenos* of the monastery of St Saba',⁷⁰ to gain back 'St Peter's cities'. Acting on apostolic warrant, these legates were bearers of written messages and oaths, entrusted with certain powers of negotiation in the pre-ordained business for which they were sent.

Similar powers were entrusted to Peter, the 'first defender' (*primus defensorum*) of the Roman Church, whom Pope Paul I sent to the Frankish court at some point between 761 and 766. While the reason for his commissioning was to renew King Pippin's protection and defence of the Roman Church from her enemies (namely the Greeks), Peter was given enough representative power (*nostra vice*⁷¹) to relate and discuss all matters concerning the Apostolic See.⁷² Writing to Charles and Carlomann on another occasion, the pope rejoiced at the news of his defender, who upon returning to Rome confirmed that these Frankish kings 'made known' their support of the blessed Peter, the Roman Church, and the defence of orthodoxy.⁷³

As to what the papacy envisaged for this ecclesiastical office and its occupants, explicit reference can be found in Gregory the Great's *Register*. By the late sixth century, *defensores ecclesiae* were organized into something of a diplomatic corps, active in

supervising monasteries and vacant bishoprics, and are involved in various legal matters such as dealing with testamentary affairs and contracts, advising the bishop when dealing with disputes in his court, judging legal cases themselves, and even protecting clerics against local bishops.⁷⁴

Protecting the welfare of the poor was ostensibly foremost among this role, as an administrator whose sworn oath was to look after the patrimony's property and income.⁷⁵ Explicit reference to this activity is illustrated in Gregory's introductory letter to the defender Vincomalus (595), in which he wrote:

With regard to what is good for the Church, it remains our decision that, if you are not held liable on any condition or to any person, and have not been a cleric in another city, and the statutes of canon law do not go against you, you can receive the office of defender of the Church, and whatever we have imposed on you for the benefit of the poor, you should carry it out without corruption and with diligence, so as to use this privilege which we have conferred on you with careful deliberation. You should faithfully work hard to complete all that

we have charged you to do, as being about to render an account of your actions before the judgment of our God.⁷⁶

This rather formulaic credence appears also in letters concerning the defenders Vitus (595) and the Roman priest Candidus (595).⁷⁷ In the latter correspondence, addressed to King Childebert, Gregory defined more precisely the defender's expected duties and responsibilities: 'so that the minuscule patrimony founded there does not perish through neglect'.⁷⁸ In this and other cases, commissioning reliable administrators over the papal patrimonies 'helped cement ties of loyalty between the papacy in Rome and the churches in the West'.⁷⁹

Almost universally, *defensores ecclesiae* are called upon 'to hasten in providing... support' in various financial and legal cases 'wherever it proves necessary... in preserving justice'.⁸⁰ Addressing Bishop Januarius of Sardinia (August 598) over cases in a petition, Gregory directed his defender Redemptus 'to compel the parties to pay attention in the trial, and to bring into effect what has been decided in court, with urgency in its execution'.⁸¹ In other words, as the pope elsewhere acknowledged, with assistance from the *defensor ecclesiae*, the bishop of Sardinia should settle the matter by 'peaceful arrangement'. Making this role for law and justice incessantly clear is the example of Scholasticus in October 598, whom Gregory called on to give due payment (fourteen and two-thirds gold coin) to Alexander Frigiscus, after the latter complained to the pope about not receiving what was rightfully his.⁸²

In a letter to Boniface (598), Gregory's 'first defender' and trusted advisor (papal secretary), the pope explained more clearly the 'privileges and regulation of defenders', which he claimed 'should be preserved with perpetual stability and without any opposition'.⁸³ According to the pope,

Those who work hard to the Church's advantage should be honored with the benefit of suitable remuneration, so that we may seem to have made an appropriate response to their services, and that they may prove to be more advantageous due to the gift of support bestowed upon them. Since, therefore, it is known that those holding the office of defender work hard over affairs of the Church and over their service to the pontiffs, we have taken care that they should be pleased with the following prerogative or recompense that we have granted them, making this arrangement. We have decided that, just as in the school of notaries and sub-deacons, regional managers were established through the generosity of the pontiffs granted to them

long ago, so also with the defenders, seven men who have pleased us through the value of their experience should be decorated with the honor of provincial control. We have decided that these men, in the absence of a bishop, should have the freedom of sitting anywhere in an assembly of clergy, and obtain the privileges of their honor in all things.

Furthermore, if one obtaining a position of priority should perhaps be living in another province for his own benefit, it is necessary that he should be deprived of his position of priority in every regard, so that he may be the chief of all defenders, provided he has not ceased from a permanent and industrious presence in benefiting the Church and in serving the pontiff, even before attaining to his position of priority.⁸⁴

Viewed through a wide lens, delegated authority of this nature provides an accurate reflection of papal governance around the turn of the seventh century. More than mere administrators, *defensores ecclesiae* 'were to become the Pope's personal representatives in the provincial areas, acting as his eyes and ears and implementing his wishes, usually armed with his special letters of authority'.⁸⁵ Their administrative responsibilities were extensively varied, including the overseeing of elections,⁸⁶ correcting wayward monks and secular clergy,⁸⁷ mediating in matters of litigation⁸⁸ and dispute settlement,⁸⁹ issuing ecclesiastical sentences,⁹⁰ facilitating conversions to Christianity (especially among the Jews),⁹¹ providing assistance to monks and monasteries,⁹² and caring for the indigent (poor, sick, widows, etc.) of the community.⁹³

Clearly, the defenders' role was not limited to mere physical threats or legal and financial actions. This ecclesiastical office occupied an important place, too, in the expanding hierarchy of papal legation in the fifth and sixth centuries, fitting nicely into the historical category of *legatus ad causam* with which this chapter is concerned. The context of their appointments by popes in Rome, and the evidence for their varied activity, suggests a close, personal relationship with the papacy, which reveals yet another dimension to papal representation in the early Middle Ages. Through the selective commissioning of agents to this office, Rome's interests in various churches throughout Christendom were upheld and extended.

The sum total of the defenders' legatine responsibilities is illustrated nicely in the work of Romanus, Gregory I's trusted and faithful defender in Syracuse, Catana, Agrigento, and Messina. As with any dutiful papal

representative, Romanus was expected to (and did) report back to Rome about the ecclesiastical business in his region. His occupation also involved carrying letters on the papacy's behalf, exhibiting the very basic role of messenger typically assigned to papal *nuncii*.⁹⁴ As for the extent of his ecclesiastical authority in the region(s) to which he was assigned, this activity can be understood legitimately as an extension of papal powers over the papal patrimonies. Writing about a usurpation of the title *defensor* in Sicily, for example, Romanus was charged with the responsibility of investigating diligently the case at hand, and to issue a punishment if necessary, exhibiting procuratorial powers of representation well beyond those of the common messenger.⁹⁵ Working ultimately for the benefit of the Church and its papacy in Rome, even farmers and slaves on the estates or farms in Syracuse and Catania were subject to his care. Over these territories and peoples, Romanus was invested with the authority to 'punish strictly those who are disobedient or try to be insolent', with the additional task of bringing them back to the Church's jurisdiction.⁹⁶

The message here is clear: *defensores ecclesiae* like Romanus were entrusted with safeguarding papal patrimonies.⁹⁷ In so doing, they contributed also to forging stronger connections between the papacy in Rome and the growing Christian periphery. Empowered by individualistic papal mandates, Romanus and others provided the necessary bridge between local ecclesiastical politics and a distant Rome.⁹⁸ Unable and sometimes unwilling to learn the details of individual complaints filtering into the eternal city, Gregory relied a great deal on his agents in these provinces, primarily – as his letters to defenders testify – as two-way channels of communication serving immediate papal interests. Selecting an experienced individual was of paramount importance; while instructions containing pre-determined settlements were frequently issued from Rome to the defenders, Gregory also relied on their accumulated experience in administrative affairs, which effectively alleviated the papacy from trifling in purely local affairs.⁹⁹

One might reasonably suggest that Gregory's treatment of this ecclesiastical office in fact defined legation in the early Middle Ages more generally. For just as he viewed the division of labour in 'sharing the burden' of responsibility within the Roman Church, his vision to create 'harmonious concord...out of diversity' ensured that the administration of individual offices 'may be properly carried out'.¹⁰⁰ Such centralized, bureaucratic efficiency was the hallmark of legitimate papal government, which was ostensibly taking shape well before the eighth and ninth centuries. Yet, while the terminology *defensor ecclesiae*

continued to be employed in the High Middle Ages, with expressions found in the writings of Fulbert of Chartres, Rodulfus Glaber, Peter Damian, Honorius of Autun, Orderic Vitalis, and Pope Alexander III, among other sources, the nature of its meaning had changed.¹⁰¹ It appears to have been a short-lived administrative office cultivated by Gregory the Great, shedding its function shortly after his death. Similar to other representative offices, the role(s) assigned to this particular branch of the papal machinery was subsumed into the wider category of *legatus*.

Legati vagantes

One final classification for the *legatus ad causam* is a broadly defined category of 'wandering legates' (*legati vagantes*). I am referring here, in my own terminology, to an overlooked or forgotten category of medieval papal legation that does not fit neatly into the more-rigid structure of the ecclesiastical hierarchy described above. According to the apostolic language for 'sending forth', however, early Christian missionaries resemble closely papal legates of the same period. While the former were commissioned with the express objective of preaching the Gospel, instructing the faithful, and ultimately converting pagans/infidels/heathens to the Christian faith, most did so with papal blessing and authority.¹⁰² Their commissioning was typically accompanied by a special set of instructions, much like the legatine mandate or credence letter, to facilitate and guide them in their spiritual quest to distant (i.e., foreign) lands. The extension of their powers, moreover, gives witness to certain qualities and faculties of office that resemble the contemporaneous papal use of legation. For these reasons alone, it is well worth treating missionaries as part of the larger representative category of *legatus ad causam*.

For Byzantium, especially in the early Middle Ages, missionary work exemplified the principles and methods of imperial diplomacy. Missionaries in this period embodied a post-Justinian ideal of foreign policy, which Dimitry Obolensky has described as 'a universalism derived from ancient Rome'.¹⁰³ As ambassadors to the kingdom of God and the Byzantine imperial court,¹⁰⁴ eastern missionaries 'enabled the Byzantine Church in the second half of the ninth century to convert the Bulgarians, the Serbians, and the Russians to Christianity'.¹⁰⁵ Exhibiting a clear political and religious agenda, the successful conversion of non-Christian lands effectively and significantly extended the Empire's sphere of influence.

As to the applied methods for achieving this objective, missionaries were well equipped with the essential skills of persuasion and negotiation. Prior experience in the diplomatic field proved something of an asset. It is no coincidence that the Thessalonikan philosopher and priest Cyril (c.827–869) was an experienced diplomat sent to the Arab world in the 850s–860s, well before he and the priest Methodius were commissioned to Moravia in 863 to convert the Slavic people. After their success in the Balkans, moreover, assisted greatly by Cyril's construction of the Glagolitic alphabet and use of a Slavonic liturgy, Methodius was later appointed archbishop of Pannonia (modern-day Hungary) and papal legate to the Slavs by Pope Hadrian II. As this exceptional career illustrates, experience in the missionary realm was a desirable quality for occupants to the legatine office, presenting a category of 'agents' (in this case) already well versed in the politics, language, and religion of the Slavonic peoples.

Once ensconced in the communities to which they were sent, missionaries maintained and strengthened connecting links with Rome, serving a communications role reminiscent of papal legates in any period of the Middle Ages. Notwithstanding their evangelizing incentive, their continued presence assured them a place in local institutional, administrative, and legal affairs. Distinguishing them from the temporary or short-term messenger (i.e., *nuncius*), missionaries were dispatched for the *longue durée*, whatever time was necessary to achieve the pre-determined objectives, often remaining permanently to fill a position in the newly established ecclesiastical structure. Nowhere is the extent of this participation more evident than in the *Canon of St Patrick* (preserved in the ninth-century *Book of Armagh*), where it was written that:

if any case should arise of extreme difficulty, and beyond the knowledge of all the judges of the nation of the Scots, it is to be duly referred to the chair of the archbishop of the Irish, that is to say, of Patrick, and the jurisdiction of the bishop (of Armagh). But if such a case, as aforesaid, of a matter at issue cannot be easily disposed of (by him) with his counselors in that (investigation), we have decreed that it be sent to the apostolic see, that is to say, to the chair of the apostolic Peter, having the authority of the city of Rome.¹⁰⁶

Representative powers of this sort can be found elsewhere in western Christendom for the sixth and seventh centuries. Among the many accounts in his *Historia ecclesiastica*, for example, Bede refers to the work

of Bishop Ninian and Columba among the Picts of Scotland in 565, in addition to the well-known mission of Augustine (of Canterbury) to King Ethelbert Kent in 597.¹⁰⁷ According to the letters of Pope Gregory I, Augustine in particular – as primate of Britain – was entrusted with enough authority to consecrate bishops, thereby subjecting priests to his – and by association – the pope’s (i.e., Rome’s) obedience and rule. Advising Gregory that in England ‘the harvest was great and the workers were few’, Augustine’s reconnaissance prompted the pope to send ‘more colleagues and ministers of the word together with his messengers’,¹⁰⁸ namely Mellitus (later bishop of London and third archbishop of Canterbury), Justus (later bishop of Rochester), Paulinus (later bishop of York), and Rufinianus. Employing his team first and foremost for disseminating the Christian faith, Gregory also relied on his representatives to carry letters concerning the organization of bishops in Britain (e.g., York, Canterbury, London, and Rochester) and the dispatching of the *pallium*. In a later reference to Mellitus, Bede even recounted how the bishop went to Rome ‘to confer with Pope Boniface about the needs of the English Church’; while there he attended a synod ‘in order that he might subscribe to the formal decisions and ratify them by his authority, bringing them back with him to Britain for the information of the English Churches and for their observance’.¹⁰⁹ The level of his participation demonstrates an intimacy with the Apostolic See, which personal connection gives witness also to a familiar administrative pattern of papal legation.

While never appointed in the official capacity as ‘legate of the apostolic see’, Augustine can still be viewed as a legitimate ambassador of Rome. Commissioned by the pope himself, and given a precise spiritual and diplomatic directive for foreign lands, he undertook a much larger role in England than that of a simple missionary. Here was the frontman for Roman Christianity, a charismatic figurehead whose ability and education were exploited for political and religious purposes. His success in evangelizing to the south-eastern Anglo-Saxon lands, in the kingdom of Kent, attests to the papacy’s influence taking hold in spiritual terms at least.¹¹⁰ His success in converting the Kentish ruler Ethelbert placed him in the diplomatic position between Rome and Anglo-Saxon England, as a reliable source of information between the papal court and the emerging Christian kingdoms of Kent, Sussex, Wessex, Mercia, and Northumbria. The gradual conversion of Anglo-Saxons to Christianity, moreover, invariably increased the links between Rome and this once-frontier Roman province. With the added efforts of renowned Irish monks like Columba in Iona, Columbanus, and the Synod of Whitby

in 664, the Mediterranean influence over Anglo-Saxon lands was on the rise.

Due to the novelty of the missionary tradition at the turn of the seventh century,¹¹¹ it is difficult to divorce this spiritual ‘ploughing of the fields’ from the more pragmatic duties of legation. Administratively, both may be viewed as direct extensions of papal (i.e., Roman) authority, exemplifying like-minded measures for establishing and maintaining permanent links between the centre in Rome and the growing Christian periphery. One crucial distinction, however, can be seen in the language of Gregory’s letters and Bede’s *Historia ecclesiastica*, which is not nearly as explicit as the representative terminology used by Pope Celestine, for example, who, on the papacy’s behalf (*vice sua*) in 431, sent Palladius to Scotland ‘to the Irish believers in Christ to be their first bishop’,¹¹² with the intention of correcting the Catholic faith.¹¹³ This more familiar representative expression appears also in the letters of Pope Gregory II (715–731), who entrusted Boniface (formerly known as Winfred) with the authority to impose the ‘sacramental discipline prescribed by the official ritual formulary of our Holy Apostolic See’,¹¹⁴ encouraging him to preach and convert the Rhineland Germans to the ‘true’ faith while soliciting others like Charles Martel to receive him openly as one ‘well instructed in the traditions of the holy apostolic see’.¹¹⁵ In commending this missionary figure to the German Christians in 722, the pope cited a verse commonly used in matters of direct papal representation: ‘he who receives you receives me, and who despises you despises me’ (Matthew 10:40; Luke 10:16).¹¹⁶

Building on this representative notion, Pope Gregory III confirmed Boniface’s mission to Germany (i.e., Frisia, Saxony, Bavaria): *ab apostolica sede directus* (‘directed from the apostolic see’) and *nostram agens vicem* (‘with our authority’).¹¹⁷ Much like the powers entrusted to apostolic vicars over their assigned jurisdiction, Boniface was granted the authority to ordain bishops, to invest them with the *pallium*, and to convene church councils – services performed *ex vigore apostolicae sedis* (‘with the vigor of the apostolic see’).¹¹⁸ Addressing bishops in Bavaria and Alemannia, the pope explicitly described this missionary figure as ‘our representative and vicar’, expecting the episcopacy to receive him ‘with due and appropriate honors, in the name of Christ’.¹¹⁹ Furthermore, as Gregory goes on to explain, Boniface was ‘commissioned by us with apostolic authority’.¹²⁰ And finally, under Pope Zacharias (741–752), Boniface was proclaimed ‘legate of the apostolic see’ for Gaul and Germany, ‘our personal representative’ (*apostolicae sedis legatum et nostram praesentantem vicem*),¹²¹ confirmed with a continuing authority

for establishing episcopal sees, dividing German territory into dioceses and convening church councils.¹²²

In practice, Boniface personifies the 'fullness' of legatine powers in the eighth century: he was a missionary *cum* legate, a 'legate and teacher'.¹²³ Building on the earlier work of Theodor Schieffer, Hans Ollendiek went so far as to brand him *eines legatus natus*.¹²⁴ In various epistles,¹²⁵ Boniface even classified himself as 'German legate of the Church universal, servant of the apostolic see',¹²⁶ which interpretation has led to the common historical recognition of his being 'the most important agent in the conversion of the North German tribes from paganism to Christianity'.¹²⁷ Invested with episcopal authority among the Thuringians in 722,¹²⁸ and later promoted to the newly created archbishopric of Mainz in 732, Boniface was thrust into the unique position of carving out diocesan boundaries and establishing new monasteries and churches in a northern Frankish world.¹²⁹ Commissioned also to correct the theological order in this territory, moreover, Boniface was given full powers to make decisions 'according to what you find there'.¹³⁰

Here again, the parallels with legatine duties are remarkable. As a reliable and inaugural bridge between the papacy in Rome and the Frankish kingdom, the missionary (Boniface) was conveniently situated in the midst of ecclesiastical-political relations. In an oath sworn to Gregory II and his papal successors (722), he vowed to expose 'any bishops who are opponents of the ancient institutions of the holy fathers', promising his intervention whenever possible and a 'true report to my apostolic master'.¹³¹ Whatever his activity, whether battling against heresy, canonical marriage, or the rampant problem of simony, Boniface – like every other missionary sent from Rome¹³² – was an active and effective agent of orthodoxy. Appointed to the episcopacy, moreover, Boniface represented the Roman Church in Hesse, Thuringia, and Bavaria under successive popes (Gregory II, Gregory III, and Zacharias), contributing ultimately to the establishment of sees and the ecclesiastical organization of the church in Germany. This opportunistic papal policy 'provided legitimacy to missionary undertaking'¹³³ similar to the legatine office, which was also being used by various popes to strengthen and assert Rome's position as a spiritual and political centre.

This blending of missionary with legatine work is evoked also in Bulgaria and Scandinavia. For the former enterprise, Pope Nicholas I engaged the services of Bishops Paul of Populonia and Formosus of Porto in response to King Boris' eagerness for the 'teachings of Christianity and the holy faith'¹³⁴ in his lands. These papal envoys

were first 'instructed with advice and honey-sweet teaching' before being sent on a mission to preach to the Bulgarian people. (They were accompanied by other 'suitable envoys', namely Bishop Donatus of Ostia, the Roman priest Leo, and the Roman deacon Marinus (later Pope Marinus (882–884)), who at Nicholas' request were making their way to Constantinople concerning the ongoing Photian schism.¹³⁵) The *Liber Pontificalis* relates how Paul and Formosus were welcomed by the Bulgarian king 'agreeably and with keen devotion'. And it was not long, we are told, before the 'entire practice of the Christian faith' became part-and-parcel of the Bulgarian custom. Similar to the examples above, the institutional structure of the Church soon followed, initiated on this occasion by petitions made directly to Rome demanding further spiritual instruction and the establishment of an archbishopric. Among those envoys dispatched to these lands were Bishops Dominic of Trevi and Grimuad of Bomarzo, figures whom Nicholas presumably had earmarked for the ecclesiastical office.¹³⁶ But according to a later account in the *Liber Pontificalis*, it was the deacon Marinus who made the biggest impact. Notwithstanding his commissioning by Nicholas I on a 'legateship to Constantinople',¹³⁷ the deacon's actions in Bulgaria had earned him the favour of the Bulgarian king Michael, who through his messenger to Rome asked that he be consecrated archbishop.¹³⁸ The appointment was never made, however, and the Bulgarians soon turned their allegiance to Constantinople and the Greek Church.¹³⁹

The exercising of legatine powers in Bulgaria is more vividly attested under Pope Hadrian II. At the Council of Constantinople in 869/70, the question of spiritual obedience came under fierce debate.¹⁴⁰ Were the newly converted Christians subjects of the Roman or Constantinopolitan Church?¹⁴¹ The ensuing dialogue surrounding this question reveals the realistic limitations to the Roman legation, which was confined to and instructed only on matters concerning the Photian schism. 'As we have received nothing in our instructions', one envoy reportedly said,

we decide nothing, and we think nothing should be decided, to the prejudice of the holy Roman Church; rather because your entire country is filled with our *sacerdotes*, we promulgate in a verdict, which is decisive insofar as it is within our competence, that you must belong to no other church other than the holy Roman Church.¹⁴²

That the Bulgarians admitted to the presence of Greek-speaking *sacerdotes* in their lands did not sway the Roman envoys, who argued

on principle that the ecclesiastical organization of Bulgaria belonged within the ancient and canonical jurisdiction of Dardania. Bolstering their claims further was the historic precedent established by the Bulgarians themselves, who approached the Apostolic See in Rome under Nicholas I. At their request, therefore, the missionary programme to this region was initiated and contributed ultimately to a Latin-orientated Church – or so it was argued. But again, the argument was tethered by the legates' limited operational freedoms to pronounce a final verdict on the matter. Indeed, as the Roman envoys openly admitted, proper trial and judgement was reserved to the pope alone.¹⁴³

The physical dangers of legatine travel are evinced in what transpired next. Returning to Rome, the papal envoys 'fell into the hands of the Domagoi' (i.e., the Slavs), and 'were stripped of all their goods, and of the authentic copy which had contained all the signatures'.¹⁴⁴ Anastasius Bibliothecarius mentioned how the envoys 'encountered pirates of the Sclaveni and totally lost everything they possessed, including the codex of the acts of the present synod'.¹⁴⁵ Luckily, Anastasius had taken care to transcribe the conciliar *acta* (in Greek), which dutifully secured a copy for the pope in Rome.¹⁴⁶ That the legates were expected to deliver the synodal enactments directly to Rome is reinforced by this and other accounts.¹⁴⁷ That the papacy could have anticipated such dangers is suggested by the Carolingian Emperor Louis II, whose letter to the Byzantine ruler Basil remarked how 'it would have benefitted your excellency to send them back guarded so that no attack of pirates or other wicked men had occurred'.¹⁴⁸ Pope Hadrian II confirmed this sentiment in his letter to the eastern emperor, blaming him for offering no protection against the 'swords of barbarians'.¹⁴⁹ In this latter account, incidentally, these papal agents are referred to as *apocrisarii*, demonstrating once again the loose terminology surrounding legates of various descriptions.

To Scandinavia in the ninth century, Pope Paschal I appointed Archbishop Ebo of Rheims (816–835, 840–845) as his legate to Scandinavia in 823.¹⁵⁰ Whereas very little is recorded about his mission, much more is known about the monk-bishop and missionary Ansgar, who likewise received a 'legateship to the heathen'.¹⁵¹ After being elected to the archbishopric of Hamburg-Bremen in November 831/2, thanks primarily to the will of the Carolingian emperor Louis the Pious, Pope Gregory IV (827–844) arguably sent him the *pallium* and

appointed him as his legate for the time being amongst all the neighboring races of the Swedes and Danes, also the Slavs and the other

races that inhabited the regions of the north, so that he might share authority with Ebbo the archbishop of Rheims, to whom he had before entrusted the same office.¹⁵²

Well before taking up this office, however, as Adam of Bremen informs us, Ansgar was 'indefatigably disseminating the Word of God among both his own people and others in the performance of his legateship'.¹⁵³ His biographer, Bishop Rimbert (later archbishop of Hamburg-Bremen), went on to record in his *Vita Anskarii* the reasoning behind this commissioning:

In order that Ansgar may be authoritatively established as the first archbishop of the Northalbingians, and that his successors, who strive for the salvation of the nations, may be strong to resist the attack of the evil one, we appoint our son Ansgar as our legate amongst all the surrounding races of Swedes, Danes and Slavs, and amongst all others living in those parts, whichever the grace of God may open a way, and we grant him authority to preach the Gospel openly.¹⁵⁴

This level of delegated papal authority was apparently confirmed under Pope Nicholas I, who entrusted Ansgar and his successors as 'legates and vicars of the apostolic see for all the Swedish, Danish, and Slavic peoples'.¹⁵⁵ This was a familiar action for Nicholas, who in 864 addressed King Charles the Bald to remind him that Bishop Drogo of Metz was his 'ambassador of the apostolic see in those areas'.¹⁵⁶ This honour, it turns out, was previously granted to Drogo by Pope Sergius II in 844,¹⁵⁷ which challenged and ultimately limited Archbishop Hincmar of Rheims' ability to 'judge the other archbishops or bishops and abbots of that area through the sacred sanctions of the canons'.¹⁵⁸ But as Pope Leo IV made clear to Emperor Lothar in 851, only his apostolic vicar (Drogo) held the authority to judge prelates in this region, acting as 'the pope's deputy, with power to decide higher cases according to canon law, as the pope himself would do if he were present'.¹⁵⁹ This primacy was ostensibly understood by King Charles the Bald, who in a letter to Pope Nicholas I (864) recognized Drogo as the 'ambassador of the apostolic see in those areas'.¹⁶⁰

In the wider history of medieval papal representation, *legati ad causam* were the only agents still active by the eleventh century. The apostolic vicar or papal *apocrisarius* did not survive the early Middle Ages intact, though remnants of their powers – such as the ability to judge

major cases (*causae maiores*) – were absorbed by the legate writ large. But the diversity of legatine work enabled the parallel existence of multiple representative offices, from the functionalist role of *nuncii* in delivering hand-written and verbal messages, the defender of the Church who played a vital administrative and legal role in strengthening the papal patrimonies across Italy and Gaul, to the more loosely prescribed categories of missionaries, whose itinerant wanderings exhibited an unprecedented blending of administrative and pastoral qualities. As the following chapter suggests in more detail, the plurality of this office and its application by early medieval popes required a team of skilled and trusted individuals to occupy the position.

5

On Becoming Legate

As the late English diplomat, scholar, and spy, Harold Nicolson (1886–1968), once stated: ‘It is not . . . sufficient to possess a [diplomatic] machine; what is important is [*sic*] the purposes for which that machine is employed and the spirit in which it is operated.’¹ This observation resonates as much today as for the ancient, medieval, and early modern worlds. Even with working systems, principles, and practices firmly in place, however, an office of representation is only as good as its incumbents. The plain and simple truth is that, for the office of papal legation in the early Middle Ages, its composite worth and effectiveness relied upon the papacy’s deliberate and careful selection and commissioning of personnel. In seeking the right combination of charisma, experience, and diplomatic ability among their agents, individual popes carved out a model for this representative office, appointing figures deemed suitable and qualified for the business at hand. In a Weberian interpretation, these hand-picked agents were ‘disciple officials’, individual figures ‘selected in terms of their official qualifications, status, or personal dependence’.² Whether commissioned with full or specific papal powers, acting as *nuncii*, *vicarii*, *apocrisarii*, or *legati ad causam*, their mere presence held sway in the political and ecclesiastical arena. Their activity beyond Rome and her immediate surroundings, moreover, defined the papacy’s contemporary outlook and immediate political concerns, helping to legitimize claims for Roman primacy while simultaneously fostering mutual interests with emerging Christian provinces.

Having now established the institutional backbone of early medieval papal legation, the present chapter seeks to elaborate on the rules, rituals, customs, principles, and traditions behind selecting individual legates. With this objective in mind, it asks what kind of people became papal legates in late antiquity and the early Middle Ages.³ Such

an investigation is governed in large part by a paucity of evidence, which is, for the most, part of a prescriptive nature. That is to say, historians are dependent on the credence letters extant in papal correspondence, which ostensibly confine the present examination to a set of papal-defined criteria for aspirants to the legatine office. Too often, unfortunately, almost nothing is ever known about the candidate's *curriculum vitae*; the majority of (and best) evidence comes from any remnants of his activity, but only when contemporary authors deemed these events worthy of some mention. This historical reality means that efforts to identify a legatine profile for the period require some creative thinking, seeking to discern what the papacy considered as prescriptive characteristics for legatine candidates.

In light of the close relationship between the papacy and its representatives, aspirants to the legatine office are scarcely distinguishable from those to the Apostolic See. By the time that Gregory the Great was elected pope in 590,⁴ prior experience as papal *apocrisiarius* was widely recognized by contemporaries as a platform to the papal office, 'an established stage in a clerical career'.⁵ Indeed, seven popes in the sixth and seventh centuries had gained valuable diplomatic experience in Constantinople before themselves becoming pope: Felix IV (526–530), Vigilius I (538–555), Pelagius I (555–560), Gregory I (590–604), Sabinian (604–606), Boniface III (607), and Martin (649–655).⁶ Of these seven, moreover, all were appointed *apocrisiarius* from the diaconate. From a practical point of view, this clerical group was best qualified for such representative responsibilities, an office whose very etymology implies 'giving assistance' or 'dispensing service' (*ministerium*).⁷ As Richards noted, the position of *apocrisiarius* 'demanded consummate diplomatic skill and considerable theological accomplishment if the holder was to be able to pick his way through the labyrinthine subtleties of Christological debate and the filigree intricacies of Byzantine court procedure and emerge unscathed'.⁸ Deacons also maintained, over their ecclesiastical counterparts, the distinct advantage of mobility; unlike the parish priest or provincial bishop, they were not as firmly rooted to a church (except the seven deacons of Rome) for matters of spiritual welfare, which put them more readily at the pope's disposal for long-term diplomatic appointments to the eastern half of the Roman Empire.

As for determining those eligible to the legatine office, however, the net must be cast wider than the diaconate. Given the variegated representative sub-offices at work during the early Middle Ages, appointments to this ecclesiastical office were made more generally from among the

local clergy.⁹ Despite occasional references to lay nobles and imperial officials operating alongside ecclesiastics (e.g., dukes),¹⁰ in addition to the late medieval application (post 1300s) of lay diplomats for monarchical governments and Italian city-states, the clergy continued to provide ‘one of the most fruitful sources of diplomatic personnel’¹¹ for the legatine office, offering a recruitment centre of experienced and educated agents. When Gregory the Great was selecting *defensores ecclesiae*, he drew widely on the clergy to fill the vacant positions, choosing sub-deacons, deacons, as well as bishops to populate his representative team throughout Christendom (mostly Italy and Gaul). Committing Peter to safeguard the papal patrimony in Sicily (590), the pope had ‘no doubt as to the actions’¹² of this particular sub-deacon; concerned about Bishop John of Constantinople’s claims of ‘universal patriarch’, the pope leaned on the deacon Sabinian of Constantinople, whom he described in his letter to the patriarch as ‘our common son’¹³; and when selecting a *defensor* for the patrimony of Syracuse in 591, Gregory chose the standing bishop, Maximian, entrusting him with enough authority to pronounce judgement and to settle minor cases.¹⁴

This range of candidates begs the question of whether certain clerics made for more suitable appointments to the legatine office.¹⁵ Apostolic vicars, as we know, were exclusively chosen from among the episcopal ranks, for reasons of familiarity with the ecclesiastical politics, customs, and traditions of their assigned region/jurisdiction. *Defensores ecclesiae* were likewise chosen from this rank, owing primarily to their close relationships with the pope, whose confidence in their abilities and character were seemingly implicit qualities for promotion. When Gregory sent Maximian to Syracuse, he mentioned how much ‘we have learnt from the life that you have led what we can also expect from your subsequent way of life’,¹⁶ by which he was referring to Maximian’s former career as a monk and abbot at Gregory’s monastery of Saint Andrew (*Clivus Scauri*), his time spent in the papal palace at Rome and as a personal companion to Gregory (as *apocrisiarius* to Pelagius II) in Constantinople.¹⁷ Indeed, from the letters in the papal *Register*, Maximian ranks as one of Gregory’s major correspondents (12 known letters to this figure survive).

Familiarity with the pope was paramount for aspirants to the legatine office. So, too, was the pope’s confidence in his candidate, and the aspirant’s prior experience and competency in representative and/or diplomatic roles. Taken together, these qualities make up the general profile for legates in the early Middle Ages. Due to the piecemeal nature of sources for this period and subject, however, we are left

wanting for explicit examples of the aspirant's background, education, and training, not to mention some evidence of his diplomatic conditioning and skills. Often, the greatest insight into this enquiry comes from papal correspondence, such as Gregory's many (vague) references to the 'experiences' (*experientia*) of his officials.¹⁸ Exactly what the pope had in mind is difficult to surmise, though we might infer something of the expected moral qualities for his representatives from a later letter (595) to the metropolitan Bishop Virgil of Arles, where Gregory mentioned charity, 'which through a mental image shows what is absent as present to ourselves', and love, 'uniting what is divided, putting in order what is confused, leveling what is unequal and completing what is incomplete'.¹⁹ Writing to the ex-praetor Libertinus, furthermore, this pope appealed for his assistance in ecclesiastical cases, provoked to do so because of the latter's devotion, which was already 'known' and 'experienced' in Rome.²⁰ And after the Byzantine Emperor Phocas complained about the absence of *apocrisarii* in Constantinople, Gregory nominated Boniface, whom he promoted to the diaconate for the position.²¹ In terms of identifying his character and, thus, readiness for office, Gregory deemed him 'upright in his life, faith and morality', qualities known through his 'long acquaintance' with the legate,²² who had previously performed ambassadorial activities in Milan, Ravenna, Sicily, Corsica, and Corinth.²³

This papal dependency on 'company men' makes complete administrative and legal sense. In the fourth century, Bishop Hosius of Cordova appeared as legate of the Roman see in the conciliar records of Nicaea (325), Sardica (343), and Milan (355).²⁴ As a trusted ecclesiastical advisor (from 313) and friend to Emperor Constantine for more than 12 years, the bishop's 'reputation of learning, wisdom and holiness had made him known, respected and loved in both the East and West'.²⁵ Furthermore, his previous experience surrounding the Arian controversy at the councils of Alexandria (324) and Antioch (325) more than prepared him for the main event of Nicaea, as familiar as he was with the persons and issues under investigation. In his efforts to remove dissension and evil from within the Church, even Emperor Constantine employed this legate, recognizing him (according to Sozomen) as one

honored for his faith, his virtuous life, and most approved in those former times for his confessions about this doctrine, to reconcile those who were divided on account of doctrine in Egypt, and those who in the East differed about the Passover.²⁶

In the 450s, to cite another influential example, the *apocrisiarius* Bishop Julian of Cos served as Pope Leo's 'trusted confidante'²⁷ in Constantinople, convening councils, negotiating with the eastern patriarch and Roman emperor, and settling disputes on the papacy's behalf over a numbers of years. To be sure, the permanency of this legatine position distinguishes the *apocrisiarius* more sharply from other branches of the office, but it reveals once again the importance of familiarity and trust in the selection process. This central qualification is evident also in the papacy's dealings with the Frankish kingdom in the eighth century, which shows various popes relying heavily on legates for business most troubling the Church. When Rome and her surroundings was 'subjugated by the unspeakable Lombards and their king Liutprand', Pope Gregory III sent 'the holy bishop Anastasius [of Tibur-Tivoli] and the priest Sergius [of Potentiana]'²⁸ as envoys to Charles Martel. In his call for assistance against Liutprand's successor, King Aistulf, Pope Stephen II sent Bishop George of Ostia (later bishop of Amiens) to the Frankish king Pepin, in the hopes of securing his military assistance.²⁹ This particular bishop appears occasionally during the pontificates of Stephen II, Stephen III, and Paul I (between the years 756 and 759), exhibiting a degree of continuity in the legatine office, which could only have helped in stabilizing diplomatic relations with the Franks, while also strengthening the papacy's usage of legates to northern Francia. The same can be said of Bishop Wilharius of Nomentum (later bishop of Sens) and Peter, defender of the Roman Church, who, under Popes Stephen III and Paul I, were actively quelling disputes and relaying messages between Rome and the Frankish kings about the incessant Lombard pressure.³⁰ As F. L. Ganshof rightly noted, figures such as these were 'accredited'³¹ to the Frankish kings, which secured and maintained diplomatic relations over generations.

Such appointments reveal also the innate 'Roman' quality of early medieval legates. Doubtless, this characteristic was unavoidable and commonplace in staffing the early medieval Church, when Roman claims for hegemony in western Christendom were just starting to take shape. As an isolated 'micro-Christendom' until the seventh or eighth century, Rome characteristically turned to surrounding monasteries, cities, and towns to fill its vacant ecclesiastical positions. When, however, in the last quarter of the eleventh century, Archbishop Manasses I of Rheims refused to acknowledge the authority (*auctoritas*) of bishop and legate Hugh of Die, he complained bitterly to Gregory VII about the agent's 'non-Roman' (i.e., *transalpinus*) training, which for him was

grounds for immediate disqualification from office. According to this reforming pope, however, a legate was 'anyone of whatever nationality [*gens*] on whom the Roman pontiff enjoins' a legation',³² implying a policy of inclusion. He dismissed the archbishop's claims that only those 'born at Rome, or educated from childhood in the Roman church, or promoted to some office within it'³³ were worthy of the legatine office. But the practical reality was visibly rooted in historical custom and tradition; over the course of his twelve-year pontificate, Gregory relied on only four local legates (Hugh of Die, Amatus of Oloron, Anselm of Lucca, and Altmann of Passau), making greater use of various abbots, subdeacons, cardinal-deacons, cardinal-priests, cardinal-bishops, and archbishops.³⁴ While the example of Manasses of Rheims demonstrates a great resistance to the introduction of local legates (as opposed to *legatus natus*), it reveals nonetheless an entrenched custom for choosing legates from south of the Alps, which likely takes its origins from late antiquity.

Whereas a 'Roman'/native legate implied a direct connection with the centre, so too was the indigenous (i.e., non-Roman) character a defining quality for apostolic vicars, and for good reason. Claims for primacy made by the sees of Thessalonica and Arles demonstrate an awareness already in the fifth century for securing local knowledge in ecclesiastical politics. Attempts to subjugate neighbouring sees developed into arguments over inherent rights of self-representation and governance in the Christian provinces, which can be interpreted here as attempts to limit outside interference. Throughout western Christendom in the early Middle Ages, 'Rome could not have anticipated all the local problems that the bishops in the provinces were facing'.³⁵ As Susan Wessel rightly noted for the dispute between Pope Leo and Hilary of Arles (mentioned above), 'because Rome was so ill-equipped to intervene in such matters, it is reasonable to expect that Hilary should assign himself the responsibility of administering the region'.³⁶ In other words, there was a place in the machinery of the early medieval ecclesiastical governance for legates native to a specific region.

This coveted method of autonomous government evolved also in the aftermath of early medieval missionary activity to northern Francia and England (sixth to seventh centuries), which witnessed the construction of churches that eventually (and usually) led to claims for direct and more permanent representation by established clerics, once again curbing the level of Rome's interference. As illustrated in Chapter 4, the evangelizing of figures like Cyril and Methodius to the Slavs, Augustine to England, Ansgar to Scandinavia, and Boniface to Francia, matured

into the gradual institutionalization of religion throughout these regions. Even in the early twelfth century, when Archbishop Anselm of Canterbury argued with Pope Paschal II over the rights of legation in England, he believed that this position should default to his primate see and not, as was the case, to the more distant (geographically) Archbishop Guido of Vienne in Burgundy.³⁷ What these examples suggest is a constant and conscious struggle to strengthen and maintain the bonds of unity between the centre (Rome) and the periphery.

There was good, historical precedent for such arguments. The papacy had long recognized the benefits of exploiting local knowledge to assuage the Curia in Rome, effectively alleviating the burden of Roman bishops for administering to every church in Christendom. But more often than not, 'native legates' in the early Middle Ages exercised more mundane or tedious tasks, such as when Pope Leo III sent the Saxon (from Britain) deacon Aldulf in 808 to accompany King Eardwulf of Northumbria safely back to Britain.³⁸ Similarly, once Charlemagne heard reports about a Roman conspiracy to murder Leo, he sent his nephew (King Bernard of Italy) to Rome, to 'get to the bottom of the report he had heard'.³⁹ The pope's envoys, Bishop John of Silva-Candida, the *nomenclator* Theodore, and Duke Sergius, were commissioned to accompany the imperial agent back home, with the purpose of confirming in person 'all charges leveled against their lord'.⁴⁰ While serving a representative purpose of some importance to contemporaries, legates of this sort (= *ad causam*) do not evince any obvious advantages for the early medieval papacy and its administrative capabilities.

Overall, Roman (i.e., cisalpine) candidates were by far the preferred choice for the legatine office. Despite this exclusive selection pool, they still presented a disparate representative arsenal. The papacy's dealings with Frankish kings in the eighth century in particular give witness to the varied commissioning of exorcists, archdeacons, deacons, priests, abbots, bishops, archbishops, *notarii* (notaries), *mansionarii* (church wardens), *cubicularii* (chamberlains) *sacellarii* (treasurers), *primicerii* and *nomenclatores* (dignitaries of the papal court), *defensores ecclesiae* (defenders of the Church), *viri religiosi* (religious men), and *bibliothecarii* (librarians).⁴¹ Within this representative body, however, bishops appear more frequently in the sources fulfilling legatine roles, which suggests – much like the later medieval and early modern ambassadorial practice – that 'sufficient prestige'⁴² played an important part in achieving a mission's objectives. Similar to the earlier diplomatic principles of imperial Rome, moreover, 'the rank attached to the official's post, or to him personally, could signify the degree of respect being paid

to the recipient'.⁴³ This line of thinking evokes more clearly the theory of representation presented earlier in this book (see Chapter 2), which emphasized the reception of legates in distant regions and the collective will to obey the centre in Rome.

Owing presumably to the dignity of their office, therefore, bishops were commissioned regularly on short-term embassies throughout Christendom (east and west), convening and presiding over councils, settling disputes, and issuing judgements. On occasion, even Roman bishops assumed this role, such as when Emperor Justin called on Pope John I (523–526) to form part of an embassy to Constantinople, which union of Church and State ultimately delivered Italy from the 'heretic king Theodoric'.⁴⁴ Similarly, the Gothic king Theodahad sent Pope Agapitus I (535–536) to Emperor Justinian to diffuse rising diplomatic tensions following the former's murder of Amalasuintha, daughter of the Ostrogothic king Theodoric. (What transpired at the imperial capital was the intensification of a doctrinal dispute between Rome and the bishop of Constantinople over the two natures of Christ.⁴⁵) In a well-known hagiographic case, Emperor Valentinian III sent Pope Leo I on a legation to Northern Italy in 451, charged (along with his colleagues) with the ransoming of captives from Attila the Hun.⁴⁶

On occasion, promotion to the episcopacy was a necessary prerequisite for the task at hand. Indeed, this class of legates was often entrusted with fuller powers of representation, thereby making a strong argument for the importance of episcopal rank in fulfilling legatine duties. To Queen Brunhilde of the Franks in 599, Pope Gregory I sent the recently promoted Bishop Syagrius of Autun, whose 'support of the prince of the apostles' through the *pallium* was discussed on more than one occasion.⁴⁷ When Pope Gregory II recommended Boniface to undertake missionary work in 722, for example, the latter figure operated under an episcopal oath sworn in December.⁴⁸ This personal and institutional affiliation was presumably very important to introducing this figure to German Christians, Thuringian leaders, and especially Charles Martel, in whose territories Boniface was commissioned to operate for the general welfare of the Roman Church.⁴⁹ Another case recorded in the *Annals* of Flodoard of Rheims (written 919–966) shows Damasus, legate to Pope Stephen VIII, 'ordained bishop at Rome for the purpose of fulfilling this mission'.⁵⁰ Sent to Francia in 942 and 'carrying a letter of the apostolic see to the *principes* of the kingdom and to all the inhabitants of Francia and Burgundy', Damasus was charged to ensure that 'they might receive Louis as their king'.⁵¹ While the source is not so precise as to define the extent of legatine authority, Flodoard does

mention the threat of excommunication that would befall anyone resistant, which suggests that Damasus himself was entrusted with enough apostolic authority to issue the pope's final judgement. If this is indeed the case, then it proved advantageous for Stephen to elevate this figure to the episcopacy before dispatching him on a legatine mission north of the Alps.

Moreover, what could strengthen legation more than a multiplication of papal forces? It is surely no coincidence that legates commonly travelled in small groups or teams, which only strengthened the symbol of making present Roman authority. In 786, Pope Hadrian sent Cardinal-Bishop George of Ostia and Bishop Theophylact of Todi on a diplomatic visit to England in order to confirm the privileges of primacy on Bishop George of Canterbury.⁵² In 823, Pope Paschal I sent two separate legations to the court of Emperor Lothar. The first, Bishop John of Silva-Candida and the Roman archdeacon Benedict, delivered news of the blinding and beheading suffered by the Roman *primicerius* Theodore and the *nomenclator* Leo at the Lateran palace. Later that year (November), John of Silva-Candida, the librarian Sergius, the subdeacon Quirinus, and Leo 'the master of the soldiers',⁵³ met the emperor at Compiègne, commissioned in large part to dismiss any lingering claims that the pope himself played a hand in such a cruel act, because of their loyalty to Lothar. Nearly half a century later (869), Pope Hadrian II sent Bishop Formosus of Porto (the future pope from 891–896) 'into the regions of the Gauls, to deliberate together with the majority of bishops'⁵⁴ over the disputed marriage case of King Lothar. In this matter, the pope expected his agents to report to Rome at the next Lenten synod (March 870). In the following year, Hadrian sent another legatine team north of the Alps (Cardinal-Bishops John and Peter, the Roman priest John, and the imperial envoy Bishop Wibod of Parma), who visited King Louis at Aachen before being escorted to his brother Charles at Meersen.⁵⁵ Numerous examples could be cited to reinforce the notion of legatine collaboration, though none are more relevant than the legate's leading role in the church council arena.

Indeed, bishop-legates appear frequently in the sources as participants at Frankish councils, which indicates their favoured contemporary use by the papal and imperial courts alike. In 875/6, Pope John VIII (872–882) sent Bishops John of Toscanella, John of Arezzo, and Archbishop Ansegnis of Sens to the imperial synod at Ponthion.⁵⁶ According to the *Annals of Saint-Bertin*, these agents were 'summoned' by the emperor for the purpose of convening this council (on the pope's authority), which dealt at length with securing primatial rights

for the archdiocese of Sens, in addition to hearing out a number of local complaints and appeals from various priests. In a letter read aloud to this assembly,

the decrees of the apostolic see were to be made known to the bishops through his [Ansegnis'] agency, and whatever action was taken, as and when necessary, was to be reported to the apostolic see through and account sent by him; more important and difficult cases were to be referred at his discretion to the apostolic see for its decisions and explanation.⁵⁷

Together with Emperor Charles, John's legates tried to secure obedience from the other archbishops to the primacy of Sens. To ensure this final result and reinforce the pope's command, Bishop Leo of Sabina ('papal *apocrisiarius* and the pope's nephew'⁵⁸) and Bishop Peter of Fossombrone) were dispatched to Ponthion the following month.⁵⁹

The combination of legatine and episcopal forces procured distinct legal advantages. To settle a 'serious dispute between King Louis and the *princeps* Hugh [the Great], and between Archbishop Artoldus of Rheims and [Archbishop] Hugh, who had been illicitly substituted for him in the same *urbs*', Pope Agapitus II sent his 'vicar' (*vicarius*) Bishop Marinus to King Otto 'in order to convoke a general synod',⁶⁰ which met at Ingelheim on 7 June 948. In the presence of many great prelates from both Germany and Gaul, in addition to Kings Otto and Louis, Agapitus' legate oversaw the entire council proceedings, which began by hearing individual complaints and evidence (much like the synod of Ponthion). After taking counsel,

the synod decreed, praised and confirmed that according to the meaning of the canons and the decrees of the holy fathers, the diocese of Rheims should be retained by and handed over to Bishop Artoldus, who had been present at every synod and had not fled from the judgment of the synod.⁶¹

As for the dispute between King Louis and Hugh the Great, which called for great deliberation on account of the latter's actions and his refusal to obey summons, the prince was excommunicated 'because of the evils that he perpetrated'.⁶² In all, Marinus' actions as papal legate to Germany and Gaul, bolstered by the authority of his ecclesiastical rank, provided the necessary fusion of power, privilege, and esteem in

the legal arena for discussion and dispute settlement, serving ultimately to enforce papal authority in issuing final judgement.

While a clear legatine model is beginning to emerge from the evidence, the variation in commissioned duties suggests once again the individual nature of business as the most accurate measure for understanding the suitability of legatine candidates. A glance at the *Codex Carolinus* (compiled in 791), a collection of 99 papal letters to Frankish kings spanning the pontificates of Gregory III (731–741) to Hadrian I (772–795), illustrates nicely the papacy's exclusive use of Italian prelates for matters concerning the church in Italy. Mention of legatine activity in the correspondence, moreover, follows a recognizable pattern of commendation and introduction to the recipient (i.e., Frankish kings), paving the way for their reception north of the Alps, while confirming the legate's legitimacy as representative to the Apostolic See.⁶³ In all, these letters demonstrate a universal early medieval practice of sending and receiving legates (*missi*), establishing and maintaining permanent lines of communications between Rome and the Frankish court through letters and oral messages, while emphasizing once again the 'Roman-ness' of legatine appointments and missions. As Pope Hadrian explicitly stated to Charlemagne in 790–791, writing about the problem of simony in parts of Italy (among other matters), 'all things' are known through legates (*legati*) and letters (*epistolae*).⁶⁴ The latter's role in Frankish-papal politics was as crucial in the day-to-day business of the Roman Church as it was for notifying the king about successors to the papal throne, sending envoys to present Frankish rulers with symbolic gifts of friendship and alliance.⁶⁵

In other words, the legate's true worth depended more on his commissioned authority (*vicis*) and the purpose of each mission. While bishops appear more active and, thus, favoured, the reality is that they shared the burden of papal representation with their colleagues. From Rome's perspective, all legates were of equal standing, commissioned as direct representatives of the pope with individual authority and responsibility. Likewise, from a theoretical (i.e., Weberian) perspective, the papacy's authority in distant Christian provinces was qualified through the agency of its legates – whoever they might be, whenever and wherever they might be appointed. While charismatic individuals could assist in projecting that authority to varying degrees, it was the 'corporate' dimension of legation that upheld the overall order, 'in spite of the fact that the specific individuals whose action is oriented to the order in question, may have been completely changed'.⁶⁶ According to Pope Gregory I, who committed the subdeacon Peter to the province of Sicily

in 590, Rome's authority was 'represented through the man entrusted with it, where we cannot ourselves be present'.⁶⁷ While the transference of power to this particular clerical grade needed justification by later medieval canonists,⁶⁸ it was seemingly common practice in the early Middle Ages. Popes exploited their available arsenal; as those in charge of recruiting and commissioning individual legates, they understood well the significance of rank and the possible limitations associated with each clerical office. Whereas bishop-legates can be seen convening and presiding over councils, the first recorded legate in early medieval England was John, arch-cantor of the church of the holy apostle Peter and abbot of the monastery of Saint-Martin in Rome, whose attendance and participation at the council of Hatfield (680) (which tackled the issue of monothelitism) helped disseminate the rulings from the 649 Lateran synod at Rome.⁶⁹ According to Bede's *Historia ecclesiastica*, Pope Agatho sent this legate to 'make careful enquiries about the faith of the English Church, and to report on it when he returned to Rome',⁷⁰ relying solely on this figure to inform him on the 'state of the Church in Britain as well as in other provinces'⁷¹ – duties and responsibilities of great importance to the Roman Church. Along these same lines, in 774, Pope Hadrian I sent the *cubicularium* Anastasius to Charlemagne, seeking his assistance against a recalcitrant archbishop of Ravenna. Attempting also to secure protection for the papal patrimony of the Pentapolis, the pope entrusted this Roman agent *nostra vice* to explain the situation *in ore*,⁷² illustrating that clerical ranking could be a secondary consideration to the entrusted papal powers and the purpose of each legatine commissioning.

Given this reality, the customs and traditions for becoming legate seemingly outweigh the individual qualifications. Few contemporary accounts are as explicit as Gregory I's letter to Vincomalus, who was appointed *defensor* after satisfying the conditions of his not being 'liable on any condition or to any person', 'a cleric in another city', confirming too that 'the status of canon law' was not against him.⁷³ Over a century earlier, when describing the 'helm' entrusted to Bishop Anastasius over the see of Thessalonica, Pope Leo I likewise tells us something about the level of experience necessary to assume this office, and the expected morals and behaviour for maintaining it. Anastasius was instructed to follow the canons with regards to anything that obstructs discipline, to respect divine law and preserve the decrees of the canons, to consecrate bishops according to the 'merits of their lives and their clerical rank', and to 'make a careful assessment of those who are to be ordained'.⁷⁴ Furthermore, the pope expected consultation from his

legate before decisions about ordination to the episcopal rank were made, as a safeguard measure to ensure 'mature decisions'. By upholding this alleged standard of representative practice, Leo demanded (and expected) close contact with this apostolic vicar, following 'in line with the tradition founded of old and the reverence owed to the apostolic see'.⁷⁵ In all cases, it can easily be imagined that the pope transferred his authority willingly to persons of merit, figures like the missionary Boniface, who – like all medieval legates – was 'well instructed in the traditions of the Holy apostolic see'.⁷⁶

To summarize, aspirants to the legatine office were customarily poached from among the high clergy; in selecting individual legates, the papacy exhibited an obvious and sensible penchant for recruiting from the episcopacy; individual popes, moreover, clearly favoured ecclesiastics most familiar to them, in whose abilities and qualifications they confided. However, this selection process for becoming legate also raises some important but unanswerable questions. Did prior experience in diplomatic relations reflect a desirable level of maturity in office? Does 'experience' in this sense imply an expert knowledge of local or regional political and religious affairs? Pope Leo's reference to 'mature decisions' may indeed reflect some desirable characteristics, but we are left imagining the variation between candidates to this office. As a relevant consideration in choosing popes today, it could be asked whether the aspirant's age ever figured into the selection process. (Reports of Hosius of Cordova's advanced years suggest that experience and reputation preceded any such concerns.) In addition, how crucial was the candidate's pedigree, namely the rank, see, family, and/or educational background from which he was elevated to the legatine office?

As for what skills these legates brought to the position, their command of canon law was universally assumed, which tells us something – however inadequate – about a legate's education and training in the early medieval Church. Because a majority of legatine business involved matters of litigation, such as dispute settlement and negotiation, not to mention the proclamation and dissemination of decrees and the issuing of sentences in a conciliar setting, some experience with the law was crucial to the efficient governance of this ecclesiastical office. Prior experience in diplomatic affairs, which doubtless encompassed sufficient and suitable rhetorical and oral skills, should not be considered mutually exclusive from the exercising of law and execution of justice. Indeed, the right measures of temperance and moderation proved to be fundamental qualities in the business of political and legal negotiation, though we are left guessing at the extent each candidate possessed. Gregory

the Great's defender in the Campania, Anthelm, to cite one example, was charged over and over to 'take pains to learn the truth' of various charges 'with a detailed investigation and examination', in order to 'hasten either way to punish the sin or relieve his innocence'.⁷⁷ In the case of Bishop Marinus (mentioned above), references to rules, canons, divine authority, and decrees of the Holy Fathers and church councils (e.g., Carthage) accompany a discussion of the litigation procedure necessary to provide justice and obey ecclesiastical judgement.⁷⁸

Thus, for those desirous of becoming papal legate in the early Middle Ages, promotion to office depended primarily on experience and the business at hand. What remains largely unknown is the time and energy invested in recruiting suitable candidates and the candidate's possessed skills, popularity, or influence in politics. As there appears to have been no 'statutory requirements' for the election of papal legates and 'no minimum stipulation of rank or attainment'⁷⁹ – just as in ancient Greece – the selection field was wide open. In his own way, each pope borrowed and/or contributed to the customs, practices, and traditions for choosing legates, thereby gradually formalizing and bequeathing a standard of office. To understand fully their exercising of powers once in office, however, and the growth of these powers throughout the early Middle Ages, we must turn to two chapters to examine the legate's legal status (Chapter 6) and conciliar activity (Chapter 7). As will now be argued, it was the combination of delegated powers and the application in the church council arena that gives witness to a significant period of growth in the history of medieval papal legation.

6

The Right of Legation

‘The investigation of legation,’ as John Perrin astutely noted,

is in fact an investigation into the nature of power, the transfer of power to another, and the legal limitations placed on the delegator and on the delegate. This scrutiny touches on the questions of who holds power and how it is held, what that power is, and what it can do. It also touches on the questions of who else – if anyone – holds power, under what circumstances, and to what degree.¹

In explaining this diplomatic practice and its institutional history – a subject interpreted here as the ‘right of legation’, medieval canonists drew primarily from the authority of papal decretals, which culminated in the treatment of the legatine office (*De officio legati*) in Gregory IX’s *Liber extra* (1234).² As a direct result of this material, thirteenth-century commentators began distinguishing more clearly between categories of legation and power, which consequently became ‘firmly set by law’.³ Indeed, the complexity of historical views on the subject for the Middle Ages owes almost exclusively to canonistic scholarship of the twelfth and thirteenth centuries.⁴ The only detailed scholarly work in this field remains Robert Figueira’s impressive doctoral thesis (1980), which pieces together a growing body of canon law collections and their subsequent glosses and commentaries. Examining the work of decretists and decretalists like Johannes Teutonicus, Bartholomeus Brixienensis, Bernard of Parma (*Glossa Ordinaria*), Hostiensis (*Summa aurea* and *Commentaria*), William Durantis (*Speculum iuris*), Bernard of Pavia (*Summa decretalium*), Huggucio (*Summa in Decretum*), Innocent IV (*Apparatus*), Paucapalea (*Summa*), Master Rufinus (*Summa Decretorum*), and

Gregory IX (*Liber extra*), Figueira has successfully (re-)constructed a comprehensive theoretical model for the late medieval papal legate. By spanning the breadth of classification, immunity, jurisdiction, province, authorization, reception, supervision, Roman legal concepts, 'fullness of power', 'share of responsibility', and much more, this impressive doctoral work reveals the contemporary outlook of twelfth- and thirteenth-century canon lawyers. It is during this period that 'legation', as it has been treated and defined throughout this book, became professionalized and formalized in law and legal terminology.

There is great merit in reviewing this later canonistic material, especially where it helps explain the foundations of papal legation and its practice ('right') in the early Middle Ages. Canonistic commentary on this subject is understood as paralleling the 'actual history of the institution itself, in that it represents a process towards sharper clarity of terminological definition, greater specification of particulars, and more sophisticated scrutiny of problems in analysis'.⁵ What this understanding means is that later legalistic thought on legation, while chronologically well beyond the scope of this book, opens yet another window into the early medieval notion of its institutional history. Indeed, it is reasonable to suggest that twelfth- and thirteenth-century theory was a *post factum* explanation of earlier legatine practice. Yet, as Figueira recognized in his study 30 years ago, this material 'cannot accurately inform us as to the true historical nature of legations during the pontificates of those early popes whose letters these texts purport to be'.⁶ In truth, the legal concepts and terminologies formulated in glosses and commentaries may furnish the best-known 'medieval' notion of legation, but they were only in their embryonic stages of development between the fourth and eleventh centuries.

The present chapter, therefore, examines the right of legation through the diplomatic practice of commissioning legates. By focusing specifically on the formalized and written introductions to their authority and jurisdiction in any given region, it seeks a more nuanced synthesis of this fundamental legatine practice for the early Middle Ages.⁷ In addition to explaining the reasons of office, these 'credence letters', 'mandates', or *commonitoria* outline the expected duties and responsibilities commissioned to individual legates, general features that often reveal important details for defining the working parameters within which papal (i.e., Roman) authority was being exercised from the centre to the periphery.⁸ In viewing this customary practice as a further extension of papal authority and jurisdiction and a mechanism of communications and government, moreover, this chapter considers the commissioning

and reception of Roman (i.e., papal) power in order to furnish some understanding of exactly what legates were being asked to do.

In the Middle Ages, as today, introductory or 'credence' letters helped to connect two parties, whether between governments, churches, or individual courts or figures. First and foremost, this formal exchange provided the necessary diplomatic accreditation for the commissioned, though the action itself tells us very little, if anything, about the communication or exchange that occurred beforehand. Whereas the modern-day ambassador is designated through negotiations pre-determined by heads of state, the early medieval papal legate was more often used as the first and/or intermittent means of contact between the papacy in Rome and a designated party. Significantly, the credence letter in this scenario served to introduce an individual on the papacy's behalf, sometimes by name and rank, and often harking back to the authority of Rome and St Peter to which the legate owed his delegated authority and jurisdiction. In other words, its presentation in person was more than mere ceremony. Until the physical presentation of the missive, the legate embodied powers akin to the average envoy or messenger. But upon receipt and acceptance of the credence letter, the legate assumed the fullness of power and jurisdiction invested in him before his departure from Rome. Thus, in short, commissioned entirely to act on the pope's behalf, the legate's jurisdictional authority ripened only upon reaching his pre-determined destination, and only once formal recognition had been granted by the constituents.

Dispatching legates with credence letters was thus a medieval commonplace, in both ecclesiastical and secular contexts. Finding elaborate or even explicit examples of this practice for the early Middle Ages can prove challenging, but it is possible to reconstruct and interpret elements of the custom from extant sources. The letter (*littera, tomus, commonitorium*) was a diplomatic tool used for formal introduction and entry into foreign territories and distant secular courts. According to Justinian's *Codex* (1.15.1), the Roman emperors Gratian, Valentinian, and Theodosius decreed that

where anyone asserts that he comes with our secret mandates, all persons are hereby notified that no one shall be believed unless he proves his statement by documentary evidence, nor let anyone be intimidated by his rank, whether he holds the office of tribune, notary, or count, but he must be required to produce our sacred letters.⁹

In accordance with this earlier imperial protocol, the canonist Gratian recorded in his twelfth-century *Decretum* that 'it is not the custom of the Roman Church to receive a legation from whatsoever source without sealed letters'¹⁰ (rubric), a restriction which presumably applied to both secular and ecclesiastical sources. The consistency of this official recognition, linking imperial and medieval Rome, suggests an established reliance on formalized *litterae*, production of which regularly and expectantly facilitated diplomacy and political communications between the centre and periphery throughout the Middle Ages.

There were occasions, however, when this rule could be (and was) relaxed. According to an account found in the *Collectio Tripartita* and Gratian's *Decretum*, Pope Nicholas I allegedly described to the ninth-century Carolingian emperor Louis II, in what must be considered an exception to the rule, his reaction to an envoy who arrived at Rome without the expected paraphernalia for accreditation.¹¹ In this particular case, however, the pope nevertheless accepted at face value the envoy's assertions (*viva voce*) to be true, despite the absence of any recognizable credence letter from Louis. One suspects that Nicholas' willingness to overlook such a diplomatic commonplace was indeed a rare occurrence, a privilege extended only to select and influential secular rulers in medieval Christendom. One wonders, too, based on a record in the contemporary *Annals of Fulda*, whether the said envoy was in fact Abbot Thioto of Fulda, whom Louis sent to Rome in 859 with the express purpose of explaining 'his actions and if possible to bring back their [Emperor Louis' and Pope Nicholas'] replies to the meeting agreed on'.¹² As this northern monastic record further attests, the abbot 'was received honorably by them, and was able to clear the king's name by giving a reasoned explanation of what had happened the previous year'¹³ – a clear reference to Louis' planned invasion of his brother Charles' territories. In all, owing primarily to the prestige of the sending party, which was acknowledged and honoured through his messenger, Pope Nicholas received the emperor's envoy 'as was fitting and gave credence to him as was honest'.¹⁴

Later canonistic views on this subject imply the infrequency of such papal leniency. For Huggucio in the late twelfth-early thirteenth century, if any legate proved unable to secure a credence letter – for whatever reason – this lacking accreditation was considered detrimental to his ability to 'define or institute anything'.¹⁵ In other words, according to this considered legal elaboration, while the legate *sans lettre* was owed a measure of respect, honour, and hospitality due to the nature of his

office and sender – a privilege that presumably fluctuated according to his rank and position – he could not carry out his commissioned tasks or exercise full powers or jurisdiction without an accompanying piece of parchment. It is, thus, reasonable to assume, moreover, that a papal legate without a letter conferring his authority would never have expected to be acknowledged elsewhere.

By the letter of the law, there were no exceptions to this rule. Such a strict interpretation serves to emphasize once again the physical importance and recognized formality of written communications in medieval papal diplomacy, as a necessary and expected precedent to the verbal broadcast. Indeed, failure to recognize or honour the credence letter could compromise the mission, a reality demonstrated at the Council of Constantinople (869/70), which convened to examine the Photian schism. At this meeting, Emperor Basil I greeted Pope Hadrian II's legates in the throne room known as the Golden *Triclinium*, where they presented him with apostolic letters, which were received and followed 'systematically' by inquiries on the health of the Roman Church. In accordance with diplomatic tradition and protocol, the emperor formally greeted and 'kissed the envoys amiably upon their arrival to the imperial city, thereby giving them leave to present the apostolic mandate to Ignatius the patriarch'.¹⁶ This mandate, we are told, was translated from Latin into Greek and shown to everyone present in the assembly. Only when satisfaction was given to this papal document was Photius brought into the synod for examination. The council's 10 sessions were dutifully recorded by Hadrian's legates before being passed to Anastasius Bibliothecarius for his approval. However, noting that the full text of their mandate had not been joined to the synodal acts, as expected, the legates ultimately refused to subscribe to the council proceedings, which led, over subsequent decades and centuries, to a debate on its ecumenical validity.¹⁷

As for the variety of legatine commendations, these must be examined and interpreted according to individual purpose. For the early church, credence letters were generally directed towards large groups of provincial clerics, though the number of examples is sparse for the first four centuries A.D.¹⁸ A typical credence resembled that addressed to the bishops of Antioch, in which Pope Marcellus (306–308) mentioned his deacon Boniface, through whom a letter (*littera*) was sent admonishing all in this eastern ecclesiastical province to tear down that which produces evil, correct evil deeds, and imitate Roman statutes and examples in all things (JL †160).¹⁹ The nature and essence of this missive presumably resembled the pope's own record, which went on to emphasize

obedience to the primacy of Rome, the legitimacy and historical tradition of apostolic succession, and the duties, responsibilities, and inherent powers of bishops in convening councils, for example, or issuing excommunications – essentially legitimizing through affirmation the centralized church administration at Rome.

Were it not for such accompanying papal letters, it must be said, the reason for legation would go relatively unnoticed in the sources. The dearth of evidence on this subject is hardly surprising, especially given that legations served to relate *viva voce* the pope's message, charged with the task of elaborating on what was written down. When writing to Oriental bishops, the Roman Pope Liberius (352–366) dispatched Fortunatus (*frater noster*) to Emperor Constantius II (r.337–361), supplying him with a message of his consent and support for an ongoing dispute over Nicene orthodoxy (JL †207).²⁰ Little more needed to be said on parchment that could not be conveyed to the emperor in person, rendering such terse references to papal representatives as seemingly typical of early (i.e., late antique) credence letters. Indeed, the absence of specificity suggests an implicit culture and procedure of representation, whose context was conveyed primarily through public ceremony and enactment, where 'ritual, oral, and written forms of communication and memory mutually reinforce each other'.²¹ The formulaic character of these credence letters likewise reveals a diplomatic tradition reminiscent of the *Formulary of Marculf* (compiled in the seventh century), where the symbolism and ritual of political communications took precedence over the individual legislative and constitutive meaning for sending legates.²² In other words, the formalized behaviour and custom of commissioning legates with letters of introduction was pre-determined by contemporary political culture, structures of communication, and 'rules of ordinary social interactions'.²³ Scholars of literacy and oral communications would rightly consider these letters normative administrative texts, whose practical value was interwoven in, and measured by, the contemporary socio-political context.²⁴

Given its integration throughout the early Middle Ages, there is no reason to think that contemporaries were limited or confused by this legatine practice, which served as a prefatory ceremony to the official business at hand. When further explanation was deemed necessary, it was provided. Early medieval popes, for example, were slightly more forthcoming with details when commending their representatives. According to Augustine of Hippo, when Pope Melchiades (311–314) became embroiled in the Donatist controversy that consumed North Africa in the early fourth century, he sent an unspecified number of

deacons with letters (*litterae*) to Emperor Maxentius (r.306–312), the praetorian prefect, and the prefect to the city of Constantinople.²⁵ The purpose of their commissioning, we are told, concerned the restitution of Christian property, which had been seized under the persecutions of Diocletian one decade earlier. Similarly, reporting in 378 to Emperor Theodosius about a council in Aquileia, which convened in part to deal with the problem of Arianism, reports of dissent in the church of Antioch, and the restoration of ‘Catholic’ order in Alexandria, Pope Damasus likewise directed some legates (*legati*) to the imperial capital.²⁶ Their main objective in this latter case was to gain an imperial audience before returning home with Theodosius’ consent for the conciliar decisions already reached.

As these few examples attest, the credence letter could serve more than a mere introductory function. It served also to remind the subordinates to whom it was addressed of the authority from which the specific legation was born. On occasion, this delegation of powers translated into a broader explanation of ecclesiastical duties and responsibilities. In a letter to the Frankish queen, Brunhilde, for example, Pope Gregory I commended her ‘Christian values’ and asked ‘on behalf of the love of Saint Peter, the prince of the apostles’ that she support the priest Candidus – ‘he bears this letter, and with it a miniscule patrimony’.²⁷ To King Childebert of the Franks, Gregory explained that Candidus had been sent to govern this patrimony, for fear that it might go neglected otherwise. Thus, he continued, ‘we recommend him in every respect to your excellency, after sending ahead a welcome address with fatherly love’.²⁸ As for any elaboration on the character of his patrimonial and ecclesiastical responsibilities, these were only generally implied. To Brunhilde, it was mentioned that Candidus was commissioned to ‘help the expenses of the poor’²⁹ – a common role for defenders of the Church in Gregory’s time. To Childebert, furthermore, the pope appealed for the king’s assistance in this patrimony through means of secular justice. In both cases, the expectation for support on behalf of the Roman Church is assumed.

The capacity for such letters to explain, to seek permission, and to secure cooperation should not be underestimated. The degree of justification impelling individual legations was presumably commensurate with contemporary notions of gravity and expediency. Take, for example, four legations commissioned by Pope Leo I in the mid-fifth century. In a letter to Emperor Pulcherius, this pope referred to the commissioning of two legates, Bishop Lucentius and the priest Basilius, whom he hastened to send to Constantinople with his theological position on

Christ's nature in the ongoing Eutychian controversy.³⁰ Writing with more detail on another occasion, Leo mentioned two figures commissioned with his authority (*vicis*) to Emperor Marcian: the Roman priest Boniface and Paschasinus, a bishop from Sicily.³¹ Accompanying these legates, who were explicitly enjoined in this missive to act on the pope's behalf in convening a synod, were credence letters intended for the emperor in Constantinople. It was hoped, as Leo concluded, that his chosen representatives would be received in the imperial city and given every possible assistance in meeting their pre-determined objectives. The same expectation surrounds the second council of Ephesus in 449 ('Robber synod'), to which Leo equipped his three legates with a *tomus* addressed to Emperor Flavian, with the intention of its being read aloud and accepted by the council.³² Similarly, when Leo I sent two legates to Emperor Marcian in Constantinople in 451, he commended them 'to the favour of your piety in all things that are to be done', empowering them to act on his behalf with a portion of solicitude.³³ And finally, even more information surrounds the various legations of Bishop Julian of Cos, whom Leo favoured above all others for exchanges between Rome and Constantinople during the 450s. Writing again to Emperor Pulcherius, and distinguishing this example from the others, this legate's representative qualities and powers were outlined in written form, which suggests a heightened formal measure intended to ease Julian's reception into foreign and potentially hostile territory. By delegating his own authority (*vicis*) to Julian, and referring explicitly to this transference of jurisdiction in his letter, Leo was here empowering him to act as an itinerant judge of the Apostolic See. Reminded also to follow the traditions of Catholic faith, always in accordance with ecclesiastical discipline, and acting in part through the bishop of Rome's solicitude, Julian was thus commissioned to the eastern half of the Roman Empire in order to benefit the universal Church and offer his assistance where it was deemed necessary.³⁴

Notwithstanding its formulaic and pastoral tone, this particular commissioning reveals the nature and inherent powers of early medieval legation. Asking the emperor to confide in Julian's sincerity and faith, Leo explained that his legate's powers were delegated to act against the 'heresies of our time', for the custody and peace of the Church, and the concord of Catholic unity.³⁵ Fundamentally serving to introduce this legate wherever he was commissioned, this letter epitomizes the full thrust of legatine authority for the fifth century. Harnessing the entire range of representative vocabulary and expression, moreover, Leo ultimately empowered his legate with a share of

responsibility in matters of faith, giving witness in this and other cases to an exceptional and unprecedented delegation of papal powers and responsibilities.³⁶

Yet, these fifth-century examples should not be treated as standard, simply because not every credence letter explained the powers of legation in such detail. All too often the intricacies of legatine introduction, jurisdiction, and power are glossed over in extant sources, qualities of office seemingly taken for granted. What remains are majority pithy and partial accounts of individual legations; unanswered is the question of their reception and contribution to legitimizing papal authority in the distant Christian provinces to which they were sent. How did Emperor Anastasius I (r. 491–519) react to the arrival of Bishops Cresconius and Germanius, for example, two Roman legates sent by Pope Anastasius II (496–498) to examine the ongoing Acacian schism (484–519) afflicting the eastern Church.³⁷ The considered measure of diplomacy and historical knowledge necessary to investigate this sensitive religious dispute can only be imagined. As the pope explained, these Roman legates were intended to recapitulate Rome's theological position on the schism while simultaneously extending a conciliatory gesture to Constantinople. (Apparently, these legates were accompanied on their mission by a senior Roman senator, Festus, whose purpose in Constantinople was to gain imperial recognition of the Ostrogoth, Theodoric, as king of Italy, though Anastasius's letter is not concerned with ulterior motives.)

While the descriptive evidence is often limited, credence letters nevertheless served to specify the legate's mandate. Written authorization combined the formalities of introduction with the reasons impelling a legation in the first place, thereby linking the missive more directly to the commissioned duties, responsibilities, and powers of individual legates. For Pope Hormisdas (514–523), his legates' operational boundaries on the ongoing subject of monophysitism were clearly delineated in a letter to Emperor Anastasius. Sending Bishops Ennodius of Pavia and Fortunatus of Catania, in addition to the priest Venantius, the deacon Vitalis, and the notary Hilary, to Constantinople in 515, the pope explained via his representatives

the Roman minimum conditions for a restoration of peace: recognition of the Council of Chalcedon and of the pertinent writings of Pope Leo by the Emperor and the bishops of the East; condemnation of Nestorius, Eutyches, and their adherents, including Acacius; signing of the *libellus*, the *Formula Hormisdæ*, and treatment of the cases of the deposed or exiled bishops before a papal tribunal.³⁸

These legates were given full authority to negotiate a settlement, though they had little success in promoting the pope's wishes on this occasion.³⁹

In his determination to reach a pre-determined settlement, he put in place adequate provisions to ensure smooth negotiation. In a lengthy letter to his legates about their commission, Hormisdas provides one of (if not *the*) most explicit and detailed credence letters for the early Middle Ages. It is well worth paraphrasing the pope's instructions here, as they reveal a considered sequence of procedural events and diplomatic expectations, with anticipated scenarios and imperial responses. For this unique exchange, the legates were provided with answers to a variety of possible scenes, which suggests the importance of rehearsing and experience in diplomatic negotiations of this variety. Upon delivery of the papal letters, the legates were told to greet the emperor formally, asking him in the name of the apostles Peter and Paul for his assistance in restoring goodwill and faith to the Roman Church.⁴⁰ If the emperor queried their *ordinem legationis*, they were told to reference an ancient charter. If the formal presentation of written and oral mandates proved insufficient for whatever reason, the legates were instructed to commend (and pander to) the emperor's piety, reminding him of his constant willingness to accommodate the papacy in its pursuit of ecclesiastical unity, all the while humbling and ingratiating themselves in his presence. That these papal agents were balancing between recognizing the imperial solicitude and asserting Roman primacy is explicit. If, on the other hand, the information contained in the credence letters was deemed sufficient, then the legates were to proceed with announcing their mandate – the information revealing the exact purpose of their legation.⁴¹

It is clear from this correspondence that Hormisdas anticipated very little opposition, evidently considering the Roman position as carrying enough authority and historical precedent. The pope's confidence notwithstanding, he made certain to arm his legates with specific responses to possible imperial questions – answers intended to quell any opposition while ultimately delivering the intended papal outcome.⁴² That result, as this credence letter explains well, was to convince Emperor Anastasius through rational argument that the unity and orthodoxy of the Christian faith depended on his final decision. A complementary pairing of legates and credence letters was thus intended to expedite a desirable resolution, an expectation evident again in 517, when Hormisdas sent two legates (Ennodius and Peregrinus) carrying letters intended for the patriarch of Constantinople and other eastern bishops.⁴³ Not until 518, however, under the new rule of Emperor Justin I (518–527), was a settlement ever reached. As before, the legates

dispatched to Constantinople in 518/519 brought with them a provisional conclusion for peace, in addition to letters designated for the emperor and the eastern patriarch.⁴⁴ Significantly, the authority in this case rested not solely with the legates commissioned by Hormisdas, but also on the *libellus* accompanying them.⁴⁵ Seeking that all bishops reconcile with the Apostolic See, it was acknowledged that Rome's position was recorded in writing for all to see. For both the sending and receiving parties, it was crucial to verify that nothing *extra iudicium ecclesiasticum*⁴⁶ was being pronounced, nothing contrary to canon law or the universal Catholic faith.

For Pope Gregory I, credence letters served the additional value of instructing and guiding legates in operational matters. Writing to the bishops of Sicily in the very first letter of his *Register*, the pope leaves little doubt as to the operational freedom of his appointed representative: the Roman sub-deacon Peter. Referring to a precedent set by his papal predecessors, Gregory considered it 'very necessary that we should commit all your [Sicily's] affairs to one and the same person, and that our authority should be represented through the man entrusted with it, where we cannot ourselves be present'.⁴⁷ With the utmost confidence and administrative vision, Peter was commissioned within 'the whole patrimony of our Church'⁴⁸ (i.e., Sicily). In a letter to the bishops of Gaul, this pope commended Bishop Virgilius of Arles as his vicar. The pope seized the opportunity of this letter to pontificate on the universality of the Roman Church, declaring that 'while inferiors show reverence to the more powerful, and the more powerful bestow love on their inferiors, one harmonious concord may be created out of diversity, and the administration of individual offices may be properly carried out'.⁴⁹ Returning to the matter at hand, Gregory continued his correspondence by elaborating on the materializing notion of ecclesiastical delegation and associated powers:

And so because every single duty is fulfilled beneficially when one person has been put in charge as its final arbiter, for that reason we have perceived it to be opportune, in the churches under the rule of our most excellent son, King Childebert, following the ancient custom, to attribute our vicariate to our brother Virgilius, bishop of the city of Arles, so that the integrity of the Catholic faith, that is the four holy synods, may be preserved by attentive devotion and with God's protection. If some disagreement should perhaps arise between our brethren and our fellow-bishops, he should settle it with the vigor of his authority and discreet moderation, using of course his vicariate of

the apostolic see. We have also charged him, if such a contest should arise over certain cases, required the presence of others, he should call together a reasonable number of brethren and our fellow-bishops, and discuss and define it with canonical integrity, while preserving equity, which is an advantage. But if some disagreement should happen to arise over a question of faith (may divine power keep it well away), or if a matter should emerge over which there might perhaps be some serious doubt, and he should need to consult the judgment of the apostolic see because of its importance, then he should examine the truth with more diligence, and with his report be keen to bring it to our attention, so that it can without doubt be terminated by us with a suitable sentence.⁵⁰

A number of conclusions can be drawn from this exceptionally rich example. First, the legate (i.e., apostolic vicar) to Arles was invested with enough authority to settle disputes, with deliberate reference here to the 'vigor of his authority' and 'discreet moderation' in pronouncing judgement. Second, the powers commissioned to Virgilius were sufficient to convene his fellow bishops in Gaul in the universal pursuit of canonical integrity and equity. (The powers invested in the vicar for convoking councils will be given separate treatment below). And third, it is significant that the only limitation to the legate's powers concerned matters of doctrine or faith, which were to be referred to the Apostolic See in cases of 'serious doubt', though some opportunity was given for an investigation and localized discussion before a considered report was to be sent to Rome. We can only imagine in such cases that the more progress that could be achieved first in distant Christian provinces like Gaul, the more expedient and considered the decision would be from the centre in Rome. Thus, overall, this particular sub-office of legation (apostolic vicar) was commissioned to operate with full powers and jurisdictional freedom in almost all cases affecting the Roman Church – a significant development in the delegation of papal responsibilities from the centre to the periphery.

This practice of sending letters and legates continued unabated in the eighth and ninth centuries as an effective and customary means to establish and maintain effective communications between Rome and the Christian provinces. Writing to Pepin III about the long-standing Lombard pressures on Rome and her surrounding countryside, against which Byzantine emperors had failed to mobilize any military support, Pope Stephen II (752–757) sent a lengthy epistle with a small team of legates.⁵¹ Bishop George of Ostia, Abbot Warneharius,

and Count Thomaricus were henceforth commended to the Frankish king and tasked with relaying the message of Rome's suffering, grief, and desolation *viva voce*.⁵² In this and other cases, the legates facilitated a direct line of communication with secular rulers, which undeniably proved vital for eliciting the latter's support in times of crisis. This political agenda seems clear under Pope Stephen III (768–772), who commissioned the legates Peter (a Roman priest) and Pamphilius, defender of the regional Church of Rome, on more than one occasion to the Frankish kings, Charles and Carlomann.⁵³ Writing c.770/771 disapprovingly about the arranged marriage between Charles and Gisela, daughter of the Lombard king Desiderius, which alliance greatly offended the Roman Church, the pope directed his representatives with formal complaints, seizing the opportunity also to relate to Frankish ears a brief summary of Lombard grievances against Rome.⁵⁴ According to the *Liber Pontificalis*, Stephen 'took great care' throughout his pontificate 'to send his envoys and letters of advice' to Kings Charles and Carlomann about the pervasive Lombard aggression. Through his legates, Sergius, the *secundicerius* and *nomenclator*, and Christopher, the *primicerius*, the papacy joined forces with Frankish kings to exact the lawful return of St Peter's church from Desiderius.⁵⁵

Mutual relationships and initiative of this sort are what made legation possible. The success of a legate's reception in distant Christian provinces assumes a level of cooperation on the receiving end and some acknowledgement of his 'right' in both internal and external matters. Desiring to convene a Roman council soon after his election to the Apostolic See, Pope Stephen III sent Sergius to the Frankish kings Pepin, Charles, and Carlomann with the order of sending 'some bishops who were skilled, learned in all the divine Scriptures and the teachings of the Holy Canons'.⁵⁶ Finding that Pepin was already dead, however, the legate continued on to the lands of Charles and Carlomann, where he 'presented them with the apostolic letters and they gave him a warm reception'.⁵⁷ Indeed, as the *Liber Pontificalis* relates, the kings of the Franks 'showed him appropriate kindness and he gained from their excellencies everything he had been sent to achieve'.⁵⁸ Building on this favourable alliance in 774, Stephen sent the *cubicularius* Anastasius (*noster missus*) directly to Charles, and through him, sought the king's 'favor' and 'protection' in the task of absolving Gausfredus of Pisa.⁵⁹ The pope understood well that whatever patrimony the Frankish ruler saw fit to concede to this representative, it was possessed only through the bestowal of his authority. In other words, this particular credence

letter sought permission directly from the emperor to exercise spiritual privileges in Frankish lands.

Missionary work operated (and ultimately succeeded) under the same principles. When Pope Gregory II recommended Boniface to Charles Martel, German Christians, and Thuringian leaders in late 722, he was utterly reliant upon their willingness to assist. While he may have expected some level of cooperation from obedient Christians, he reminded the people of Francia about the divine ordinance of Boniface's spiritual mission. From Charles, he sought to secure Boniface's physical protection from enemies⁶⁰; from the Thuringians, he sought cooperation for the perfection of their salvation⁶¹; and from the German Christians, he asked for 'whatever is necessary, to furnish him with guides upon his way, to give him food and water or whatever he may require'.⁶²

These considered examples had evolved from earlier credence letters, which are brief and formulaic. They demonstrate an acute awareness of diplomatic (i.e., political) sensitivities in the Frankish world, all of which were presumably communicated by the pope to his chosen legate in a formal briefing. As this ecclesiastical office became increasingly institutionalized in canon law, the papacy came to rely on the legate's capacity to administer jurisdictional responsibilities, the result of which necessitated their formal reception in juridical matters affecting the Roman Church. Writing to the Carolingian king Lothar in 862, in response to an earlier Frankish plea for legates *e/a latere* to help convoke a synod in that region, Pope Nicholas I was able to send two 'most reverent and most holy men' to fulfil this express purpose: Bishops Rhadoaldus of Porto and John *Ficolensis*.⁶³ The terms of their commissioning are presented clearly for the Frankish king to see, in order to provide a conducive and obstruction-free environment in which to exercise canonical privileges. Furthermore, Nicholas sought as a condition of this council the added assistance of two bishops sent directly from King Charles. In this exceptional case, the credence letter served to galvanize Frankish support for a regional church council, asking Lothar to grant the papal legates a 'place of familiarity' so that they might carry out their mission and return to Rome with the intended papal result.

That such a practice was expected is apparent from the commissioning of Bishops Donatus of Ostia, Stephen of Nepi, and the Roman deacon Marinus, whom Pope Hadrian II commended for their skill to the Byzantine Emperor Basil in 869 – at the height of the Photian schism.⁶⁴ Carrying letters for the emperor and eastern patriarch that contained specific instructions for their mission, these legates were ordered to

'lay skillfully to rest every stumbling-block in the way of the church of Constantinople; they were to restore to their own church those consecrated by Methodius and Ignatius under the penance in a document they had taken from the church office'. Most crucially, these legates were ordered to 'prolong the repeated verdict of the apostolic see on *sacerdotes*, holy pope Nicholas' judgment remaining in force'.⁶⁵

Fuller and more explicit powers of delegation were documented in 863. When Nicholas I sent some legates 'supported by apostolic authority' to help convene a synod at Metz, he promised through his representatives the requisite 'equity' and 'justice' for examining the marriage case of Lothar II, who had wed the Lotharingian noblewoman Theutberga in 855 and soon after divorced her in favour of his concubine, Waldrada.⁶⁶ According to this papal letter, Bishops Radoald and John were thus commissioned for the 'benefit of the Church', and primarily for administrative purposes because the pope himself was occupied. But crucially here, Nicholas commended these men for their knowledge and doctrine (*scientia atque doctrina*), which admission provides a rare glimpse into the expected standard of papal legates in dealing with canonical matters.⁶⁷

As many credence letters make plain, the pope expected that his legates would receive a freedom of operation in provincial politics. To Charles the Bald in 865, Nicholas I sent his *apocrisarius*, legate (*missus*), and counsellor (*consiliarius*) Arsenius, most reverend and holy bishop of Orte, to relay additional details not included in the written (i.e., credence) letter.⁶⁸ It was expected, as Nicholas concluded, that the Frankish ruler would dutifully extend his imperial glory in all matters pertaining to the legation. The king was reminded also that Arsenius was acting on apostolic authority in order to achieve the mutual objective of peace within the universal church more broadly. In short, Nicholas sought to gain, through this detailed credence letter, Charles' unreserved support, equating peace with the growing theoretical notion of pastoral care and jurisdiction that emerges more explicitly under his ninth-century pontificate.⁶⁹ This same credence, it is well worth mentioning, was extended to all bishops and archbishops in the Frankish kingdom, who were admonished to receive Arsenius and show him satisfactory kindness and due reverence. In what represents an explicit example, the legate was to be treated synonymously with St Peter, whose see he was representing.⁷⁰

Considerable effort was made in these letters to rationalize and legitimize each legation. To avoid suspicions or accusations of interference, the papacy regularly appealed to the mutual interests at stake. The

universal objective of peace (*pax*) appears once again with Pope Hadrian II's commending of Bishops Paul and Leo to the dukes, counts, and primates in the Frankish kingdom.⁷¹ Hoping to prevent Charles the Bald's imminent invasion of Lothar's territory, the pope called on these two 'beloved counsellors', who, from the reverence owing to the chief apostles Peter and Paul, might lead quickly and effectively to a solution in those things that concern the Christian faith and religion. The legates' burden of responsibility for maintaining peace and concord in the Roman Church is a theme of great importance here, and one repeatedly highlighted in subsequent letters to all Frankish clerics and Archbishop Hincmar of Rheims respectively.⁷² Furthermore, as repeatedly mentioned the following year (870) to Kings Charles, Louis, in addition to Archbishop Hincmar of Rheims and all remaining Frankish clerics, Hadrian expected the 'friendly' (*benigne*) reception and treatment of the priest John, Bishops Peter, Wibodus, and John, and even the cardinal priest Peter.⁷³ This reminder and its repetition in a number of letters throughout that year suggests a prevailing fear that Hadrian's wishes, expressed primarily through his legates Paul and John, might encounter some resistance in Frankish territories.

Fearing opposition to papal (i.e., Roman) representatives was not entirely unfounded in the early Middle Ages. In his letter to Charles in 870, Hadrian II criticized the Frankish king for receiving his papal legates (*missi*) 'in the custom of the kingdom' (*more regali*), but rose above the apparent procedural breach in order to reach the crux of his letter.⁷⁴ In 876, Pope John VIII chastised Count Boso of Vienne over the wrongful detention of his legates (*apocrisarii et missi*), Bishops John and Peter, who were sent in haste to Frankish lands with the assurance of the emperor's 'divine' protection.⁷⁵ However, 'against the glory of the apostolic see', the count presumed to impede their travels, for reasons that would not go unpunished. Writing to Count Lambert of Spoleto in 878, John VIII commended his 'faithful', 'reverend', and 'devout' legates, namely Bishops Gaudericus (*Velitrensem*) and Zacharias (*Anagninum*) – *deliciosos et consiliarios nostros*. Their function was quite literally to 'relate the words... which are lacking in the letters',⁷⁶ providing the papacy with a trusted mediator and interlocutor between Rome (centre) and Frankish nobles (periphery). To the Salonitan clerics, John urged them to revert to the bosom (*gremium*) of the Roman Church.⁷⁷ In this case, the pope's representative, the venerable priest John, presumably occupied an important role in applying the papal pressure first-hand. As Rome's 'faithful of friends' (*fidelem familiarium*), to whom the pope enjoined his own words to be related in person *transalpinus*, these clerics were asked

and expected to receive every message related in person through this representative.

From the ninth century onward, the working parameters of legation were more formally identified in writing, as a form of papal mandate accompanying the legate on his commissioned journey. Building on this established custom, Gregory VII brought clarification to the right of legation in the late eleventh century by outlining his legates' powers more explicitly, a measure presumably necessary given their often inferior ranking in the larger ecclesiastical hierarchy. That he intended to distinguish between existing representative agents in the last quarter of the eleventh century (e.g., messengers, apostolic vicars, *legati missi*, *legati nati*, and *legati e/a latere*) seems likely. In a general missive (dated 1075) intended for circulation to the clergy and people of Montefeltre and Gubbio, this pope commissioned as legates Abbots Gepizo of S. Bonifazio and Maurus of S. Saba: 'through whom both our own authority may be represented to you and on our behalf whatever belongs to the well-being of holy church may with the help of God be brought to completion by zealous care'.⁷⁸ With the precedent of papal custom, Gregory exhorted the recipients of this letter to 'receive them with due reverence and charity; and in all respects that either the business of their legation or the necessity of weariness shall require, you should yield them faithful obedience and collaboration'.⁷⁹

The full thrust of legation also gains traction in this turbulent reforming period. In sending Bishop Landulf of Pisa to the island of Corsica in September 1077, Gregory empowered his legate to

act on our behalf in spiritual matters, so that he may receive the land on behalf of blessed Peter and as our representative, and may rule it with all zeal and diligence, and may concern himself with all matters and causes belonging to blessed Peter and through him to ourself.⁸⁰

Obedience and support 'in all things' was for Gregory the established norm, though, as a later letter to Landulf demonstrates more clearly, his legates came to appreciate extended privileges. Writing in November 1078, the pope effectively provided his 'apostolic vicar' with the credence letter. As an appointed representative of apostolic authority, the bishop *cum* legate was positioned as a protector against 'the violence and harassment of adversaries'.⁸¹ Commissioned explicitly for maintaining the constitutions of the holy fathers and restoring the ancient liberty of the Roman Church, Landulf and his successors were given the additional

authority to 'act on our behalf' in matters of clerical ordination, in accordance with canonical rules.

It is still possible among the plurality of legatine commissionings to identify a canonical *topos* in the credence letters, which pervades the extant correspondence in the early Middle Ages. This characteristic manifests itself across the centuries as a diplomatic and canonical tool for administering this ecclesiastical office. In a very real sense, then, these letters show a necessary diplomatic framework for papal legation, effectively illustrating the papacy's perceived 'right' to send representatives on its behalf throughout a burgeoning Christian world. How the commissioning of legates played out on the ground is another story all together. There is an important distinction to be made between the intended powers and jurisdiction of a legation and the extent to which these qualities were exercised and experienced in practice. As the following chapter suggests in more demonstrable terms, there is no better forum for investigating legatine activity than the church council – the axis upon which many of the legal and representative powers of legation turned.

7

Legates and Councils

The practice of holding councils, and of sending legates endowed with authority to settle particular cases in dispute, went back into an impenetrable past.¹

Without a doubt, as Richard W. Southern observed long ago, legatine activity is evidenced most explicitly in the medieval church council (*concilium, synodus*), a forum that offers some of the earliest and most defining examples of papal representation. Nowhere is the principle and practice of legation more vividly expressed than the council arena, which operated as a 'representative organ'² (*Repräsentativorgan*) for the promulgation of canons, questions of church doctrine, ecclesiastical administration, episcopal elections and consecration, and dispute settlement. In this official setting, the full thrust of representative theory was transformed into practice, providing legates with more than just a venue in which to operate, but a playing field over which they could (and did) exercise varying forces and degrees of papal (i.e., Roman) authority.³ Through the actions of convoking, convening, presiding, examining, and issuing final judgement and legislation, legates transcended the role of mere messenger to become the pope's chief arbiters and judges in all matters affecting the Roman Church. As this chapter contends, the extent, variety, and nature of the legate's conciliar activity characterizes legation for the early Middle Ages; it also reveals, by individual example, the office's inherent value to early medieval popes in their efforts to bolster and centralize Roman authority in distant Christian provinces.⁴

For the medieval Church more generally, conciliar activity is often a good indication of effective governance – that is, micro-management at its best. Convened ultimately for the welfare of the wider religious community, the desired conciliar outcome was *consensus* achieved through

dialogue, debate, and decision.⁵ The unavoidable and natural result of such thorough deliberation was collective rule-making, which contributed to a growing body of canonical legislation for governing and regulating medieval Christian society. To this end, legatine participation in the council arena enabled the papacy to establish and maintain closer and more frequent contact with the Christian peripheries. As Gregory VII described in the last quarter of the eleventh century, this was an ancient custom entrusted to representatives of the early Church in varying degrees. 'Both Bishop Hosius [of Cordova, c.295–357/358] at the council of Nicaea, and Cyril [patriarch of Alexandria from 412–444] at Ephesus [431]', he noted,

acted on behalf of Roman pontiffs by their appointment, and you also read that the holy Pope Gregory granted to Syagrius, bishop of Autun, a suffragan of the archbishop of Lyons, power to act on his behalf by holding a general council in Gaul. But why do we relate these things about bishops when the same holy pope so far made a certain monk, Hilary by name, by his letter to be his vicar in parts of Africa, and conferred upon him such authority, that by him a general council might there be held and whatever the holy synod might decide was given full and final effect by his agency.⁶

As direct representatives of the Apostolic See, moreover, legates provided the necessary legal validity to convene provincial councils. By the last quarter of the eleventh century, the legate was given 'precedence over all bishops in a council, even if he is of an inferior order'.⁷ According to Anselm of Lucca's *Collectio canonum* (c.1083) and Gratian's *Decretum* (c.1140), church councils 'are held by the authority of the Roman pontiff, that is to say with a legate of the holy Roman Church present'.⁸ Citing a letter by Pope Innocent III, the *Liber extra* refers to the delegated authority required to convene a general or provincial council, stating that the powers granted by the pope must be greater than 'general jurisdiction' (X 1.30.4) – that territorial domain determined by mere virtue of office. Citing Pseudo-Isidorian decretals attributed to Popes Marcellus (308–309), Julius I (337–352), Damasus (366–384), and Pelagius (556–561), the eleventh- and twelfth-century canonists, Anselm of Lucca, Bonizo of Sutri, Cardinal Deusdedit, Ivo of Chartres, and Gratian, further explained how the council's authority derives directly from the Roman Church.⁹ The rule of force and validity of the church council, which is convened by orthodox bishops or the papal legate, rests ultimately upon the pope's sanction. It is he alone who decides

the nature and extent of commissioned and delegated authority, which in turn determines the practical limitations, freedom, and privileges of his legate's activity. Because 'a synod of bishops may not be lawfully conducted without the authority of this Holy See',¹⁰ and 'the canons order that no council occur without its authority',¹¹ it is easy to comprehend the legate's representative and legal standing in this context, in all matters pertaining to the Roman Church.

Given this later reception into canon law, the legate's role in early medieval church councils must be explained in both representative and practical capacities.¹² Much like the use of delegated officials in the Roman Empire, papal legates served the all-important administrative function of alleviating the burden of centralized government. In the *Theodosian Code* entitled *De legatis et decretis legationum*, which decree would have provided a good model for early medieval popes, Emperors Constantius and Constans granted 'unrestricted power to all councils in the provinces of Africa, that they shall have the right to establish all their decrees with harmonious and zealous judgment'. The praetorian prefect of this particular Roman province, to whom the decree was addressed, was further informed that councils 'shall have the right to take counsel for their interests as they consider advantageous; they shall have the right to establish their decrees and send their delegates'.¹³ In other words, the independent forum for local and regional government was granted official rights and status, offering a measure of imperial protection from outside interference in the conciliar deliberations. The thrust of delegation was particularly important to the imperial court, where the centralized government grew increasingly expectant that business would be carried out – wherever necessary – in the municipalities before troubling the centre with petitions.¹⁴ These 'superfluous transactions',¹⁵ as one decree described them, were to be handled locally, reserving for the imperial court alone 'the weighing of the evidence and the pronouncement of the decision'.¹⁶

That the Roman Church also sought to minimize business filtering into Rome (or at least reduce the provinces' dependency on them for local and regional affairs) signifies the council's importance and function. Together, the regular convening of church councils and the effective commissioning of papal legates could and did serve to alleviate this administrative burden. As Pope Gregory I stated, with particular reference to the patrimony of Sicily, the 'interest of the province' was to be served through regular conciliar meetings, 'whether to lighten the burden of the poor and oppressed, or to admonish all men and those whose faults happen to have been proved'.¹⁷ Giving credit to his papal

predecessors (unnamed), assignments could be (and frequently were) committed to 'one and same person' (e.g., the apostolic vicar), in order that 'our authority should be represented through the man entrusted with it, where we cannot be present ourselves'.¹⁸ Fully intended to expedite local and regional cases, to prevent trivial matters occupying Rome, while simultaneously inhibiting travel 'over such great expanses of sea', Gregory rationally considered the 'sharing' of responsibility as integral to the organizational Church.¹⁹ Much of this outlook was undoubtedly linked to the rising number of legal appeals, the canonical process for which had been developing since the fourth century (see below). In a religious climate rife with contesting doctrines or Christological 'heresies', moreover, the interests of the Roman Church were in need of representation at a number of ecclesiastical assemblies throughout the early Middle Ages.

Taking into consideration this legal, administrative, and representative rationale, the present chapter examines the legate's role in early medieval church councils. It considers various legatine commissions and their actions executed in this legal arena. In so doing, this re-construction of events is reliant on piecemeal and fragmentary conciliar evidence, which creates a dependency for the historical and legal context derived from extant synodical letters, canons, and *acta*. At times, the 'gathering' (*synodus*) of ecclesiastics is about the only evidence for a council's existence. To the council of Palestine in the late second century, for example, Pope Victor I sent legates (unnamed) to discuss and decide the date for Easter.²⁰ To the council of Arles in 314, which convened to examine the Donatist controversy in Africa and matters surrounding the ongoing Paschal controversy, the baptism of heretics, and disciplinary rules, Pope Silvester I sent the Roman priests Claudius and Vitus, in addition to the deacons Eugene and Cyriacus (*missi ex urbe Roma a Silvestro episcopo*).²¹ To the first ecumenical council at Nicaea in 325, Pope Silvester I sent the Roman priests Vitus (as above) and Vincent. At the council of Turin in 398, unnamed legates acted as witnesses to a canon on Gallican bishops who renounced communion with the bishop of Trèves.²²

More often than not, however, lengthier conciliar records are correspondingly more revealing for legatine activity. To the ecumenical council of Ephesus in 431, by comparison, Pope Celestine I sent as legates Bishops Arcadius and Projectus, in addition to the priest Philip. Unlike the brief entries cited above, the extent of the legates' representative powers was in this case explicitly recorded as extending over all members of this eastern church council. Significantly, these

Roman legates were charged with enough authority to settle matters in dispute and issue final judgement, powers that proved to be of great legal advantage in the contentious case against Nestorius – the patriarch of Constantinople and proponent of Christ's dual nature (divine vs human).²³ On this matter, however, Celestine's representatives took the lead from Bishop Cyril of Alexandria, the patriarch whom the pope had previously appointed to examine Nestorius on behalf of the Roman see. In fact, the record of this council refers to Cyril's acting with papal power (*vicis*), and his signature appears first in the subscription list, which confirms his presidency over the proceedings.²⁴ The political dynamics of papal representation are especially interesting to note here, as they exhibit a seasoned and well-versed bishop opening the council proceedings, only to be supplanted in this role by the arrival of the Roman legates Arcadius, Projectus, and Philip. Whereas Cyril was intimately familiar with the doctrinal complexities of the case and Nestorius' character, the pope's second wave of legates arrived in Ephesus with a pre-determined solution to the ongoing case. These papal reinforcements arrived with the objective of confirming the condemnation already reached against Nestorius at the Roman council of August 430. To a certain extent, their actions were superfluous, as 197 bishops at the council of Ephesus had already subscribed to the judgement against Nestorius in the very first session.

Exhibiting another element to the legates' involvement, Rome's position on this important doctrinal issue was broadcast and ratified through its selected papal agents. That is, the authority of the Roman Church was disseminated directly through Arcadius, Projectus, and Philip. With the assistance of Theodosius and his co-emperor Valentinian III, Pope Celestine facilitated through his representatives a continued discussion of the Nestorian case, which concluded by reiterating the 12 anathemas issued against him at the council of Alexandria in 430, the condemnation of John of Antioch, a confirmation of the Nicene creed, in addition to producing a definition of faith against the 'heresy' of the Messalians or Euchites, and the independence of the Cyprus Church in conducting ordinations. Because the final decrees from this ecumenical council required Rome's formal affirmation before they were considered valid, it fell to the legates to return from the council with a full record and synodal letter – a customary, expected, and fundamental practice of communication with the centre in Rome.

This formalized deference to Rome in matters of Christian doctrine illustrates a strong centralizing tendency at play. With further examples in the fifth and subsequent centuries, the legate's role in defining

orthodoxy comes into sharper focus. To the ecumenical council of Chalcedon in 451, for example, Pope Leo I sent no fewer than five legates *vice nostra* to convene and preside over the proceedings: Bishops Paschasinus of Lilybaeum and Lucentius of Ascoli (?), the Roman priests Boniface and Basil, and the prototype of early medieval legation, Bishop Julian of Cos.²⁵ In his letter to Bishop Anatolius of Constantinople, Leo mentioned only Paschasinus, Boniface, and Julian.²⁶ In his letter to Emperor Marcian and his sister Pulcheria, however, Leo explicitly recommended Paschasinus as the leading figure, the agent commissioned above all others with enough power to take his place in the council arena.²⁷ Equipping him for this role is an earlier letter to the bishop, in which Leo provided a dogmatic summary of various issues, including the Church's position on the Nestorian and Eutychian heresies, 'so that he might be more accurately informed on the subject in question'.²⁸ Yet, in another letter to Julian of Cos, the pope mentioned the precepts of papal authority at the bishop's disposal, which suggests to me that – despite attempts to create a legatine hierarchy for this council – Leo fully expected the latter (and more senior) bishop's guidance and support in securing the intended outcome.²⁹ Together, these representatives were enjoined with papal authority (*vice nostra*) in their examinations.³⁰ And on this occasion, as Leo made known, the papacy's objectives of peace and unity of the Christian faith called for 'universal moderation' (*moderatione universa*) in settling known complaints and disturbances.³¹

While remaining at a physical distance from the proceedings, owing primarily to contemporary political circumstances (*temporis necessitas*), Leo relied wholeheartedly on his legates at Chalcedon to represent Rome's position on matters of Christian faith.³² Reinforcing the papacy's interests was a written letter on orthodoxy and moderation, the latter of which – as Leo explained to Pulcheria – was

to be observed in the minds of discordant views and sinful jealousies that, while indeed no excisions or additions to the completeness of the faith should be permitted, yet the remedy of forgiveness should be granted to those returning to unity and peace.³³

So, even though this council officially convened under the auspices of Emperor Marcian, the Roman bishop was symbolically present at the conciliar proceedings through his legates, 'revealing benevolent authority in the person of those who represented [him]'.³⁴ Given the contentious nature of the conciliar debate, the papacy's position never could have been upheld without this theoretical and formal

institutional link with Rome, which was communicated to and defended through its trusted legates.

Directed from the Apostolic See, these 'vicars' (*vicarii*), as Leo called them, were charged to preside over the Council of Chalcedon with his authority – *vice mea Orientali synodi praesederunt*.³⁵ According to an authentic letter transmitted to the Pseudo-Isidorian Decretals and Deusdedit's *Collectio canonum*, 'neither circumstance nor any custom' permitted the pope to attend Chalcedon, a justified absence from conciliar proceedings that necessitated his commissioning legates with the credence that 'in these brothers... you should regard me as presiding over the synod'.³⁶ Confirming his legates' reception in this capacity, furthermore, is a synodal letter to Leo acknowledging that 'in your representatives you did take the hegemony over the members of the synod, as the head over the members'.³⁷

Thus, in the eyes of the pope *and* the council participants, Leo was never truly absent from the conciliar proceedings but rather present through his legates (*vicarii*).³⁸ Their role in the council's fifth session, moreover, which met to establish a decree concerning the faith, indicates their delegated powers in representing the western Church in dogmatic matters. The papal legates refused a certain indefinite expression introduced in this session, threatening to return home and re-convene a synod in the West if the matter went unresolved.³⁹ But more telling is the council's final (sixteenth) session, which confirmed canon 28 concerning the honour and rank accorded to the ecclesiastical see of Constantinople (second behind Rome). Because this canon was agreed in the previous session, in the legates' absence, they demanded an annulment because 'the apostolic see has ordered that everything shall be discussed in our presence'.⁴⁰ Indeed, as Leo affirmed in a letter to Bishop Maximus of Antioch, his legates were charged to examine and judge these specified matters of faith (or heresies), which provides a rare and early example of commissioning representatives in major cases. Some temperance was nevertheless still expected: anything arising beyond this remit, whose authority relied fundamentally on the canons of Nicaea (325), could only be considered according to these rules.⁴¹

As this conciliar record makes apparent, there were obvious limitations to the legates' sphere of action. As their initial mandate specified, they were commissioned on matters of orthodoxy, which meant that their briefing did not extend to arguments concerning Roman primacy and jurisdiction. That they did not receive such a broad mandate is clear, a realization that provided the legates with a convenient justification for their absence from the council's session, as well as an argument for

disregarding its legitimacy.⁴² However, according to the archdeacon of Constantinople (Aetius), the 'lord bishops from Rome' declined to 'take part in the proceedings', even after an invitation was extended to this effect.⁴³ The strongest objections to canon 28 came from the legates, led by Lucentius, who demanded that the council 'first examine what deception was practiced on the holy bishops to compel them to sign the unrecorded canons of which they have made mention'.⁴⁴ Asked by Aetius to read the mandate regarding this article, the priest Boniface dutifully read out the pope's injunction:

Do not allow either the constitution issued by the holy fathers to be violated through temerity, preserving in every way the dignity of our person in you whom we sent in our stead; and if perchance any, relying on the splendor of their cities, attempt to usurp anything for themselves, you are to repel this with the firmness it deserves.⁴⁵

According to Bishop Anatolius of Constantinople's letter to Leo (December 451), the legates greatly 'disrupted the council, upset the assembly and spread confusion, by spurning this see and doing everything productive of outrage against [himself] and the most holy church of Constantinople'.⁴⁶ However, as Leo's letter to Emperor Marcian confirms, the pope's confidence in his legates remained strong, declaring on 22 May 452 that the priest Lucentius (and the deacon Basil) 'must not be thought to have failed in his duty: it was rather the occasion that failed him'.⁴⁷ Indeed, as Leo described to Anatolius directly, it was the bishop of Constantinople's 'haughty arrogance aimed at upsetting the entire church' and the innovation 'contrary to the most sacred canons', which prompted resistance from his dutiful legates.⁴⁸

The Council of Chalcedon is a unique witness to the exercising of papal *vicis*, especially as it relates to the office of early medieval legation. From the records for the second council at Ephesus (449), it becomes clear that Pope Leo I had a firm and clear understanding of its function during his lifetime. In sending Bishop Julian of Cos, the priest Renatus, and his son the deacon Hilary, the pope was fully represented *qui ad vicem praesentiae meae pro negotii qualitate sufficerent*.⁴⁹ Writing to Emperor Flavian of Constantinople, Leo described very plainly the role commissioned to his letter bearer (Hilary), who alongside his team members was given the authority to 'declare the word of the faithful, whatever that is, to which, with God's help, the study of faith and charity are heading'.⁵⁰ The *tome* accompanying these legates defined Rome's doctrinal position, and was intended for verbal broadcast and approval by the

council participants. In the following year (450), Leo dispatched legates *qui vicem praesentiae meae posit implere* ultimately to convene and preside over a council.⁵¹ To Chalcedon in 451 (as above), he sent Bishops Paschasinus of Lilybaeum and Lucentius of Ascoli (?), the Roman priests Boniface and Basil, and Bishop Julian of Cos *vice nostra*. A further example comes from Leo's letter to Bishop Flavian of Constantinople (mentioned above), in which he referred to Bishop Julian of Cos, the priest Renatus, the deacon Hilary, and the notary Dulcitus as being sent 'in place of myself... to ensure a good and faithful conclusion to the whole case'.⁵² In all cases, the practice of sending trusted representatives to eastern councils, to deliver, settle, and pronounce on matters affecting the Roman Church, was inherent in papal governance, ostensibly interwoven into the fabric of ecclesiastical administration by the mid-fifth century.

Under Leo, even the language of papal representation became more pronounced, effectively contributing to framing the legatine office in more legal terms. References to 'vicars of the apostolic see', to figures commissioned with 'our [i.e., papal] authority', and to expected duties *vice nostra* are clear signs of a transforming ecclesiastical office in the mid-fifth century. One might even argue that the office of papal legation had obtained a degree of specialization in both administrative and legal terms, with an emerging classification system of temporary legates, vicars, and permanent legates. During this pontificate, legates were appointed for the first time on a more permanent basis; the repeated use of certain figures, moreover, confirms the evidence presented earlier in this book for commissioning legates in the first place. More generally, that such a development took place in the mid-fifth century reflects the growing authority of the Roman Church and the institution of the papacy, whose ability to exercise power and execute justice throughout Christendom was more than apparent in the council arena.

Subsequent ecumenical councils reveal the legates' axiomatic role in dispute settlement. To the third council of Constantinople in 680–681, Pope Agatho sent his legates, Bishop John of Porto, the Roman priests Theodore and George, and the deacon John, with a profession of faith on the issue of Monothelism. (The Latin theological position on this Christological doctrine was decided beforehand, in consultation with Western bishops at the Lenten synod of Rome in 680.) Agreement between eastern and western Churches was ratified at the council's seventeenth session, though the acts required papal approval before they could be disseminated throughout the Empire. Significantly, though Emperor Constantine was present at the council, Agatho's

legates were the first to subscribe to the conciliar acts, which suggests their presidency over the proceedings. According to a brief entry in Orderic Vitalis (written c.1122–1141), however, the princes Constantine, Heraclius, and Tiberius were responsible for initiating contact with Rome that resulted in ‘a council of 150 bishops against George, patriarch of the imperial city, Macharius of Antioch, and other heretics’.⁵³ The conciliar outcome here suggests that recognized mechanisms were already in place for disputed matters of doctrinal interest. Complaints made directly to the Roman bishop were dutifully actioned through the working machinery of legation, consisting of a majority of Roman members commissioned from within the papal curia. That the dissent centred around interpretations of Christ’s will (divine vs human) did not influence the administrative means by which Pope Agatho settled the long-standing controversy. The precedent for such disputes, which could be and were handled appropriately through his representatives on the ground, was a custom well-established by his apostolic predecessors.

A similar resolve to govern the entire *societas Christiana* is manifest in the last quarter of the eighth century. To end the eastern dispute over Iconoclasm, Pope Hadrian I sent his legates to the second council of Nicaea in 787.⁵⁴ Summoned by Emperor Constantine and Empress Irene, this council assented to the pope’s doctrine concerning images, which was communicated in the proceedings by means of a formal letter. The papal legates, the Roman archpriest Peter and Abbot Peter of St Sabas in Rome, not only presided over the council, but were the first to sign the conciliar acts and were key in presenting the pope’s wishes to which the entire council consented. The full thrust of their representation unfolded in the fifth session, when the legates interjected in support of the veneration of images and the destruction of iconoclast writings.⁵⁵ Similarly, at the fourth ecumenical council in Constantinople (869–870), legates (Bishops Donatus of Ostia and Stephen of Nepi and the Roman deacon Marinus) to Pope Hadrian II carried with them the *Liber satisfactionis*, a document comprising 10 canons that was drafted beforehand in Rome.⁵⁶ Convened to resolve the business surrounding the Photian schism, so that ‘the unity and tranquility long hoped-for be restored in accordance with holy Pope Nicholas’ decree’, this synod was summoned with Emperor Basil I’s consent. According to C. J. Hefele, Hadrian made the condition that his legates should preside:

their names were always placed first in the minutes; the duration of the sessions was decided by them; and they gave permission for

addresses, for the reading of the acts of the Synod, and for the introduction of other members of the Synod; and appointed the questions for discussion.⁵⁷

Given the legates' reception and execution of business at this council, it is reasonable to view the papacy's reach as extending well into the eastern half of the empire. That Roman agents were expected to attend and preside over the council proceedings, moreover, is another solid indication of Rome's centralizing authority, suggesting very strongly the customary nature and authority attached to the practice of administering the provinces through legation and councils.

General (or universal) councils of this sort open a window onto the theatre of early medieval legatine activity. To the first eight ecumenical councils, in fact, from Nicaea (325) to Constantinople (869–870), Rome was represented through her legates.⁵⁸ However, more often than not, these universal assemblies are not as revealing as provincial synods for determining the true range of legatine powers, privileges, duties, and responsibilities. The reasons for this silence are worthy of some brief consideration here, as they provide important distinctions with the more regional and local (e.g., diocesan) church councils convened in the early Middle Ages. By their very essence, ecumenical assemblies of the variety convened at Nicaea, Ephesus, Chalcedon, Constantinople, *et al.*, treated novel and ongoing controversies of direct relevance to the unity and faith of Christian doctrine. As such, they have tended to produce fuller records and are subsequently granted a place of priority in the wider history of church councils and the institutional Church more generally.⁵⁹ Their contested issues on Christian faith and practice, moreover, had broader implications throughout Christendom, and were thus viewed and treated by bishops and the lay elite as central and immediate concerns for the medieval Church and society. Of course, as the records illustrate, many of the canons pronounced at these councils concern much more than doctrinal disputes, but they are remembered most for the prestige and number of their participants, contact, discord, and agreement between eastern and western Churches, jurisdictional claims between the five patriarchs, and ultimately for defining the precepts of Christian faith upon which the medieval Church would eventually grow.⁶⁰

While these councils are remembered for defining Christian faith, their memory is linked also to the institutional origins of papal legation. In defending the authority of his legates from beyond the Alps in the late eleventh century, Pope Gregory VII outlined more clearly his

understanding of the origins of papal representation. Harking back to the councils of Nicaea (325) and Ephesus (431),⁶¹ and drawing further on an example from the pontificate of Gregory I, Gregory VII set out to confirm the traditional papal use of dispatching men to act entirely on his behalf. In his letter to Archbishop Manasses of Rheims, the pope described how it had not only been the custom of popes (namely Silvester I and Celestine I in the above-mentioned cases) to dispatch bishops for these matters, but also monks who by the authority granted to them by papal mandate held the same weight and privilege in distant regions.⁶² Likewise, in another letter to the archbishop dated January 1080, Gregory was again keen to remind Manasses how 'in the greatest and foremost councils, namely Nicaea and Chalcedon [451] and many others, a legate has presided and has provided a sure and final settlement of this kind'.⁶³ Returning to the precedents of previous popes in defending his own interests, and claiming characteristically that he was introducing nothing novel, Gregory VII attempted to reinforce the authority of papal legates in all ecclesiastical matters. The examples of Nicaea, Ephesus, and Chalcedon would surely have presented familiar and uncontested reminders.

The legate's ability to exercise representative powers independently at the regional and local level, however, reveals another, more complete dimension to the office's working parameters. Indeed, nowhere is the legitimizing of Roman (i.e., papal) authority more clearly expressed than in more regional and local ecclesiastical assemblies of the fourth to tenth centuries. In 342/343, to cite a paradigm example, Pope Julius I (337–352) sent a total of five representatives to the council of Sardica, in modern-day Sophia (Bulgaria), in order to resolve the Arian controversy that had been troubling the Church for over two decades.⁶⁴ From the retinue of Bishop Hosius of Cordova, the priests Archidamus and Philoxenus, and Vincent of Capua and Janvier of Benevento, the first figure stands apart for his exercised powers and presiding role over this and other church councils of the fourth century. According to the ecclesiastical history of Theodoret of Cyrrhus, this 'illustrious' bishop from a remote provincial see was a regular in the eastern and western council arena. 'What council can be mentioned', he said,

in which he [Hosius] did not preside, and convince all present by the power of his reasoning? What Church does not still retain the glorious memorials of his protection? Did anyone ever go to him sorrowing, and not leave him rejoicing? Who ever asked his aid, and did not obtain all that he desired?⁶⁵

Athanasius bestowed a similar compliment on the octogenarian bishop, referring to him as 'worthy of all reverence', primarily 'on account of his age, his confession, and the many labours he has undergone'.⁶⁶ As earlier mentioned, there was seemingly none better qualified and experienced to preside over this council, which 'convened to re-establish jurisdictional order in the Church'.⁶⁷

To be sure, the events, proceedings, and enactments of Sardica were carried out successfully through selected papal representatives. In summarizing for all Churches the circumstances and substance of the council, the bishop *cum* legate (Hosius) also described the method of examination and accumulation of evidence against the accused. Though summoned by the emperor Constans, this council and its enactments rested firmly under the control of Pope Julius' principal legate.⁶⁸ After carefully deliberating on 'their calumnies, imprisonments, murders, wounds, conspiracies by means of false letters, outrages, stripping of the virgins, banishments, destruction of the Churches, burnings, translations from small cities to larger dioceses, and above all, the rising of the ill-named Arian heresy by their means against the orthodox faith', Bishop Hosius concluded by pronouncing

our dearly beloved brethren and fellow-ministers Athanasius, Marcellus, and Asclepas, and those who minister to the Lord with them, to be innocent and clear of offence, and have written to the diocese of each, that the people of each church may know the innocence of their own bishop, and may esteem him as their bishop and expect his coming.⁶⁹

As a leading investigatory member of this council, Hosius appears from the various synodical accounts as a powerful and competent legate of the Roman Church.

Commissioned to this council with seemingly unprecedented powers of representation and litigation, Hosius exercised a broad papal agenda. Though sent alongside four other Roman clerics, his precedence at Sardica is evidenced by the sheer scope of his ecclesiastical activity. Owing to the pope's physical absence, he presided over the synod, examined the contested and long-standing Arian dispute, and eventually proposed canons.⁷⁰ That his name appears first in the council's subscription list before the Roman priests Archidamus and Philoxenus suggests his place of priority, helping to explain also the formalized procedure attributed to this representative in the council arena.⁷¹ Significant, too, is the rationalization provided for the pope's absence, which effectively

provided Hosius with the authority to act in his stead. According to a synodical letter, that reason was ‘the honorable and unavoidable fear that schismatic wolves might steal and snatch away by craft, or that heretical curs made mad by savage rage might yelp, or that the serpent – the Devil – might pour forth the poison of his blasphemies’.⁷² Under such circumstances, according to Hilary of Poitiers, ‘the best and most fitting thing’ was for the ‘Lord’s bishops’ to ‘make reference to the head, that is to the throne of Peter the apostle, concerning each and every province’.⁷³

The representative theory underpinning this legation is refreshingly transparent. The expectation and regularity of conciliar-legate activity is strengthened by scriptural references to Paul’s letters to the Colossians and Corinthians. For the former example, the synodical letter likened Pope Julius to Christ, stating that ‘Though I am absent in the flesh, I am with you in spirit’ (Colossians 2:5). By extension, Paul’s relationship with Christ is compared to the Roman bishop and his representatives at Sardica: ‘Because the Lord Christ dwelt in him [Paul], it is quite impossible to doubt that the Spirit spoke through his soul and gave utterance through the vehicle of his body’ (2 Cor 13:3).⁷⁴ As though putting his mind at ease was a primary objective, the synod explained to Julius that ‘parted though you are in body, [you] have been here in harmony with us in mind and will’ (1 Cor 5:3; Col 2:5).⁷⁵ Such a prefatory statement suggests a willing acceptance of papal representation as a standing custom, speaking generally about the council’s role as much as Hosius’ part in it. We might also interpret such references as a meaningful recognition of Roman primacy or instruction, whose claims of apostolic authority were reinforced in a series of conciliar canons on matters concerning the judgement, deposition, and accusation of bishops (see canons 4–5, 7, respectively).⁷⁶

Significantly for the foundations of medieval papal legation, it was at Sardica that the right of appeal (*transmarinus*) was first sanctioned. By far the most important – albeit controversial – conciliar enactment, the decisions surrounding a system of legal appeals to the centre in Rome are sometimes considered extensions of the fifth canon of Nicaea (325) and the thirteenth canon of Antioch (341). Whatever the intended connection, canon 3b from Sardica declared that in matters of disputes between bishops, ‘neither of these [bishops] shall call [in] bishops from another province [to arbitrate]’.⁷⁷ According to canon 3c, moreover, if either bishop ‘thinks that he has a good case and that the judgement should be reconsidered’, then the way was now open for writing to the

Roman bishop for his assistance, examination, and judgement.⁷⁸ The Roman bishop, in turn, could respond to the appeal by committing 'the case to the bishops of the neighbouring province, or he may send a *legatus a latere* [*iudices*] to judge the case in appeal, together with the same bishops'.⁷⁹

Whereas one historian has argued that this particular legislation decreased 'the privileges and authority of the Roman bishops', granting them 'less power than they had exercised in the past',⁸⁰ it cannot be interpreted in a completely negative light. This council did not attempt to sever Rome's ties with local and regional ecclesiastical matters. Rather, its main objective and achievement was to position Rome more authoritatively in the centre, as the chief arbiter and judge responsible for delegating power to resolve matters in dispute throughout Christendom. Such an institutional development might rightly be seen as a calculated assertion of Roman primacy. Indeed, in his augmented and more recent study on this council, Hamilton Hess recognized the canons' importance for exerting 'an undeniable influence upon the subsequent jurisdictional enhancement of the institutional papacy, as may be seen, for example, from their contribution to the ninth-century false decretals of Popes Clement I to Miltiades'.⁸¹ In other words, Rome emerged in the mid-fourth century as the undisputed centre and arbiter for ecclesiastical disputes and appeals, which further legitimized the Church's jurisdictional claims throughout Christendom.⁸² This demonstration of moral authority, as Hess further argued, constituted 'an agreement that the recognized leadership of the Roman bishop should have particular application under certain conditions'.⁸³ Given this theoretical consideration, it has been convincingly suggested that the Sardican canons are an early acknowledgement of the papacy's central position in both spiritual and legal affairs.⁸⁴

Such assertions pay dividends for comprehending the early history of medieval papal legation. In addition to bolstering Roman authority, the Sardican canons also touch on the legate's inherent authority, presenting what can only be described as the first working formula or 'right' of papal legation.⁸⁵ In light of this office's broader institutional development, canon 7 (V) of the council of Sardica is worth citing here in full, as it informs an appreciation for the papacy's representative *mentalité* around the mid-fourth century. Building on the right of appeal to *iudices* outlined in canon 3c, this piece of legislation presents the additional (and inaugural) option for appealing directly to the Roman bishop. Bishop Hosius reportedly said that

it was pleasing that if a bishop has been accused and the assembled bishops of that region have judged him and removed him from his office, and he seems to have appealed and has fled to the most blessed bishop of the Roman Church, and wishes to be given a hearing, and if he [i.e., the pope] thinks it right that the trial or examination of his [the bishop's] case be renewed, let him deign to write to those bishops who are in an adjacent and neighbouring province, that they may diligently inquire into all the particulars and decide according to the word of truth. But if he who asks to have his case reheard, shall by his entreaty move the bishop of Rome to send a presbyter *a proprio latere* [italics mine] it shall be in the power of that bishop to do what he shall resolve and determine upon. And if he decides to send those who will judge with the bishops having the authority of him by whom they were sent, let that be his choice. But if he believes that the bishops suffice to give a final decision, let it be as he decides by his most wise judgement.⁸⁶

With this canon, we might rightly interpret the council of Sardica as the arena in which the rights and authority of papal legation were first exacted. Such powers, admittedly, are implicit in the canons; they were deliberately vague and flexible in their application. However, crucially, in making adequate provisions for justice through an appeal system, where the flow of ecclesiastical business in matters of litigation was now given legal credence and precedence, the papacy was sharing its administrative and legal burden with its representatives: the office of legation. In order for the bishop of Rome to handle individual cases with proficiency and fairness, it was decreed that a *presbyter* be invested with papal powers to 'resolve and determine' – archetypal qualities prevalent in the medieval legatine office. To be sure, in the parlance of early medieval diplomacy and representation, this particular canon resonated loudly throughout the Middle Ages.

The legate's association to the appellate role, however, owes more to later interpretations of this canon. In a false (Pseudo-Isidorian) decretal attributed to Pope Sixtus II (257–258), the right of appeal was given to the pope or his vicars (*vicarios suos eius*), with no mention being made of the involvement of the provincial bishops.⁸⁷ This adulteration of the original Sardican canon appears also in the later *decreta* of Ivo of Chartres' and Gratian, which like the attribution to Pseudo-Isidore gives the pope or his representatives sufficient authority in matters of appeal to examine *omnes maiores et ecclesiasticas causas*.⁸⁸

Expressions of this legal nature force us to consider the inherent powers of representation extant in the mid-fourth century, or at least ask how popes in this period understood them. In this particular case, Pope Julius' reference to figures sent *e/a latere* is a good and novel indication of their association with the Roman curia.⁸⁹ Later, canonistic definitions of this expression (i.e., *legatus e/a latere*) provide a more explicitly stated legal function, referring also to an implicit educational background in canon law and theology, and an affiliation with the high ecclesiastical ranks of Rome. The extent of representative power seems almost endless, permitting the legate to select judges in individual cases and, most importantly, trusting his judgement in the final decision. Indeed, from this particular Sardican canon, it would appear that legates under Pope Julius were not expected to consult with Rome until the outcome was decided. Considering that this was an explicit condition of later popes, it is worth asking whether early representative power was as comprehensive as these rare canons state.

At least two contemporary church councils suggest a negative reply, revealing serious limitations to a legate's jurisdictional force. To the synod of Arles in 353, which convened with the main objective of condemning Bishop Athanasius of Alexandria in the still-ongoing Arian controversy, Pope Liberius sent Bishops Marcel and Vincent.⁹⁰ Before the council officially opened, these papal legates agreed to sign a judgement against Athanasius on the condition that anathema was pronounced against Arianism. Going back on their agreement once the council began, however, Emperors Constantius and Valens extorted signatures from the gathering of orthodox bishops before banishing them.⁹¹ Succumbing to imperial/Arian pressures and acting contrary to their general mandate, Liberius' agents to this council caused much embarrassment for Rome. Writing to Bishop Hosius of Cordova, the pope lamented this blatant ignorance of his initial mandate, which supported Athanasius.⁹² So keen was Liberius to distance himself from the unsanctioned actions and beliefs of his representatives, in fact, that he also dispatched similar explanatory letters to other western bishops.⁹³ He then proceeded to mobilize a new legation to the emperor, which consisted of Bishop Lucifer of Cagliari (in Sardinia), the priest Pancrateus, the deacon Hilary, and Bishop Eusebius of Vercelli.⁹⁴ (Bishop Fortunatian of Aquileia was also invited to join the papal embassy but does not appear anywhere in the conciliar evidence.)⁹⁵

At the legates' bidding, a synod was convened at Milan in 355 to continue the doctrinal discussion. That this western imperial city was an Arian stronghold soon became apparent. Hilary of Poitiers tells of

the 'synagogue of ill-willed people' who gathered there 'and for ten days he [Bishop Eusebius] was forbidden to approach the church, whilst headstrong malice exhausted itself in opposition to so holy a man'.⁹⁶ Once permitted to enter the Church, however, the bishop-legate was pressured to sign a condemnation against Athanasius and 'hold communion with heretics'.⁹⁷ Only the Roman representatives stood firm in their decision to support the bishop of Alexandria, thereby refusing to enter into communion with the Arians, for which action they suffered physical violence and exile at imperial hands – 'relegated to the furthest boundaries of the empire'.⁹⁸ According to Sozomen, 'the result too plainly showed for what purpose the council of Milan had been convened... to change the doctrines established by the Nicaean council'.⁹⁹ And as is well known, the outcome of this synod reverberated throughout Christendom, leading to the deposition of Athanasius, Bishop Hosius (now reportedly aged 100!), and Pope Liberius – figures steadfast against imperial threats and the prospect of Arianism.¹⁰⁰

While doctrinal unity and peace continued to dominate early Church councils, the issue of legal appeals was still lurking in the background. Notwithstanding earlier enactments at Nicaea (325), Sardica (343), and Carthage (418), this matter came to prominence once again in May 419. The need to investigate this procedural question further arose following an earlier (and successful) appeal made to Rome by the priest Apiarius of Sicca, who had been excommunicated by his bishop, Urban, for unknown but reportedly various offences.¹⁰¹ Whereas the plenary council of Carthage met in 418 primarily to condemn Pelagianism, it nevertheless issued a disciplinary decree against overseas appeals, stating that

the inferior clergy who wish to appeal from their own bishops are to have recourse only to African councils or to the primates of their own provinces. But anyone who shall take it upon himself to appeal beyond the seas (*ad transmarina*) shall not be granted communion by anyone in Africa.¹⁰²

In giving support to Apiarius' appeal, however, Pope Zosimus not only loosened the strictures of canon law but ultimately gave judgement in the priest's favour, which greatly displeased the Africans and led to a reappraisal of the decision at Carthage in 419. A team of legates comprising Bishop Faustinus of Potenza and two Roman priests, named Philip and Asellus, was sent to investigate the case further, eventually convening a council there on 25 May.¹⁰³

According to the extant conciliar canons, this particular legation was commissioned with both verbal and written instructions.¹⁰⁴ Rome's intervention, in responding positively to the appeal and subsequently to the level of discontent over its decision, contributed incrementally towards reinforcing the centralizing notion of papal primacy.¹⁰⁵ Reaffirming the decisions enacted at Sardica (canons 2–3, 7), this African council again decreed that a legate (*presbyter*) would be sent *e/a latere* following an appeal to Rome.¹⁰⁶ The procedural authority attached to the papal mandate, moreover, referred to here as the 'commonitory' (*commonitorium*), demonstrates in practice how the pope communicated through his legates in distant Christian provinces.¹⁰⁷ Indeed, as the conciliar *acta* make apparent, Pope Zosimus' instructions to his representatives were dutifully read aloud to the assembly. The legate Faustinus explained how he and the priests Philip and Asellus were commissioned to 'do all therefore just as if we [i.e., the pope] were ourselves present'.¹⁰⁸ And it was these written papal instructions that ostensibly determined the council's agenda, which was concerned primarily with the bishops' appeals to the Roman Church; reducing the travel of bishops to the Roman curia; priests and deacons who were unjustly excommunicated by their bishops; and Bishop Urban of Sicca, who should correct himself or face excommunication or a summons to Rome. Preparing his legates with the papacy's position, moreover, Zosimus added 'for greater security' in writing the words of the canon (*verba canonum*) on the subject of appeals. On hearing this reading, however, Bishop Alypius of Thagaste protested that this canon was nowhere present in the Nicene Acts found at Carthage, Constantinople, Alexandria, or Antioch. Offering some insight into the legate's authority to act for his principal, Fastinus' reply to the skeptical cleric suggests realistic and diplomatic limitations to a central issue. 'The synod', he replied, 'ought not to pronounce against the Roman Church because Alypius considered the canons doubtful, but should rather write and ask the pope himself to institute an investigation into the genuine Nicene canons, and then enter again into negotiation with the Africans'.¹⁰⁹

The legation to Carthage in 419 reveals a combination of nascent representative qualities. In the first instance, the council was convened on Roman authority through the present legates. The power to summon, organize, and fulfil this mandate demonstrates a strong connection between this southern Mediterranean province and its spiritual centre in Rome. The pope's solicitude was shared among his chosen representatives, who in turn secured the necessary privileges and assurance from the council participants, overcoming potential obstacles that arose

within the proceedings. The strength and historical precedent of this representative relationship enabled the papacy to delegate responsibilities to its various members in exactly these situations. By the early fifth century, therefore, consent was customarily provided to those figures sent directly from the Apostolic See. And providing evidence for mutual expectations, great care was taken in writing down and communicating the council's outcome to the pope in Rome (Boniface).¹¹⁰ Together with the *commonitorium* initially dispatched with the papal legates, this record provides evidence for the papacy's pre-determined position on the contested issue, which can rightly be interpreted as an overt assertion of Roman authority. Its effect, however, was not immediately felt.

The council's outcome exhibits some obvious limitations to the legation's influence. Certain that the papacy was wrong in granting assistance to Apiarius' legal appeal, which action from minor clerics the African Church had prohibited just one year earlier,¹¹¹ the council of 220 prelates effectively questioned Rome's 'right' to interfere in this minor affair (*causa minor*). In his presentation of the papal *commonitorium*, the Roman legate Faustinus erroneously made reference to two Nicene canons, which were in fact those issued at the council of Sardica in 342/343 (canons 7 and 17 in full). The canons from which this papal delegation claimed its authority and legitimacy were, thus, rightly suspect to the Africans, who recognized at once the incorrect citation of the first ecumenical council. As a consequence of this lingering doubt, the council members decided to postpone their judgement against Apiarius until the Roman bishop was consulted, exhibiting a customary measure of deference to the Apostolic See.

The culmination of these events highlights the problematic nature of papal diplomacy. From the letter issued to Pope Boniface by the Africans (*Quoniam domino placuit*), we learn the truth about Faustinus' reception as papal legate. Waiting for some verification about the cited canons, the council members informed the pope of their refusal to 'endure such treatment as we are unwilling to mention or could suffer what is unbearable'. In a direct but highly diplomatic reference to Faustinus' 'overbearing and insufferable'¹¹² personality, the African Church gathered at Carthage cried that 'while your Holiness presides over the Roman Church, we shall not have to suffer pride such as this'.¹¹³

These remarks are given further context five years later, when another council convened at Carthage (424/425) to consider once again the affair of Apiarius and his appeal to Rome. Hefele commented on the 'rudeness' of the papal legate Faustinus, who on this occasion

‘demanded’ that the Africans should receive the excommunicated cleric into communion, precisely on account of his having appealed to the Apostolic See in Rome.¹¹⁴ For his treatment of this ongoing case, the Africans viewed Faustinus ‘more like a patron than as a judge’,¹¹⁵ which seriously undermined the legate’s role in matters of equitable and tempered legal examination and judgement. In this prolonged dispute, it seems that the Roman legate’s ‘insolence’ was a great cause of offence to the African Church, whose short but explicit letter to Pope Celestine I (entitled *Optaremus*) declared that no church council had ever given the Roman bishop authority to adjudicate.¹¹⁶ Adding further insult to injury, the council demanded from the recently elected pope that

whoever may be petitioning you, do not send legates, do not take up any cases, lest we appear to introduce the acrid pride of the world into the light of Christ’s church, which prefers simplicity and humility. Concerning our brother Faustinus (now that the miserable Apirarius has been removed from the church of Christ because of his unspeakable sins): we are sure that never again will Africa have to put up with him, trusting Your Holiness’ good faith and forbearance.¹¹⁷

While exhibiting a degree of obedience to the centre in Rome, especially for matters of doctrinal interest to all Christian Churches, the Africans stood their ground in the face of a haughty papal representative. Harking back to the authority of Nicaea (canon 5), they insisted that African canon law prohibited overseas appeals from minor clerics, which view was at variance with Rome’s current position. This dichotomous interpretation explains well the papacy’s successive interventions in such a minor case, as a conscious attempt to ‘defend papal authority over appellate matters’.¹¹⁸ Distrusting of the pope’s legate (Faustinus), meanwhile defending the ancient customs and rights of the African Church, the council participants at Carthage (418, 419, and 424/425) at once reveal the practical strengths and weaknesses of the legatine office in the fifth century. Credence was repeatedly placed on the *commonitorium*, that formal set of written instructions accompanying the pope’s legates to Carthage. Beyond this parchment and a notional allegiance to the Roman bishop, the legate’s function was limited to someone deserving of toleration (within reason), but not yet capable of commanding the pope’s full authority, whatever the mandate. The legate’s ability to interfere in the African Church was thus perceptibly limited in practice, but this did not prevent him trying.

Admittedly, the debate over legal appeals had a limited audience and lifespan. The more universal campaign for doctrinal and procedural uniformity, by comparison, is far more representative of legatine conciliar activity in the early Middle Ages. To combat the growing problem of simony north of the Alps, for example, Pope Gregory I addressed Queen Brunhilde of the Franks in July 599. He urged her to help convene a synod to which he delegated 'the care and responsibility' primarily to Bishop Syagrius of Autun.¹¹⁹ As a figure close to the queen, the pope expected that she would

listen readily to his supplication and to help him with your aid, so that, with the contagion of this evil removed in all the lands subject to your jurisdiction, an ordination of priests may proceed, that is pious and pleasing to God, which would result in a reward for you.¹²⁰

Adding authority to the council was the trusted abbot and papal agent Cyriacus.¹²¹ As 'mediators' over this synod (which never convened), Syagrius and Cyriacus were instructed to condemn 'under the ban of anathema' 'everything that is opposed to the sacred canons'.¹²² Commissioned to preside over the council proceedings, Bishop Syagrius was expected to 'announce what has been done, so that we may learn in detail what has been decreed and with what caution and in what manner',¹²³ while Cyriacus was charged with the task of returning to Rome with the council report. Writing directly to Syagrius in July 599, Gregory spoke of the bishop's 'solicitude' in assembling this synod 'which should take place for the prohibition of some illegal activities', going further to state Gregory's preference for his 'person' before all others.¹²⁴ Notwithstanding the outcome, the legate's central role in summoning and convening a council is clearly recognized, which suggests a customary use and reliance on this ecclesiastical office by the late sixth century in Frankish lands.

Whereas this Gregorian example nicely illustrates the intended conciliar objectives, the implementation of legatine authority was never realized. Providing an exceptional counter-example to this case are two Mercian and Northumbrian councils convened in 786.¹²⁵ While no credence letter or other form of papal correspondence exists for this particular legation, a full report of the proceedings and enactment of twenty canons has been preserved in the letters of Bishop Alcuin of York.¹²⁶ The only other account to mention the legation is the *Historia regum*, an English source that purports the legates' objective of renewing the relationship with Rome and strengthening the faith of the

Anglo-Saxons.¹²⁷ According to Bishop George of Ostia, the leading figure of this legation and the man responsible for drafting the report, Pope Hadrian I had commissioned a team across the Channel to 'eradicate' any abuses, poisons, and dangers afflicting the Anglo-Saxon Church and its people.¹²⁸ Whatever the case, as Catherine Cubitt has suggested, 'the legates' visit is regarded as a sign of the close relations between [King] Offa and Charlemagne, and of his standing with the pope'.¹²⁹

Indeed, the conciliar activity in England highlights a strengthening relationship between Rome, the English, and the Carolingians. Accompanied on this mission by Theophylact of Todi (*bibliothecarius*) and the Frankish Abbot Wigbod, Bishop George of Ostia epitomizes the success of early medieval papal diplomacy for the second half of the eighth century. Having gained some diplomatic experience under Popes Stephen and Paul, with frequent trips across the Alps to Francia, where he was eventually awarded the see of Amiens, 'George was not only a papal envoy but also a member of the Carolingian court and a specialist in Carolingian-papal relations of particular skill and excellence'.¹³⁰ Joined in York by Alcuin and Pyttel (*lectores*), 'the calibre of the legates and their assistants emphasizes the importance with which the mission was viewed not only in England but also in Francia'.¹³¹ That a Roman legation was received suggests a strong connection to the centre in Rome and a visible appreciation of its authority.

The purpose of the 786 legatine councils is best gathered from the substance of its canons. Travelling from the continent to England, Hadrian's legates came armed with 20 decrees on reforming the Church and correcting the laity in these lands – a mission considered necessary owing to the growth of vices and the absence of any direct or ancillary Roman presence since the time of Augustine's mission to Kent in the late sixth century. Furthermore, Alcuin referred to the public forum of the Northumbrian council (*concilium publicum*), which means that the conciliar *acta* were heard by King Alfred and Archbishop Canbald of York, in addition to all bishops, abbots, senators, dukes, and *populus terrus*.¹³² As part of the proceedings themselves, the decrees and letters were read aloud to the assemblies and, according to the conciliar report, obedience to their precepts was wholeheartedly given.¹³³ Canons 1–10 concern the unity of Christian faith and doctrine (acceptance of the Nicene canons), baptism, episcopal duties and responsibilities, religious orders, ordinations, the celebration of Mass, and a curious reference for confirming the privileged authority of the Roman Church. The remaining 10 canons are aimed directly at the potentates (11–14), emphasizing the practice of lay rulership and practice in accordance

with religious obedience (so as to limit secular interference), turning then in canons 15–20 to more general instructions on Christian duties, such as marriage, tithes, and penance.

The legatine report makes no mention of any legal examination, judgement, or dispute settlement. In the absence of a general mandate, it is reasonable to conclude that the legates' mission was conceived with a very different objective to the many examples already cited. Indeed, with reference only to the comprehension, approval, and willing recognition of Rome's authority, this pair of English councils presents a comparatively innocuous example to a suite of Carolingian synods in the eighth, ninth, and tenth centuries. However, this is not to suggest the councils' unimportance. As Hanna Vollrath has shown, the significance of legatine business and councils in England strengthened ties to Rome and the Frankish Church – a long-overdue visit of good faith and political interest in the guise of ecclesiastical business. In the wider scheme of centralizing and legitimizing papal authority, such diplomatic outreach through the available means of representation was a prudent, important, albeit rare, gesture for the early Middle Ages.

The compelling need to convene such assemblies, however, was not exclusive to England. Legatine forays into the Frankish world were becoming more common after the mid-eighth century, demonstrating a gradual recognition and acceptance of Roman intervention in northern ecclesiastical affairs. The increasing activity of legates in this region is a reliable witness to the extent of diplomatic ties between successive Carolingian emperors and popes, which strengthened considerably after the Frankish-papal alliance of 754. To the royal synod of Compiègne in 757, for example, Pope Paul I sent Bishop George of Ostia and the Roman *sacellarius* John.¹³⁴ While these figures did not summon, convene, or preside over the Frankish proceedings, their attendance was seemingly important to affirming 3 (of 21) canons, all of which specifically testify in the *decreta* to their consent.¹³⁵ Canon 14 concerned the fidelity of women who had taken the veil; canon 16 specified the conditions for remarriage after either husband or wife had entered the monastery; and canon 20 pertained to the rights of a husband over his wife in a dispute about consummation. Under Charlemagne in 794, to cite another example, an Easter council of Gallican, German, and Italian bishops convened at Frankfurt.¹³⁶ As numerous contemporary records attest, Pope Hadrian sent the deacon and papal librarian Theophylact and Bishop Stephen (of Naples?) to preside *with* the Frankish king, in order to investigate (and ultimately condemn) the heresy of Felix (of Seo de Urgel?), in addition to rejecting formally

the Seventh Council of Constantinople concerning the worshipping of images (i.e., Iconoclasm).¹³⁷ Because of the latter issue, we might safely assume that Hadrian's legates were experienced and well-briefed on the question of images, perhaps even working with the pope on his response to the *Capitulare adversus synodum* – that gathering of statements made at the second council of Nicaea in 787.¹³⁸

The debate on Iconoclasm formed only part of the agenda at Constantinople in May 861. To this eastern council, Pope Nicholas I sent (*e latere*¹³⁹) Bishops Radoald of Porto and Zacharias of Anagni.¹⁴⁰ Their orders, according to the *Liber Pontificalis*, were to 'decide in a synod on whatever the dispute about sacred images produced, and formally to inquire, only, into the matter of patriarch Ignatius and the neophyte Photius and report back to him'.¹⁴¹ In other words, these legates were 'commanded and ordered ... only to look into the matter of Ignatius' deposition and replacement by Photius', and asked to avoid communion with the latter figure 'until they returned and carefully gave a sure response about everything'.¹⁴² Citing Job to the effect that the matter (*causam*), about which not enough was known in Rome, should be diligently investigated (Job 29:16), Nicholas paved the way for his legates to carry out their mission. The legates carried with them pontifical letters, one of which was presumably read aloud or presented to the council participants.¹⁴³ To the Byzantine Emperor Michael III, the pope outlined in his own words the legates' commissioned duties: to 'make a careful inquiry into his [Ignatius'] deposition and his censure, with a view to discovering whether the canons have been observed or not'.¹⁴⁴ However, there ended the limits of their mandate, which further directed that a full conciliar report be returned to Rome for papal consideration and final judgement.

Unfortunately for Nicholas, Radoald and Zacharias defied their original mandate. According to the *Liber Pontificalis*, the Roman legates 'made little of the holy pontiff's injunctions and were bribed with money there'.¹⁴⁵ Whatever the truth of this accusation, this source relates that they scorned 'what was in the mandates they had received', communicated with Photius and renewed the deposition against Ignatius – actions all contrary to papal wishes. Receiving various gifts upon their arrival at Constantinople before Christmas 860, Radoald and Zacharias were segregated from the Greek community until Easter 861. For a period of one hundred days, according to Nicholas, they suffered enough threats and intimidation to subvert their position and intended mission.¹⁴⁶ This deliberate process of 'indoctrination'¹⁴⁷ seemingly worked in the emperor's favour, resulting ultimately in a

conciliar decision that gave 'formal expression'¹⁴⁸ to the council while simultaneously bypassing the pope's direct involvement.

To be sure, Nicholas' legates exceeded their representative powers at Constantinople by issuing a final judgement.¹⁴⁹ In a letter to Emperor Michael III, the pope described this over-stepping of the original papal mandate, acknowledging that his agents had knowingly exercised powers beyond their remit.¹⁵⁰ Citing Pope Leo I's letter to Emperor Flavian,¹⁵¹ Nicholas expressed his will that nothing should be judged in this case until the matter was considered in full.¹⁵² (A similar letter was sent to all eastern bishops and archbishops.) In commissioning his legates to Constantinople for the purposes of 'hearing' and 'referring' the case, Nicholas further instructed them to inquire along the lines determined by the Apostolic See, never sanctioning them with sufficient authority to depose.¹⁵³ This blatant transgression of their papal mandate was put on formal record, as Nicholas tried to distance himself from his legates' unauthorized actions. The historical precedent of Bishops Vitalis and Misenus was cited on more than one occasion here, as a familiar reminder to all of the deception carried out against the Roman Church.¹⁵⁴ The parallels with this late fifth-century example presumably lent credibility and weight to Nicholas's actions, which effectively reversed the legatine decision at the Roman council of 863.¹⁵⁵ As the sources relate, Pope Felix III (483–492) had sent his legates to investigate reports that Peter of Alexandria had been reinstated to his office by Bishop Acacius of Constantinople. Similarly 'corrupted by a bribe' and failing to 'fulfill the instruction of the apostolic see',¹⁵⁶ Vitalis and Misenus 'had been induced to give approval to Peter of Alexandria when he was besmirched with the filth of heresy'.¹⁵⁷ Put on trial soon after their return to Rome, Felix's legates were found guilty and excommunicated; Misenus' admission of guilt, however, permitted him a more lenient punishment of penance.¹⁵⁸

Nicholas' actions against his legates are certainly reminiscent of this earlier case. That the pope cited this precedent in more than one letter suggests a deliberate design to follow in his predecessors' footsteps. By contravening their initial mandate, Radoald and Zacharias had fundamentally mis-represented the pope, thereby compromising and undermining Rome's position on this ecclesiastical dispute with Constantinople. Their actions, as Nicholas himself lamented, caused him 'great sorrow' and 'mental anguish'.¹⁵⁹ Such adverse behaviour carried the consequence of papal censure. Like Felix's exhibited temperance for Misenus, Radoald's involvement in this matter was 'left in suspense'. In practice, this record presumably meant that he could

(and did) continue to represent the pope and exercise the powers of his episcopal office. According to a later papal letter (dated November 866), Nicholas likened Radoald's fate to Vitalis and Misenus; for violating multiple decrees and regulations, he was apparently deposed (*depositus*) and excommunicated (*excommunicatus*).¹⁶⁰ Yet, whatever the severity of Radoald's involvement with corruption at Constantinople in 861, Nicholas appointed him legate once again in 863 to Metz (see below), which suggests either that reparations were made in the meanwhile or that the severity of his involvement had been exaggerated. For his blatant disregard of papal orders, by comparison, Zacharias was stripped of his sacerdotal rank and banned from celebrating communion because 'he was found to have trespassed in many matters beyond the apostolic prohibitions on him'.¹⁶¹

Notwithstanding this council's unintended outcome, the legates' actions succeeded (in part) in extending papal authority to the eastern capital. It is no exaggeration to suggest that Radoald and Zachary exemplified the true powers of legatine authority and competency, epitomizing their ecclesiastical office for the ninth century. Francis Dvornik has dubbed them 'excellent canonists' who

knew enough about the religious policy of Nicholas I to anticipate that the negotiations, of which they were the instruments, would meet their master's deepest desire, and that the Pope, who had succeeded in imposing his authority on the Western bishops and had stifled the dreams of independence of the Frankish Church, the most powerful Church in the West, would appraise their initiative as its true value.¹⁶²

According to this considered interpretation, these legates recognized the papacy's wish that Ignatius be formally deposed, thereby seizing their opportunity to determine the outcome of their own initiative, exchanging 'the humble part of inquirers for the role of judges'.¹⁶³

The legal justification for exercising such authority derived from Sardica (343) and was ratified further by the emperor and many conciliar participants. With reference to canon 3b concerning appeals to Rome, the legates *and* the council of Constantinople served together as Ignatius' judges (*iudices*).¹⁶⁴ In Michael's eyes, Radoald and Zacharias held 'no obligation to seek further authorization or counsel from the pope'.¹⁶⁵ The whole Church recognized them 'and the most holy pope as judges'.¹⁶⁶ To Ignatius, moreover, the emperor stated that the accused should 'accept the letter from the pope, so that you may be judged

by them [legates]; our imperial government and the whole Church has acknowledged them as judges'.¹⁶⁷ In the council's third session, Caesar Bardas – the high-ranking Byzantine minister and adviser to the emperor – addressed the legates as 'just judges sent by the great, just judge, whose place you are taking'.¹⁶⁸ In response to the emperor's wishes, Bardas noted how the bishops, priests, and exalted officials of the empire acknowledged the legates as judges. 'And', he continued, 'we look upon you as him who sent you, since he gave you authority and power as if he himself were present. So do we receive and consider you.'¹⁶⁹ It made no difference to Bardas whether the legates 'or the spirit of the pope pronounce judgment [on] Ignatius. For we regard you as acting for him.'¹⁷⁰

A similar regard for legatine authority can be seen in 863 at Metz, where a Frankish council was convened to consider the legality that Emperor Lothar had 'set aside his lawful wife and taken another'.¹⁷¹ As the *Annals of Saint-Bertin* describe in detail, the 'apostolic delegation' commissioned for this matter was empowered to 'consider the divorce which had occurred between Lothar II and his wife Theutberga, and the substitution for her of his concubine Waldrada whom he had joined to himself in marriage, contrary to both ecclesiastical and secular laws'.¹⁷² For this high-profile affair, Pope Nicholas I sent Bishops Radoald of Porto and John of Cervia, trusted legates (*missi e latere*¹⁷³) who were commissioned to 'investigate the case carefully'.¹⁷⁴ The king's defence was heard and set down in writing by these legates, who dutifully reported to Rome in person (presumably *viva voce*). 'In order to give the impression that they had achieved something',¹⁷⁵ the legates subsequently sent Archbishops Gunther of Cologne and Theutgaud of Trier to the apostolic city. Once in Rome, these figures delivered the written account 'subscribed in that synod', a record which Nicholas later referred to as 'a certain profane document... uttered there by wicked throats'¹⁷⁶ (The decision reached at this council ruled in Lothar's favour (i.e., for Waldrada), thus condemning Theutberga and consenting to divorce, which incited the papacy's immediate response.¹⁷⁷)

However, once again, exhibiting behaviour reminiscent of the council of Constantinople two years earlier, the pope's legates were reportedly led astray at this Frankish council. The *Annals of Saint-Bertin* describe how the papal legates were 'corrupted by bribes;' Radoald in particular is labelled a re-offender for this charge, having previously been 'corrupted by greed in Constantinople along with his fellow bishop Zacharias'. While no further mention is made to John of Cervia, the legates commissioned to the synod of Metz in 863 stood accused of concealing

the pope's initial credence letters, and thereby 'carried out none of the things that had been entrusted to them by sacred authority'.¹⁷⁸ There are few parallels to such disobedient action among this ecclesiastical office, which also earned the condemnation of Archbishops Gunther and Theutgaud for their crime, in addition to the papacy's annulment of the synod and its enactments.¹⁷⁹ Aware of what had transpired against papal wishes, Nicholas immediately summoned a council at Rome (October 863), which attacked the bishops at Metz for acting 'in advance of our [papal] judgement' and for 'rashly' violating 'what was instituted by our apostolic see'.¹⁸⁰ As the pope concluded, the synod of Metz – which 'should be called a brothel' because it favoured adulterers – was void and damned to the reputation of the 'robber-synod' of Ephesus (449).¹⁸¹ To admit such a failing was presumably embarrassing for the pope; his legates were largely to blame, moreover, infringing an excommunication, violating papal commands, and ultimately undermining canonical judgement.¹⁸² That they were conscious of their misdeeds is very likely, especially given their reticence to report to Rome in person, sending the two German archbishops in their place.

For the papacy, this episode was a public failure in ecclesiastical administration. Presumably owing to the scandal surrounding his legates' corruption, the business of legation and its various dimensions comes into sharper focus here. The letters or mandates accompanying Nicholas' legates show the papacy's close reliance on this ecclesiastical office, revealing potential problems and vulnerabilities when a legation does not achieve its expected outcome, or transgresses the papacy's initial warrant.¹⁸³ Notwithstanding the papacy's criteria in selecting trusted and experienced legates, Nicholas seems to have taken a great personal chance by appointing Radoald, considering the suspicions surrounding his prior legatine activity to Constantinople in 861. Once appointed, however, the pope was committed to securing the legation's success, and measures were taken to ensure that the case could be given full canonical treatment. In a letter to the bishops and archbishops assembled at Metz, the pope expected that the matter would be considered alongside his legates, customarily leaving the final approval for the pope in Rome.¹⁸⁴ As another letter makes plain, measures were taken to 'introduce' these legates to Emperor Louis II and to solicit his assistance in realizing a council in his lands; the legates' powers of canonical negotiation, moreover, are explicitly acknowledged.¹⁸⁵ Nicholas went further to commend his legates to Lothar, illustrating by example how delicately the situation had to be broached diplomatically. On this occasion, the pope deemed it necessary to explain the importance of sending legates

e/a latere, as an effective means to resolve the matter swiftly; the pope himself, we are told, was hitherto pre-occupied with many other affairs relating to the Church, finding it perfectly reasonable and customary to send agents in his stead.¹⁸⁶

A *comminatorium* for this legatine mission is revealing not only for the papacy's position but also for legates' assigned responsibilities at Metz. Addressing his legates directly, Nicholas commissioned them to pursue Lothar with his mandates if he failed to attend the synod.¹⁸⁷ The pope ordered them to convict the Frankish king on the charge of adultery, unless such a ruling was found contrary to the apostolic canons. Indeed, if Lothar's marriage to Waldrada was somehow deemed legitimate, then the nuptials were to be celebrated in accordance with custom. Alternatively, if he was judged innocent, then the Frankish king was to be reconciled with his first wife, Theutberga.

Together, these procedural steps demonstrate a visible pattern of legation for the early Middle Ages, balancing measures of secular and ecclesiastical support in the council arena, with reference even to the thrust of delegated authority and commissioned responsibilities. In all his correspondence relating to Metz, whether addressing the Frankish kings or the Gallic bishops and archbishops, Nicholas commended his legates, thereby justifying their conciliar objectives while simultaneously describing the limitations of their commissioning. That Nicholas considered his agents 'competent for the task'¹⁸⁸ is a natural assumption. However, as his latter correspondence attests, the selected representatives of the Apostolic See were corrupted by the imperial party along the way.¹⁸⁹ The fragment of a letter to Emperor Lothar illustrates the pope's anger with this conciliar result, blaming him for dissuading his legates from executing their mission (as promised), and for consequently drowning them 'in a pit of transgression'.¹⁹⁰ The *Chronicon* of Regino of Prüm likewise notes the bribery that followed the legates' arrival in Gaul, going further to record their favouring of iniquity over equity.¹⁹¹ Adding salt to the wound, these papal agents returned to Rome with a conciliar report demonstrating Lothar's allegiance with the institutes of canonical discipline. A *libellus* of the synodal proceedings (*gesta*) was then presented to Nicholas in Rome, which purported that the case was thoroughly investigated and that the decisions were confirmed by the entire council. The pope's suspicions to the contrary, as mentioned above, prompted his convening a Roman council later in the year, which resulted in condemning Metz all together, deposing the archbishops of Cologne and Trier, in addition to censuring his once-trusted legates of the Apostolic See.

The fragility of diplomatic relations is witnessed once again with this case. At the 'goadings' of the two German archbishops, Emperor Louis II travelled to Rome with the reported intention of having them 'reinstated by the pope or, if the pope refused to act, laying hands on him to do him some injury'.¹⁹² Through a cleric named Hilduin, Gunther and Theutgaud delivered a letter to Nicholas – which he refused to receive – stating their case while simultaneously deriding the pope's actions against them. With the ongoing controversy of Lothar's divorce case, moreover, his brother Louis was physically preventing communications from reaching Rome and vice versa, though Nicholas did manage to disseminate letters to the archbishop and bishops of 'the Gauls, the Germanies and the Belgic province' to confirm the deposition and grant indulgences to those who consented to the divorce. However, when Nicholas requested through his *apocrisiarius* Arsenius 'for permission to send legates to Charles on certain ecclesiastical matters', Louis refused, believing that 'the pope wished to send those envoys to Francia with hidden designs against himself'.¹⁹³

To be sure, Constantinople (861) and Metz (863) are exceptional examples. Other than these two cases, I have not found any comparable cases of thwarted legatine councils. Rather, it is safe to suggest that legates were accepted elements of the ecclesiastical fabric, hand-picked agents with enough delegated power to cause the Carolingian emperor some occasional concern. Their experience and frequency in this legal-representative arena was presumably matched by some developed procedural and liturgical *ordines*.¹⁹⁴ While very few glimpses into the protocol of an early medieval legatine council are extant, the Pseudo-Isidorian *ordo* attributed to the seventeenth council of Toledo in 694 is the closest and most plausible contemporary description.¹⁹⁵ Some inference can also be taken from the *Annals of Saint Bertin*. In the record for a synod convened at Ponthion in June/July 876, this contemporary source provides some intriguing insight into the procedural *ordines* of a church council. Though convened by Emperor Charles the Bald, himself a representative of the Apostolic See, the papal legates and bishops, John of Toscanella and John of Arezzo, and Archbishop Ansegis of Sens, presided with him over the gathering of bishops and other clergy.¹⁹⁶ Following his deliverance of the 'Kyrie eleison' and a prayer, Bishop John of Toscanella 'read out the letters sent by the pope, including, notably, a letter concerning the primacy of Ansegis archbishop of Sens'.¹⁹⁷ On the following day (June 21), the council re-convened with the reading aloud of papal letters addressed to the laity, in addition to the formal statement of Charles' election and imperial decrees issued at

the palace of Ticino (Pavia). On July 4, 'the bishops assembled without the emperor and disputes were heard concerning the priests of various dioceses who were appealing to the pope's legates'.¹⁹⁸ On July 5, the bishops assembled once again with the emperor, giving audience to matters of the Frankish realm. So, a familiar pattern continues. More papal representatives arrived on July 10, bringing with them letters for the emperor, the empress, and a greeting to the bishops. The following day, 'a letter from the pope was read out concerning the condemnation of Bishop Formosus and of Gregory the papal nomenclator and of their supporters'.¹⁹⁹

The contentious issue of Ansegis' primacy pervaded this council. With the exception of Archbishop Frotar of Bordeaux, the remaining prelates had demanded immediately to see the conditions outlined in the pope's primacy claims for Sens. When the matter was raised again on July 14, the emperor rebuked the reproaches, effectively securing from those present their obedience to these papal decrees. A flexing of imperial muscle and a reiteration of the primatial claims made by the pope's legate apparently satisfied any suspicions of contravening sacred law, demonstrating the latter's role in affirming the will of his principal. The council's last session was devoted entirely to dispute settlement. Many cases were 'aired concerning the priests of various dioceses who were appealing to the pope's legates'. The assembly officially dispersed the following morning, with an elaborate ceremony involving the emperor 'clad in the Greek fashion and wearing a crown, led by the papal legates clad in the Roman fashion and by the bishops wearing their ecclesiastical vestments'.

A similar reconstruction of events is evidenced for the 'robber-synod' of Ephesus (449), the councils of Constantinople (861 and 869–870), and a German synod held at Ingelheim during the tenth century. For the latter case in June 948, a council convened in the Church of Saint Remigius, 'to deal with the serious dispute between King Louis and the *princeps* Hugh [the Great], and between Archbishop Artoldus of R[h]eims and [Bishop] Hugh [of Vermandois], who had been illicitly substituted for him in the same *urbs*'.²⁰⁰ Summoned in response to Artoldus' appeal made to Pope Agapitus II, this council was convened under the auspices of the legate, Bishop Marinus, with the personal assistance of King Otto I of Germany and Louis IV 'd'Outremer' of France. Letters of introduction were dispatched to King Otto and a number of German and Gallic bishops, though the conciliar records show a majority attendance of the former constituents. The deeds (*gesta*) of this council (13 canons in total), which were written and confirmed by the legate Marinus,

reveal that final judgement was decided on a number of ecclesiastical and secular cases.²⁰¹ The matter of disputed succession to the see of Rheims was presumably of central interest to the papacy, who through its legate ultimately judged against the claims of Hugh and in favour of Artoldus.²⁰²

The back-history to this decision illustrates the complex legal nature of the discussion with which the legate had to be acquainted. Before the council was even convened, Hugh of Vermandois had apparently disseminated a papal letter that 'contained nothing of canonical authority', but which nevertheless 'ordered that the diocese of Rheims be returned' to him.²⁰³ Once the council opened at Ingelheim, this false evidence was cited to the effect that Hugh should be restored to the see of Rheims and Artoldus expelled from it. However, the content of this letter – read aloud to the assembly – was immediately disputed, discounted, and condemned by the French clergy in attendance. While the legate Marinus reportedly 'ordered the matter brought before the general council so that he might receive counsel and proper judgment concerning this man making such charges against the bishops',²⁰⁴ the bishops themselves (Artold, Bishops Raoul II of Laon and Fulbert of Chartres) unanimously judged him of their own accord and demoted him to the office of deacon.

The process by which this final condemnation was reached is interesting to note, especially as it draws on sacred authority and the legate's execution of powers in the council arena. Before the bishops issued their own swift judgement, the origins and development of this conflict were made known. The day after the decision was pronounced, in what constituted the council's third session, 'the vicar Marinus ordered that the synod issue a decree against this presumption', harking back to 'the institutes of sacred canons and the decrees of the holy fathers Sixtus, Alexander, Innocent, Zosimus, Boniface, Celestine, Leo, Symmachus, and the rest of the holy doctors of the church of God' (canon 13).²⁰⁵ As decrees from most of these popes are contained in the canonical collection of *Dinoysius Exiguus*, it is quite possible that such law informed the direction and decisions of this synod. Summoning this authority would have provided the additional legitimacy for issuing judgement in the leadership dispute inflicting the see of Rheims, but also for the contemporaneous crisis facing King Louis IV and his rival, Duke Hugh of Paris, in addition to the ongoing problems of incest and simony in the imperial Church.²⁰⁶ Pope Agapitus confirmed these judgements at a Roman council in 949, but meanwhile, his legate Marinus moved from Ingelheim to Trier (in the ecclesiastical province of Rheims), where he

convened and presided over another council in October 948.²⁰⁷ There, on the council's third day, charges of excommunication were issued against the 'usurper' Duke Hugh of Paris and the bishops Theobald of Amiens and Ivo of Senlis, both who were consecrated to their offices by the condemned Hugh of Vermandois.

As representative assemblies, legatine councils were natural and obvious extensions of papal authority – theatres and witnesses to its effectiveness. In the Middle Ages, as Robert Somerville has argued, they operated as arenas 'for transforming papal theory into action'.²⁰⁸ While the full thrust of the legate's powers was largely pre-determined by papal mandate, legatine participation in ecclesiastical assemblies introduced a measure of agency and legitimacy to the conciliar proceedings. Though their involvement was occasionally questioned, as evident from the Council of Carthage in 424/425, few clerics or lay elite ever challenged the authority from which the legation was born. More than mere vestiges of a distant ruler, therefore, legates came to play a central role in the administration of the early medieval Church by representing its interests to the very threshold of Christendom; their very presence in convoking, convening, examining cases, and issuing judgement reveals a calculated measure of interference in affairs beyond Rome and her surroundings. To later canonists like Hostiensis, the very qualities of enquiring and correcting, hearing and judging cases and ultimately to delegate, are what defined the legate's overall function in the Roman Church.²⁰⁹ For the early medieval papacy, the effective mobilization of legates to local, regional, and universal church councils was a response and effective solution to the need for 'sharing the burden' of responsibility. Whatever the circumstances prompting each commissioning, the council arena provided the papacy and its legates with the necessary legal platform for executing justice, demonstrating in practice the legates' capacity to operate as both arbiter and judge on behalf of St Peter. The effectiveness of individual legatine councils in matters of examination, judgement, and canonical enactment leaves a lasting impression of centralized papal authority, giving witness to the institutional maturation of papal legation as an ecclesiastical office, which, as the following chapter suggests, experienced paradigm changes in the eighth and ninth centuries.

8

The Growth of Legation

In the medieval papacy's quest for centralized authority, legation was fast becoming an effective administrative and legal weapon. As direct beneficiaries, emblems, and vessels of Roman (i.e., papal) authority, legates achieved a considerable measure of ideological success during the eighth and ninth centuries. This apparent 'growth of legation' represents a pivotal phase in the institutional lifespan of this ecclesiastical office, which coincided with – or was even the direct result of – a series of astute Roman bishops and a landmark re-orientation of political allegiances with the Frankish kingdom.¹ Provided with 'the peace and security necessary for the elaboration of a papal government and for a papal rule in central Italy',² the papacy began reasserting its claims to power and authority over this period with increasing vigour. As representatives of this developing papal machinery, which was itself emerging in scale from a local to a Western-European and supra-national institution,³ papal legates benefited directly from any and all transformations to the papal-hierocratic theme. While it has been suggested that the practice of early medieval legation only shows 'the forces and tendencies at work to extend representational authority rather than any concrete extension itself',⁴ this chapter argues that some deliberate and symbolic changes were indeed taking shape. While it remains difficult to assert that the number and scope of legation intensified under the Carolingians, the true growth of legation can be measured most convincingly in the papacy's political expression of this ecclesiastical office – institutional transformations that foreshadow later, high medieval developments. Less concerned with documenting the activities of individual legates, therefore, this chapter re-considers the papacy's conception of legation in a Carolingian context. It is my contention that this era gave birth to the archetypal 'medieval' legate,

effectively establishing the prototype of papal representation adopted throughout the medieval and early modern eras.

The creation during the eighth and ninth centuries of *une état pontifical* is well attested by scholars of the medieval Church.⁵ According to Walter Ullmann: 'the whole ideological and "political" map of Europe had been changed by the methodical, purposeful and vigorous application of an abstract programme to concrete reality'. 'It was an age', he continued, 'which saw the beginning of the process by which Europe became a firmly knit ideological unit resting on the faith enunciated by the Roman Church.'⁶ The papal initiatives and developments of this era, moreover, present what Judith Herrin has rightly called 'a profound change in international relations'.⁷ The Roman Church's burgeoning relationship with the Germanic west 'implied a decisive turn in the development of the Roman Primacy'.⁸ In shifting its political and military allegiance from east to west, the papacy effectively altered its foremost diplomatic ties to a north-south axis. For the Roman Church, this political 'reorientation' or 're-casting' of dependency and communications warranted the expansion of existing ecclesiastical institutions and offices beyond Italy,⁹ which as Jeffrey Richards noted long ago, 'meant more work and increased importance for the papal administration'.¹⁰

Naturally, the flow of business (church and secular), diplomacy, and intelligence was a two-way system, though in the mid-eighth century, initial contact with the Franks lay exclusively with the more vulnerable and wanting client: the pope in Rome. The historical circumstances prompting this relationship led to new ties of dependency between the papal curia and Frankish court, revealing the desire for a more permanent system of representation north of the Alps. Notwithstanding the existing (*status quo*) machinery of legation examined in Chapters 3–4, there was in the mid-eighth century a noticeable absence of reliable papal representation in Francia, which tells us something about the papacy's influence north of the Alps at this point in time. As witnessed in previous chapters, their reach was understandably limited to the emerging papal patrimonies in suburbicarian Italy, increased only gradually through the missionary efforts born in the late sixth century. One corresponding administrative and economic result of this proselytizing was a glaring desire for constant representative systems and structures. The representative offices of apostolic vicar and *apocrisarius* were largely superseded after the 'Frankish-papal alliance' of 754; with no personal or permanent representatives at the Frankish court akin to the papal *apocrisarius* at Constantinople, popes in the mid-eighth century were left to represent themselves in matters of immediate and grave

interest. This administrative reality might explain why in 753 Pope Stephen II undertook the dangerous northward journey to Ponthion, crossing Lombard territory in search of King Pippin's military assistance and protection.¹¹

A new or renovated system of papal representation was emerging to fill this void. In fact, it had only recently come into existence. We might rightly call this form of legation 'medieval' in the sense that it developed institutionally from the *status quo ante* to assume a specialized procuratorial role as ordinary judge over a designated territory. Shortly after communications with Byzantium ceased flowing, Pope Zacharias took the unprecedented measure in 748 of appointing Saint Boniface as 'legate of the Apostolic See' (*legatus apostolicae sedis*) and personal representative to Francia.¹² Whether this novel commissioning was meant to fill a representational vacuum with a ruling power or to improve upon the existing model, one can only speculate. What is more probable is that this newer, personal representative of the pope was an amalgam of existing representative models, an office whose occupant was commissioned with papal *vices* over Gaul and Germany in matters of ecclesiastical administration, episcopal ordination, and convening of church councils.¹³ As discussed earlier in this book, this position soon became a 'fixed part of the Frankish court'¹⁴ following Stephen II's bestowal of the *pallium* upon Archbishop Chrodegang of Metz in 754. As a result of this novel administration, more permanent in-roads were laid between Rome and the Frankish world, religious, communicative, and diplomatic connections that would forever change the history of the Roman church, serving to bolster the papacy's position at the centre of Christendom.

The mid-eighth century thus served as a catalyst for institutional change within the legatine office. As a novel reference to a 'legate of the apostolic see', this particular Carolingian expression became common-stock in the High and Late Middle Ages – a generic term favoured in the post-Gregorian era (post 1085). Yet, such an expression must be treated as more than a linguistic turn of phrase; it holds both legal and administrative value, primarily because it connotes a transforming idea of medieval ecclesiastical office, which marks a watershed in the history of papal legation. Like earlier fifth- and sixth-century changes in the medieval use of *papa* to mean 'bishop of Rome' instead of 'father', such titular amendments 'may be seen as becoming part of an inheritance of ideas which, independently of origin, were to govern the way in which the status of the Roman Church was perceived in both Rome and beyond'.¹⁵ In other words, it is plausible to suggest that the archetypal

medieval papal legate was born in the mid-eighth century, as a direct result of altering political ties from an east–west to north–south axis.

Deliberate or not, in bestowing this title upon Saint Boniface, Pope Zacharias created the first *legatus natus* – that permanent, resident legate whose knowledge of the region to which he was appointed provided invaluable insight to the popes in Rome. As a suffragan to the Roman see, moreover, Boniface was consecrated personally by his metropolitan (the pope) – extraordinary circumstances that correspondingly justified the extent of his powers in exercising the legatine office throughout Gaul and Germany. Although this title was never used explicitly until the second half of the eleventh century, the rationale impelling such an appointment suggests a familiar notion of representation for the medieval period. More importantly, it suggests a transforming desire for permanent representation in the Carolingian era, demonstrating also the papacy's response, general outlook, and impulse for establishing permanent communications with a rising secular power.

One might also interpret this Carolingian development as a subtle expression of papal power. Indeed, the full thrust of a legate's authority still rested fundamentally on obedience to the centre in Rome. Papal claims to spiritual supremacy during this era were 'developed and extended into claims to temporal authority',¹⁶ marking what Schmutz has rightly called 'a zenith of papal aggressiveness prior to the eleventh century'.¹⁷ To cite Ullmann's conceptual interpretation: 'the vigorous assertion of the Roman *principatus* which, when logically pursued, was to lead to the conception of the *societas fidelium* as the supra-regal, automatic, corpus of Christendom'.¹⁸ As he perceptively noted in his *Growth of Papal Government*, three successive ninth-century popes played a central role in this re-configuration. Whereas Pope Nicholas I (858–867) is recognized for his 'skilful adaptation and combination of old papal expressions',¹⁹ his immediate successor, Hadrian II (867–872), is credited further with establishing the hallmark of peace, justice, and obedience within this ideology, as a necessary and inherited measure to govern the entire Christian world, both spiritual and temporal. Finally, John VIII (872–882) contributed fundamentally to 'a very considerable deepening of the papal hierocratic theme'²⁰ by asserting the papacy's centralized position within the larger Christian body politic (*respublica Christiana*).

Empowered by a successful recasting of papal ideology, the papacy's position throughout Christendom as a universal ruler had causal effects for the development of medieval legation. With the progressive 'Frankification'²¹ and missionizing of Europe and its

peripheries, the application of legation intensified correspondingly. As the previous chapter demonstrated by individual example, popes like Nicholas I threw their weight into many high-profile cases throughout Christendom (east and west), which necessitated that the papacy's position be enforced more regularly and with constant authority. The evidence for legatine activity in this period, moreover, exhibited primarily in papal mandates of varying description, contemporary (Frankish) annals, and conciliar records, reveals a regular dependency on papal legates to examine and issue judgement on matters ranging from the fundamentals of Christian orthodoxy to succession disputes in the eastern provinces. The pontificates of Stephen II (752–757) and Paul I (757–767) give witness to an unprecedented flurry of legatine activity already in the second half of the eighth century, an upsurge commissioned primarily to Frankish, Lombard, and imperial rulers in what signifies a period of intense political and military turbulence for the Roman Church.

From the pontificate of Hadrian I (772–795), this representative activity occurs almost entirely in the Frankish-papal arena. Not until the three successive pontificates of Nicholas I, Hadrian II, and John VIII, however, does the full range and mobility of the legatine office appear to have been fully grasped and exploited. The prosopographical data for these pontificates show a steady increase in the number of legations, from 12 commissionings under Nicholas I, 15 under Hadrian II, to 52 under John VIII.²² As illustrated in the last chapter, the majority of legations commissioned during the second half of the ninth century concerned matters of legal examination and judgement (minor cases), with a few exceptional cases involving Christian doctrine or faith (major cases). That the locus of this legatine activity centred on the Frankish kingdom is to be expected, especially given the contemporary divorce scandal of Emperor Lothar II, the succession disputes between the latter figure and his uncles Charles the Bald and Louis the German, the ongoing church reform, and the Church's strong alliance with the Carolingians more generally. However, as the ninth-century conciliar and epistolary evidence surrounding the Photian schism illustrates, the eastern provinces were not entirely beyond the papacy's orbit of concern.

The papacy maintained a vested interest in all such ecclesiastical affairs. Given the physical constraints of governing Christendom, a problem well-recognized by the popes in Rome since the sixth century (if not earlier), legates provided a main conduit of information and the physical means of exercising influence and executing justice in distant

Christian regions. In light of this office's practical use, the question of whether prevailing political conditions necessitated this increased legatine activity warrants little consideration: the majority of legations were initiated to suit more immediate papal needs and interests, or in response to an influx of legal appeals into Rome. To be sure, the legate's usefulness under such circumstances was transforming alongside the papacy's wider representative outlook, a fact most evident in the bestowal of the *pallium*, an ecclesiastical practice that the Frankish contemporary Hrabanus Maurus (c.780–856) described as an honour 'decreed for a supreme pontiff, who is called an archbishop, because of his apostolic vicariate'.²³ While legates do not become directly involved in this ceremony until the second half of the eleventh century, its practice in the Carolingian era reveals a relevant and contemporaneous mindset to the foregoing investigation. Both the legate and the *pallium* were powerful instruments and symbols of papal power; both exercised Roman (i.e., papal) authority wherever they were present, with prescribed jurisdictional powers over a designated region. The recipient of this white-woolen vestment was similarly bestowed with specific privileges from Rome, and thereby was indebted and connected to the papacy in the same way as a legate.

Each in its own way, the commissioning of a legate and the bestowal of the *pallium* exhibit representative qualities of importance to the administration and governance of the Roman Church more broadly. For the papacy, both were effective measures of control and trusted tools of the trade; both harnessed and represented the power of their principal. Similar to the legate commissioned with specific powers, the *pallium* possessed specific privileges and rank that benefited and qualified its recipient. Pope Gregory II granted this white, woolen vestment to Bishop Corbinian (c.670–730), whose evangelizing role in Bavaria was bolstered through the exercising of his ecclesiastical office.²⁴ In the case of Ansgar, who became the metropolitan archbishop of Hamburg-Bremen following his evangelizing in Scandinavia, Pope Gregory IV allegedly granted him and his successors (*successores eius legatos*) the papal insignia in 831/832 so that he might continue instructing with the necessary authority.²⁵ Much like the justification for commissioning legates to act on the pope's behalf, this (false?) privilege was meant to 'establish this missionary prelate on a firmer footing and enable him to weather the evils to which the wild northern regions were subject'.²⁶ In Ansgar, the papacy found a loyal representative of the Roman Church, a figure endowed with the symbols of papal authority in a distant northern region – a palliated missionary *cum* legate.

Owing to its connection between Rome and the ecclesiastical hierarchy, the *pallium* possessed supreme representative powers. As Steven A. Schoenig has demonstrated in his magisterial thesis (Columbia University, 2009), conferring this white woolen vestment was a vital 'means of implementing the papacy's theoretical power and extending its scope in an era of difficult and slow communication'.²⁷ In addition to its inherent spiritual meaning, it was considered a gift bestowed upon a figure to 'exercise control over key bishops and subordinate them more effectively to Rome'.²⁸ Its reception 'enabled the making of significant contacts, and in this respect the vestment played a part in weaving a web of personal connections across Europe'.²⁹ Their dispatch throughout the Christian provinces, furthermore, 'secured them as members of the Western church and adherents of papal authority – strands in a web centred on Rome'.³⁰ This meaning presumably informed Pope Gregory I's view on the subject when he entrusted an Illyrian bishop (John) with the *pallium* in 594 to 'carry out our duties in accordance with due custom', as one expectant upon receiving full obedience from his subjects in 'matters which concern the law of the ecclesiastical order and its discipline'.³¹ By controlling the *pallium* and its recipients, loyal men were recruited into the growing ranks of the papal entourage.

Performing a vital function as permanent local representatives, moreover, these ecclesiastical agents exhibited characteristics of office reminiscent of later *legati nati*. That is, their hierocratic role in representing their principal (the pope) was not transitory like the early medieval *nuncius* but more permanent like the terminal apostolic vicar or *apocrisiarius*. In administrative terms, furthermore, the responsibilities associated with the *pallium* resemble closely some common legatine tasks. When Pope John VIII granted the *pallium* to Adalgar of Autun in 876, for example, he effectively created the bishop *cum* legate's permanent role as 'mediator between our pontifical power and your imperial power'. 'In this way', he continued, Adalgar 'would be like an instrument of both voices, and would report your concerns to us and announce our concerns to you, as a cornerstone laid in Christ Jesus, "who is our peace and has made both one"' (Eph 2:14).³² To Thietmar of Salzburg in 877, moreover, the same pope entrusted him with more than just an ecclesiastical office; in practice, this bestowal came with the additional responsibility of collecting annual revenues from St Peter's possessions in Bavaria.³³ To Archbishop Rostagnus of Arles in 878, the *pallium* bolstered his authority to act entirely on the pope's behalf in regulatory matters concerning the implementation of conciliar rulings from

Rome (875) and Ravenna (877). As Pope John's direct and most senior representative in Gaul (i.e., consecrated before all other bishops), and exercising his office with the pope's authority (*vice nostra*), the palliated archbishop was fully expected to relate (by letters or through legates) all matters concerning the church in this region to the Apostolic See.³⁴

Like the theory and practice underpinning medieval papal legation itself, the *pallium* provided a tangible link to Rome, establishing official 'lines of communication between the provinces and the papacy'.³⁵ Through its granting and reception, the episcopacy in the Christian provinces was more firmly indebted to Roman authority, as a means of validating the recipient's position and 'tightening the bond' with the donor (the pope). There were fewer, greater symbols of papal power and subjection, which owing to the demands of church reformers in the late eleventh and early twelfth centuries required that the recipient visit Rome for his investment.³⁶

In many ways, therefore, legates and *pallia* were operating in the same ecclesiastical arena; they functioned as ecclesiastical weapons applied to contemporary circumstances. In a period of church growth in the Frankish kingdom, for example, Pope Hadrian I employed a representative team in the promotion of Lull to the archbishopric of Mainz. At first writing to Archbishop Tilpin of Rheims in 780, the pope sought some assistance for investigating the candidate's 'faith and teaching and lifestyle and behavior and life'.³⁷ If these aspects proved satisfactory (i.e., orthodox), then Lull was encouraged to send a written and signed profession of faith to Rome through his envoys, which he promptly did. According to this document, Lull adhered to the canonical precepts of the Roman Church, in accordance with 'the instruction of the apostolic pontiff Pope Hadrian and his envoys, the pontiffs Weomad, Tilpin, and Possessor, and the envoys of our lord Charles'.³⁸ Putting a team of ecclesiastical and secular agents to good use, Hadrian secured the desired outcome through an effective exercising of papal control and representative administration. In this exceptional case, the pope's initiative was successful in distributing administrative responsibilities, effectively entrusting the legatine office to represent mutual interests between the offices of provincial and Roman bishop.

Such physical and symbolic gestures of Rome's authority inadvertently strengthened the legate's jurisdictional rights and authority in distant Christian provinces. However, the *pallium* is just one example to which more strident and explicit political developments can be added in the ninth century. Addressing the dukes, counts, and other princes in the Frankish kingdom in 869, Pope Hadrian II commissioned

his legates, Paul and Leo, to prevent Charles the Bald and Louis the German from invading and partitioning Lotharingia following the death of their nephew, Lothar II.³⁹ While the legates' mandate in this endeavour demonstrates their formulaic but expectant role in protecting the peace and concord of the Roman Church, it is significant that Hadrian asked for his representatives to be received 'out of reverence for the apostles Peter and Paul' (*ob reverentiam principum apostolorum Petri et Pauli*).⁴⁰ An identical clause was issued in the pope's letters to the Frankish bishops and Archbishop Hincmar of Rheims respectively, with another example (with a slightly different expression) found in a letter to Emperor Basil concerning the Photian schism.⁴¹ And if the tenth-century description in Liudprand of Cremona's *Historia Ottonis* is counted, Pope John sent his envoys, the cardinal deacon John and the secretary Azo, to King Otto, 'humbly begging him, both by letters and a recital of facts, for the love of God and the holy apostles Peter and Paul'.⁴²

In the context of authorizing legates, it is worth asking what significance can be given to this papal expression. Stating the obvious, Schmutz noted that its application 'is not revolutionary in itself, but through constant repetition it not only emphasized the close relationship of the pope, as successor to Peter and Paul, to the legates, but it implies a vicarial relationship between the legates and Peter and Paul'.⁴³ Prior to Hadrian's association of this ecclesiastical office with two apostles, the customary reference – when it was cited, which was not all that frequently – was to the former saint only, as a reminder of the connection between Christ, the Roman bishop (= Christ's vicar), and his representative in distant Christian provinces. The reverence assigned to Paul on these rare occasions does not tell us much about the contemporary conception of medieval papal legation as such, other than to demonstrate the inherent Roman authority on which its purpose was based. However, perhaps this was Hadrian's sole intention, providing by subtle means some additional currency to this brand of representation, presented formally in the diplomatic introduction of his legates – a strong and meaningful reminder of apostolic inheritance, tradition, prestige, and their ultimate basis for authority.

In his invoking of legatine authority by novel means, Hadrian was not alone. It could well be argued that the consistent application of adverbial phrases was intended to strengthen the overall potency of this ecclesiastical office, thereby reinforcing the legate's reception as the pope's *alter ego*. Such reminders about the foundation of representative authority would presumably have eased the legate's transition

from 'outsider' or 'foreigner' (i.e., non-Roman) to accepted 'arbiter and judge' over an assigned region, which became an increasingly difficult, but necessary, task for the papacy throughout the Middle Ages. Given this very practical diplomatic consideration, the commissioning of legates *e/a latere* marks yet another important shift in the conception of early medieval papal legation, and one whose development can also be attributed to key ninth-century popes. Until the middle of this century, in fact, this expression appears only rarely in the sources, with a few records located in conciliar evidence for Sardica (343) and Carthage (419), in addition to the letters of Popes Boniface I, Leo I, Gregory I, and Gregory IV.⁴⁴ In these early cases, additional procuratorial or jurisdictional powers are nowhere explicitly given to individual legates, which suggests that no ulterior meaning was intended besides reinforcing the relationship between the legate and Rome. However, this relationship itself was presumably more than sufficient, charged as it was with implicit recognition of Roman authority.

For the second half of the ninth century, by contrast, the expression's repeated and favoured use suggests a heightened value, which served papal agents well for explaining the basis of their legates' jurisdictional authority.⁴⁵ Like Zacharias' earlier appointment of *legatus natus* to Francia in the mid-eighth century, the ninth-century application of *legati e/a latere* in particular opens a window onto later medieval practices and conceptions of legation, which became much more institutionally and legally refined. Indeed, from the late eleventh century onward, the legate *e/a latere* was recognized as a distinct legal and administrative office in its own right, a decretalist term frequently used to describe cardinals representing part of the pope's body (*pars corporis eius*).⁴⁶ While no such analogy exists for the ninth century, the consistent application of this adverbial expression under Popes Nicholas I and John VIII especially suggests a bolstering of representative terminology to suit their immediate procuratorial needs and interests. Laying the groundwork for later legal elaborations under decretalists like Bernard of Parma and Hostiensis, moreover, the *legatus e/a latere* of the early Middle Ages embodied many of the same representative traits, exhibiting practical legal advantages in the realm of representation that were recognized and increasingly exploited by successive medieval popes.

Frustratingly, the historical context in which the expression appears is not overly helpful for determining its value-added meaning. With just a few known examples prior to the second half of the ninth century, the term *e/a latere* appears in only 10 letters of Pope Nicholas I and 6 letters of Pope John VIII. For the former Roman bishop, it is employed

most often with reference to high-profile figures and ecclesiastical cases, namely the commending of legates to Frankish rulers to solve internal disputes (*Epp.* 6, 12), the Photian schism discussed at the synods of Soissons and Rome (863) (*Epp.* 79, 80), the associated deposition of the papal legates Radoald and Zacharias, and the subsequent dissemination of conciliar decrees surrounding these long-standing issues to Emperor Michael (*Epp.* 84, 88, and 90) and various prelates in the eastern half of the empire, Asia and Libya (*Epp.* 91, 98). Under Pope John VIII, by comparison, the *legati* or *missi 'e/a latere'* were variously commissioned to Frankish and Byzantine emperors (*Epp.* 64, 69, 234, and 267) and prelates (*Epp.* 181, 202), with no obvious connection between the expression's use and the intended recipient or region.

Considering the penchant of ninth-century popes for invoking the Leonine and Gelasian themes of papal primacy, however, there is something to be said for the harnessing of representative language in this context.⁴⁷ The papacy's increasing specification in describing from whence the legate came, and on whose behalf he was sent, implies a conscious regard for such details. It might also imply a need for reinforcing the legate's validity and overall legal status. Justification for legitimate powers would never go amiss, it seems, as the papacy's contemporaneous use of one particularly powerful metaphor suggests. Writing to Emperor Basil in 878, Pope John VIII commended his legates, Bishops Paul and Eugenius, as counsellors of the Roman Church, agents of representation replete with manifest faith and knowledge.⁴⁸ Providing excuses that prevented him from attending to the matter personally, the pope relied on these men as his direct representatives from Rome, papal legates whom he entrusted in writing with mandates for peace and an end to ongoing hostilities. Significantly for our present interest, John's description of the troubles between the eastern and western Churches described the burden (*onus*) of protection that formed part of St Peter's solicitude – that is, his jurisdiction over both spiritual and temporal matters throughout Christendom. To justify, clarify, and emphasize the root of such powers and their Scriptural foundation, he cited the Old Testament prophet Jeremiah on the matter of 'uprooting and destroying, building and planting' (1:10). Taking the theme of mediator between heaven and earth one step further, however, John described a causal transference of God's authority to his legates *e/a latere*, to these hand-picked men commissioned to deal with troubles where they might exist. The reason impelling this connection between prophet-pope-legate was stated simply: in order to destroy, scatter, and break down the roots of evil before initiating the process of rebuilding.

Under Pope John VIII, the 'Injunction of Jeremiah' possessed a powerful church-reforming value. The moral authority of its message transcended the allegorical basis apparent in the writings of Ignatius of Antioch, Iraeneus of Lyons, Clement of Alexandria, Tertullian, Origen, Hippolytus of Rome, Cyprian of Carthage, Jerome, Augustine of Hippo, John Cassian, Ambrosius Autpertus, and others. Its political use became increasingly recognized and applied to contemporary historical events within the Roman Church and its papacy.⁴⁹ In the preface to a council held in 829–830 at the monastery of Saint-Denis, for example, the Injunction was cited in relation to reforming the lapsed practices of the Benedictine rule.⁵⁰ According to the extant conciliar account, vices were to be plucked out before the planting of virtue could begin. Following what is now a familiar analogy, praise was given for the Carolingian Emperor, Louis the Pious (r.814–840), who – as the source relates – had always striven to accomplish these precise objectives; that is, he sought always to improve his kingdom by eradicating harm (*noxius*) and planting virtue *incrementa*, all the while representing the will of God and the Roman Church through his every action.

A political dimension to Jeremiah served medieval ecclesiastical writers well. While never shedding its figurative context, the Injunction could also serve to pressure the intended audience wherever necessary. Take, for example, Pope Nicholas I's lengthy letter to the Byzantine emperor Michael in 866, which employed the Injunction concerning the ongoing Photian schism.⁵¹ Pleading with the emperor to resolve the dispute once and for all and recommending that he put matters of the Church above all else, the pope strongly urged him to heed the words spoken to Jeremiah (1:10). According to Nicholas, it fell within the emperor's 'ministry of power' (*imperio vestro ministerio*) to destroy and pull down 'the arguments of the devil and the machinations of all his members', because that which is derived from Photius germinates 'evil buds', whereas the deposed and papal-supported patriarch (Ignatius) presented more honourable virtues.⁵²

Bolstering the legate's authority even further, the historical, moral, and spiritual meaning of this Old Testament passage was cultivated for its political claims of supremacy and authority. The inherent themes of destruction and renewal lent themselves well to contemporary political-reforming ambitions of the Roman Church and its government from the ninth century onward. The Injunction became a modified theorem to suit the papacy's growing political interests and needs throughout Christendom. That Pope John VIII equated it with papal powers, however, was seemingly unprecedented. Yet, such

a strategy supports Ullmann's teleological view of the ninth century as experiencing a 'considerable deepening of the papal-hierocratic theme'.⁵³ While Ullmann's conceptual framework has been subject to criticism and revision,⁵⁴ much truth remains in his visionary portrait of papal government in the Middle Ages as 'one body corporate and politic'.⁵⁵ The fact is that under John VIII, the *respublica Christiana* was truly born and legates played a significant part in this construction. What emerged after centuries of internal development was a universal Roman Church, a '*principatus* over all nations of the world',⁵⁶ which formed 'the unifying principle of the many nations which acknowledge it as their mother and head'.⁵⁷ Significantly for medieval debates between church and state, the burden of responsibility in both spiritual and temporal matters was 'entrusted to the care of the pope'.⁵⁸ Overall, the development of this political idea in the High Middle Ages especially helped furnish a deeper justification for the pope's claims to centralized and legitimate authority throughout Christendom. Forming a new part of the ecclesiastical arsenal, the Injunction of Jeremiah offered medieval popes a partial solution to the increasingly complex rhetoric of debate between church and state.

The asserted connection between medieval popes and Jeremiah reveals a broader political-reforming agenda. The prophet 'became the spiritual as well as temporal overlord'⁵⁹ – a historical interpretation that differs significantly from the traditional Old Testament and early Church understanding. For Ullmann, 'the same plenitude of power must be conceded to the pope... since he is the "summus sacerdos"'. Here, the office of bishop is understood as the equivalent of prophet, an assumption of rank that is nowhere explicitly defined in Christian Scripture or early ecclesiastical writings. Nevertheless, a creative leap was taken in the ninth century whereby the idea of 'mediation' between God and Jeremiah was likened to the Roman bishop's authority over the entire Church. This theory of power and governance provided ammunition for the Church's position in the long-standing debate surrounding papal (i.e., Roman) primacy. As John VIII's case suggests, the Injunction of Jeremiah provided the medieval papacy with further justification for its administrative and juridical authority. Its original meaning was transformed in the ninth century to demonstrate yet another reference to delegated spiritual powers, on this occasion, explaining the hierocratic connection from God to his prophet, from Jeremiah to the Apostle Peter, from Peter to successive Roman bishops, and from these popes to their representatives throughout Christendom – his legates.

This concept, first applied by John VIII, had ostensibly matured by the second half of the eleventh century. Pope Gregory VII (1073–1085)

articulated the Injunction of Jeremiah with more finesse, strength, and apparent understanding of its power, which suggests considerable ideological development since the text's introduction as a political/reforming tool in the second half of the ninth century. In a letter commending Bishop Landulf of Pisa to the Corsicans (September 1077), the political power of this Injunction gains further perspective. Unable to visit the island personally, the pope lamented the absence of his direct authority over the Mediterranean region. Fearing negligence for the general welfare of Christian souls, Gregory sent Landulf as his legate 'to whom we have also committed power on our behalf among you, so that, duly pursuing the things that belong to the order of sacred religion, he may, in the prophet's words, "uproot and destroy, build and plant"'.⁶⁰ While in practice, the authority bestowed to Gregory's legate was conditional on his reception by the Corsicans, it was inconceivable that the papal authority enjoined on Landulf would ever be contested or ignored; this assumption rings even truer given the legate's explicitly established connection to the bishop of Rome, St Peter, the prophet Jeremiah, and God, respectively. In this case, the Old Testament authority of Jeremiah provided the added weight of papal representation, the thrust of which relied wholeheartedly on the transference of powers from the heavenly to the earthly realms.

The growth of early medieval papal legation described in this chapter was subtle but powerful; its legacy derived fundamentally from refining and distinguishing existing concepts of representative power and its inheritance in the early Middle Ages, the interpretation of which furnished the framework for later institutional developments and their application by medieval popes. Exhibiting more than just a trend in papal thinking, administration, and governance, legatine activity in the Carolingian era experienced a concrete symbolic and ideological shift. By the mid-tenth-century pontificate of Agapitus II (946–955), it was an accepted fact that the pope's representative came armed with the powers of his principal. Like the successor to St Peter himself, whatever needed binding would be bound (*ligare*) by the legate's apostolic authority, and whatever needed loosing (*solvere*) would be loosed by the same powers (*potestas*).⁶¹ Conciliar statutes, moreover, like those issued at Würtemberg in 948, needed the legate's 'support and confirmation' (*auctorante et confirmante*). Perhaps even more significant are the few references to legates being sent in this period to entire regions, which might indicate the loose beginnings of a more permanent representative office realized in the following century under Gregory VII and his successors. In a letter to Archbishop Fridericus of Mainz, Pope Leo VII mentioned his *vicarius et missus nostrae apostolicae*

sedis totius Germaniae.⁶² Similarly, under Benedict VI (972–974), we find a reference to a papal vicarius operating *in illis partibus*, meaning the provinces of Pannonia and Norica.⁶³ Under John XV (985–996), mention is made of Archbishop Seguin of Sens as possessing the pope's *vices* throughout France (*per Galliam*).⁶⁴ Even the ceremonial *ordines* of legatine assemblies acquired some practice in this period, as legates embodied the pope in person through his physical likeness in dress.⁶⁵ The Saxon synod of Pöhlde (1001) is the earliest witness to this symbolism, which recorded the cardinal-priest Frithericus 'clothed with the complete apostolic insignia in the same style as the pope himself would go forth, while horses adorned the door of the apostolic sedan in the Roman custom'.⁶⁶ Personifying the pope through the insignia of the cross, mitre, red clothes, and a special harness for his horse, this rare example begs the question of whether an established custom had long been practiced in the early Middle Ages.⁶⁷

In the foregoing argument for institutional continuity and change, plateaus in legatine activity are inevitable and apparent. Notwithstanding the foregoing argument for the 'growth' of medieval papal legation in the ninth century, the office's practical potential was not fully realized until the eleventh and subsequent centuries. In sheer terms of legatine activity throughout the Christian provinces, there is an identifiable lull between the Carolingian and Gregorian reforms that can only be explained by prevailing social and political conditions. In practice, the office's institutional trajectory unavoidably suffered from the vagaries of early medieval society, which experienced an ebbing of papal power following the disappearance of the Carolingian protectorate. Its structural development closely paralleled that of the papacy, which, despite centuries of progress, quickly 'sank into a morass of social upheaval and political corruption'⁶⁸ in and following the ninth century. As a result, the practice of legation was eclipsed and eroded by local (i.e., Roman) politics, only to be renewed under slightly different rubrics in the second half of the eleventh century. For England, after the commissioning of George of Ostia and Theophylact of Todi in 786, for example, only three legations are noted before the mid-eleventh century.⁶⁹ Between 870 and 1049, only 16 legations were commissioned to France, with significant gaps in the records for the first part of the tenth and eleventh centuries.⁷⁰ The only notable exception to this decline in legatine activity occurred in Germany, where 90 legations are recorded between the mid-eighth (739) and mid-eleventh centuries (1044) – spanning 33 pontificates.⁷¹ In keeping with contemporaneous trends elsewhere in western Christendom, however, the majority of these legates were

commissioned in the eighth (36) and ninth centuries (37), with significantly fewer legations taking place in the tenth (9) and early eleventh centuries (8).⁷² While the evidence is comparatively limited for this period, there is no ignoring the upsurge in legatine activity witnessed under Gregory VII, whose pontificate experienced an estimated 14-fold increase in the commissioning of papal agents throughout western Christendom. While greater numbers are not necessarily indicative of a better working system, this dramatic rise in activity lends considerable weight to the argument for the maturation of medieval papal legation in the late eleventh century, yielding organic results of an office that emerged institutionally from infancy into youth.

This gross differential does not imply an absent system of papal representation in the tenth and early eleventh centuries. Rather, it suggests (in part) a failure among medieval popes to avail themselves of the existing machinery and personnel. Given this interpretation, it is easy to comprehend the historian's emphasis on the second half of the eleventh century as a period of significant change and 'radical reorganization'⁷³ to the legatine office – the beginning of a new era (see below). Gregory VII's pontificate, in particular, is considered 'the most influential in determining the subsequent course of the history of the papacy as an institution of government'.⁷⁴ The 'dividing line'⁷⁵ between the early and high medieval periods thus rests firmly with church-reforming efforts in the 1070s and 1080s. Such a realization only strengthens the arguments presented in this book, illustrating by its trajectory and continued growth that the framework for legation developed by the end of the ninth century was realized in practice under the church reformers. 'When the revival did come', as Schmutz has argued for the Gregorian and post-Gregorian era, 'its sponsors interpreted representation far more liberally and granted it greater powers than it had ever had.'⁷⁶ The reasons for this change are explained accurately by the need for greater jurisdictional and juridical freedom of representation. That is to say that by the second half of the eleventh century, the need had arisen for legates 'who can take full charge of cases, the complexity and uncertainty of which makes detailed instructions impossible, and who are also competent to handle unnamed and unforeseen causes'.⁷⁷ That such a system of papal representation was possible owes considerably to the office's institutional growth development over previous centuries, the culmination of which gave birth in the High Middle Ages to the institutionalization of legates in canon law and a permanent machinery of execution.

9

A New Era

In a curious letter written near the end of his life, Pope Gregory VII made a general appeal to all the 'faithful in Christ'. The purpose of his missive was to illicit protection for the Roman Church against its destruction by heretics, fearful that she might be reduced to a 'laughing stock not only of the devil but of Jews, Saracens, and pagans'.¹ The 'numerous evils', 'various dangers', and 'unheard-of crimes of cruelty' to which this pope referred were, for the contemporary eleventh-century reader or listener, presumably familiar afflictions facing the Roman Church and the wider medieval society. For those recipients needing a little more context or explanation, however, the pope nominated his closest and most trusted representatives. These unnamed papal legates (*legati*) were for Gregory, ideal spokespersons through whom a 'true report' could be gained 'more clearly than daylight'.²

Considering when this letter was written (July to November 1084), following a course of historical events that ultimately led to Gregory's famous exile to Salerno at the hands of the Normans, this pope's melancholic views on the current state of Christianity are both striking and sincere. Against these perilous personal circumstances, the ostensible faith and trust transmitted to his legates appears as a comparatively bright beacon in the midst of a faltering ecclesiastical and political Roman world around him. This ecclesiastical office was among the few constants in Gregory's life. Over the course of his pontificate, he succeeded in transforming it into a trusted branch of the papal machinery empowered by centuries of historical precedent, staffing it with hand-picked allies of the reforming party, two who (Hugh of Die/Lyons and Anselm of Lucca) were nominated to succeed him to the apostolic throne.³ Bolstering the prominence of his legates even more, Gregory characterised them in nostalgic terms as 'most faithful servants of

St Peter and, each of them in his own order'. To his mind, these figures were ranked 'amongst the leading men of his household; no fear or promise of temporal goods could in any way turn them from his loyalty and service nor separate them from the bosom of the holy mother church'.⁴

To be sure, Gregory VII bequeathed his own legacy to the legatine office; his pontificate represents the beginning of a new era in its institutional history. There is much more to this statement than the oft-quoted fourth sentence of his *Dictatus papae* (c.1075), which decreed 'that his legate may preside over all the bishops in council, even should he be of inferior rank, and may pronounce sentence of deposition against them'.⁵ Indeed, scholars since the early twentieth century have noted how Gregory and his successors vastly enhanced the powers, duties, responsibilities, and overall machinery of papal legation, taking the conceptual framework of this ecclesiastical office established during the early Middle Ages and transforming it to meet contemporary realities. As Ian Robinson has argued, 'the years 1073–1198 witnessed the development of the papal legation as one of the most important instruments of papal government – the connecting link between the papal curia and the churches and secular rulers of western Christendom'.⁶ Reforming popes of the late eleventh century are credited with using legates 'on an unprecedented scale to implement its decrees and to promote its conception of the papal primacy throughout Christendom'.⁷ By harnessing the full administrative and legal capacity of this ecclesiastical office, Gregory VII and his papal successors provided a 'reliable means to enforce papal conformity by dispatching trusted ecclesiastics to carry out the necessary, unfinished, and often drawn-out business that filtered into Rome'.⁸

The operational value of papal legation, thus, reached a 'highpoint'⁹ (*Höhepunkt*) in the reforming era, intensifying in both number and scope as eleventh- and twelfth-century popes employed legates as effective mechanisms of papal government and instruments of aggression and/or restoration.¹⁰ In legal and administrative terms especially, the papal legate was transformed by Gregory VII, only to emerge in the early twelfth century with new and re-directed powers of authority and jurisdiction. It was during the 1070s and 1080s, for instance, that the permanent 'trans-alpine' legate was first commissioned (*legatus natus*), serving papal interests in France (*Gallia*), Spain (*Hispania*), and to a lesser extent Germany, Italy, England, and the emerging 'nation-states' of Bohemia, Hungary, and Poland. Numerous other envoys and messengers of various rank and file were dispatched with similar

powers to regions throughout Christendom, exhibiting – as a collective whole – a tremendous development in medieval papal representation and negotiation that carried forward into the late Middle Ages.

This sea change of medieval papal legation was centuries in the making. According to Richard Schmutz: ‘the old, pre-Hildebrandine institution disappeared and in its place arose one far more specialized and powerful’.¹¹ For this reason, the reformers’ influence on the history of papal representation has been dubbed ‘revolutionary’.¹² Acknowledging that ‘old practices of authorizing papal legates’¹³ had been revised in the 1050s under Pope Leo IX (1049–1054) helps understand the impetus for change over subsequent decades. On the one hand, the mid-eleventh century experienced an ‘abrupt transformation of the Roman envoy into an instrument of reform’.¹⁴ As I have argued elsewhere:

Gregory VII (as archdeacon Hildebrand) was himself active as one of the first to take up this increasingly revised and enhanced authority. Sent on legatine missions to France (1054 and 1056) and Germany, his deposing of six simoniac bishops at a council in Chalon-sur-Saône in 1056, for instance, is evidence of how quickly this enhanced authority was being applied in the field.¹⁵

Peter Damian’s mission to France in 1063 further exemplifies the legate’s enhanced procuratorial powers, commissioned in this case with papal *vicis* (*pleno jure*) over an entire Christian province, with the added authority to promulgate decrees (*ratum et firimum*).¹⁶ And with the appointments of Hugh of Die/Lyons, Amatus of Oloron, Altmann of Passau, and Anselm of Lucca as permanent legates under Gregory VII, it could well be argued that the systems of representation examined in this book were transformed into ‘a completely new, “medieval” institution’.¹⁷

However, at the same time, transformations to the legatine office can also be measured in terms of continuity and stability, as natural extensions of a tradition dating back to the early Church.¹⁸ For the historian of papal representation, therefore, this new era of legation might be interpreted as an accumulation of institutional change (or ‘flashpoint’¹⁹), the impact of which culminated in the second half of the eleventh century and was experienced widely throughout medieval western Christendom. By the early twelfth century, it seems, the practice of legation was somewhat normalized. In appointing Bishop Gerard of Angoulême as legate to France in 1108, Pope Paschal II mandated the standard procedure governing this representative office. Addressing the archbishops of Bordeaux, Bourges, Tours, Auch, and Dol, he wrote:

To lighten your task, so that you have someone near you to whom you can bring requests and difficulties – someone who by his counsels and his encouragement assists you in accomplishing the work of salvation – we delegate our own authority for the duration of our pontificate to our dearly beloved brother, Gerard of Angoulême, who will share our responsibilities among you. For the honour of God and the salvation of our souls, faithfully obey him who will be our vicar and the vicar of the apostles in your lands . . . Do not disdain, beloved brothers, to hold synods with him when they are needed for the good of the Church. For this purpose we grant him the power to convoke [synods] in our place.²⁰

The evolution of legation in the post-Gregorian world (post 1085) also introduced new legal dimensions to this ecclesiastical office that go well beyond the scope of this present book. The development of appellate jurisdiction in the twelfth century, to cite a later development, made a significant contribution to the use of judges-delegate (*judex delegatus*), providing yet another example of the papacy's gradual distribution or 'sharing' of papal responsibilities.²¹ Suffice to say that the foundations of medieval papal legation examined for the early Middle Ages provided a 'blueprint for re-constructing the edifice which underlies the thirteenth-century decretal institution'.²² Much ink has been spilled over this process of institutionalization in the twelfth and thirteenth centuries (particularly for England and France), to a period of legal formalization that John Perrin succinctly described as 'the historical development and compartmentalization of papal legation and the concomitant development of a canonical theory of legation'.²³

Underpinning these later medieval developments are the many dimensions of office examined throughout this book. It is striking that whereas the *need* for legates intensified and changed over time, the principles of papal representation remained more-or-less intact. At their core, legates continued to intervene 'directly in details of ecclesiastical administration, reform, correction, and they supervised the smooth working of the machinery of justice'.²⁴ Their perambulations served to maintain contact between Rome and the Christian provinces. Given this basic representative function, their general service was timeless and universal; their role in church administration and governance grew correspondingly with the papacy's efforts to govern the Christian faithful more effectively.

In the grand scheme of 'sharing the burden' of responsibility throughout medieval Christendom, entrusting men of 'complete confidence'²⁵ with matters to which the pope himself could not personally attend

was a common and sensible administrative and governing practice. As the medieval Church grew in adherents, structural size, and administrative complexity, the early medieval notion of 'delegation' provided obvious and valuable advantages to contemporary problems of papal governance. As Innocent III (1198–1216) himself recognized early in the thirteenth century:

Since our daily practice according to the obligation of apostolic service should be the continuous solicitude of all churches, whenever we cannot personally attend to the promotion of their various items of business, we are compelled to expedite these matters through our brothers whom we dispatch from our own side; we follow here the example of Him who, his disciples sent out throughout the world, personally worked for salvation in the midst of the world.²⁶

As this book has argued, the representative mechanisms to cope with such 'burdens' evolved organically in the early Middle Ages. In the rise of western Christendom, legation was a trusted and pragmatic solution to papal governance and that institution's centralizing ambitions; fully operational by the fourth century, with strong Greek and Roman antecedents, this ecclesiastical office developed throughout the Middle Ages into a full-fledged legal institution connecting the centre in Rome with distant Christian provinces at its periphery. For the early Middle Ages, individual legates served medieval popes in matters of communication, diplomacy, legislation (law-making), and judgement (law-giving); their activity and its success is evident most vividly in the process of legatine selection, education and training, individual commissionings over designated regions, developing concepts of representative power and jurisdiction, theoretical and practical applications of office, and conciliar activity. As magpies, alter egos, *oculi Dei/Domini*, arbiters and judges, incumbents to this ecclesiastical office exercised papal power and executed justice in the early Middle Ages. In so doing, they influenced the direction and future development of the medieval Church. In its own way, the basis and authorization of their authority – the foundations of medieval papal legation – contributed to defining the Roman Church and its central place in medieval life and society.

Notes

1 The Concept of Legation

1. *The Epistolae Vagantes of Pope Gregory VII* (1972), trans. and ed. H. E. J. Cowdrey (Oxford: Clarendon Press), Ep. 21, 56–59.
2. *Ibid.*, pp. 56–59. For other examples, see *Das Register Gregors VII.* (1920–1923), ed. E. Caspar, 2 vols (Berlin: Weidmann); English translation by H. E. J. Cowdrey (2002) *The Register of Pope Gregory VII, 1073–1085* (Oxford: Clarendon Press), II, 40 and V, 2; cf. A. Grosse (1901) *Der Romanus Legatus nach der Auffassung Gregors VII* (Halle: Kaemmerer & Co.), 8.
3. *The Epistolae Vagantes*, Ep. 21, pp. 56–59.
4. See the Vatican's 'List of Diplomatic Corps': http://www.vatican.va/phome_en.htm, date accessed 24 March 2013; cf. M. Oliveri (1980) *The Representatives: The Real Nature and Function of Papal Legates* (Gerrards Cross, Buckinghamshire: Van Duren Publishers); I. Cardinale (1962) *Le Saint-Siège et la diplomatie. Aperçu historique, juridique et pratique de la diplomatie pontificale* (Paris: Desclée & Cie).
5. *Code of Canon Law*, book II, c. 5, canon 363: http://www.vatican.va/archive/ENG1104/_P1B.HTM, date accessed 24 March 2013.
6. *Ibid.*, canon 364.
7. P. Brown (2003) *The Rise of Western Christendom: Triumph and Diversity, A.D. 200–1000*, 2nd ed. (Oxford: Blackwell Publishing), 15.
8. Pope Gregory I, *Registrum Epistularum*, 2 vols., vol. 140, 140A, CCSL (Turnhout: Brepols); English translation by J. R. C. Martyn (2004) *The Letters of Gregory the Great*, 3 vols (Toronto: Pontifical Institute of Mediaeval Studies Press), 2.5.
9. On this subject, see especially H. Müller (1997) *Päpstliche Delegationsgerichtsbarkeit in der Normandie (12. und frühes 13. Jahrhundert)*, 2 vols, Studien und Dokumente zur Gallia Pontificia (Bonn: Bouvier Verlag).
10. Pope Gregory I, *Register*, 5.59.
11. Pope Alexander II, *Diploma de legatione s. Petri Damiani in Gallias*, PL 145:857.
12. *Ibid.*
13. Ivo of Chartres, *Decretum*, V.349: <http://project.knowledgeforged.net/ivo/decretum.html>, date accessed 24 March 2013; *Decretum Magistri Gratiani*, in *Corpus iuris canonici* (1879; repr. 1959), ed. E. Friedberg (Leipzig: Bernhard Tauchnitz; repr. Graz: Akademische Druck- u. Verlagsanstalt), C.2 q.6. d.11–12; Pope Innocent III, *Epistolae*, PL 216:797; Pope Gregory IX, *Liber extra*, 1. 30. 1. See also R. Hiestand (1993) 'Les légats pontificaux en France du milieu du XIe à la fin du XIIe siècle', *L'Église de France et la Papauté (Xe–XIIIe siècle)*, 56; cf. R. C. Figueira (1983) 'The Classification of Medieval Papal Legates in the *Liber Extra*', *Archivum Historiae Pontificiae* 21, 211–228.
14. Cf. Bernard of Pavia (1956) *Summa decretalium*, ed. E. A. T. Laspeyeres (Graz: Akademische Druck- u. Verlagsanstalt), I.XXII, 18; Hostiensis (1574)

- Summa aurea*, ed. C. H. de Segusio (Venice: apud Iacobum Vitalem), book 1, col. 317.
15. *The Digest of Justinian* (1985), ed. T. Mommsen, P. Krueger, A. Watson (Philadelphia: University of Pennsylvania Press), I.21.1 and I.21.5, pp. 38–39 respectively; cf. R. C. Figueira (1986) ‘Decretalists, medieval papal legation, and the Roman law of offices and jurisdiction’, *Res Publica Litterarum* IX, 119–125.
 16. Cf. Hostiensis, *Summa aurea*, book 1, col. 317. For a modern interpretation of the internal ecclesiastical hierarchy of legates, see ‘Legates, Papal’, *New Catholic Encyclopedia* (2nd edition), p. 450.
 17. See J. Gaudemet (1958) *L’Eglise dans l’Empire Romain (Ive-Ve siècles)*, vol. 3, *Histoire du droit et des institutions de l’église en Occident* (Paris: Sirey), 445–451.
 18. Brown, *The Rise of Western Christendom*, p. 4.
 19. *Ibid.*, p. 15.
 20. *Ibid.*, p. 15.
 21. *Ibid.*, p. 15.
 22. *Ibid.*, p. 15.
 23. J. W. Perrin (1967) ‘Legatus, the Lawyers and the Terminology of Power in Roman Law’, *Studia Gratiana* 11, 463.
 24. *Ibid.*, 463–464.
 25. See the classic examples of O. Frommel (1898) *Die päpstliche Legatengewalt im deutschen Reiche während des zehnten, elften und zwölften Jahrhunderts* (Heidelberg: Carl Winter’s Universitätsbuchhandlung), and O. Engelmann (1913) *Die päpstliche Legaten in Deutschland bis zur Mitte des 11. Jahrhunderts* (Marburg: Schaaf).
 26. R. A. Schmutz (1966) ‘The Foundations of Medieval Papal Representation’ (University of Southern California), p. 14. This criticism holds true for Otto Schumann’s work on German legates in the reigns of Kings Henry IV and Henry V (1056–1125), Johannes Bachmann’s study on legates to Germany and Scandinavia between 1125 and 1159, and Ernst Wermke’s dissertation on papal legates and nuncios to Germany under Innocent IV and Alexander IV (1243–1261). But to be fair, the methodology applied to the latter two works in particular reveals a conscious move towards contextualizing the legate’s role in ecclesiastical and secular politics, demonstrating an historical awareness for their influence in matters affecting the Roman curia and the imperial court. Building on the scholarship mentioned above, their respective work offers further analysis on the conciliar activity and organization of legation in the twelfth and thirteenth centuries, in addition to investigating the relationship between legates and procuratorial powers. The result is a fuller treatment of this office’s institutional history and its application during the Salian and Hohentaufen periods.
 27. See W. Ohnsorge (1929) ‘Päpstliche und Gegen-päpstliche Legaten in Deutschland und Skandinavien, 1159–1181’, *Historische Studien* 188; G. Dunken (1931) ‘Die politische Wirksamkeit der päpstlichen Legaten in der Zeit des Kampfes zwischen Kaisertum und Papsttum in Oberitalien unter Friedrich I’, *Historische Studien* 209, pp. 3–177.
 28. I. Friedlaender (1928) ‘Die päpstlichen Legaten in Deutschland und Italien am Ende des XII. Jahrhunderts (1181–1198)’, *Historische Studien* 177, 108ff.

29. H. Tillmann (1926) *Die päpstlichen Legaten in England bis zur Beendigung der Legation Gualas (1218)* (Bonn: H. Ludwig).
30. I. J. Sprey (1998) 'Papal Legates in English Politics, 1100–1272' (University of Virginia); C. R. Clifford (1972) 'England as Papal Fief: The Role of the Papal Legate in the Early Period, 1216–1241' (UCLA); and A. Underhill (1965) 'Papal Legates to England in the Reign of Henry III (1216–1272)' (Indiana University).
31. See also G. Säbekow (1930) *Die päpstlichen Legationem nach Spanien und Portugal bis zum Ausgang des XII. Jahrhunderts* (Berlin: E. Ebering).
32. T. Schieffer (1935) 'Die päpstlichen Legaten in Frankreich vom Vertrage von Meerssen (870) bis zum Schisma von 1130', *Historische Studien* 263. While Wilhelm Janssen's history of legation from 1130 to 1198 purports to be a natural extension of Schieffer's work on France, it has been heavily criticized for its lack of depth and categorization, thereby revealing a significant methodological pitfall in nationalist histories of this kind. Adopting the method of his predecessors in the field, Janssen provides an impressive catalogue of legates under Popes Anacletus II, Innocent II, Lucius II, Eugenius II, Anastasius IV, Hadrian IV, Alexander III, Victor IV, Lucius III, Urban III, Gregory VIII, Clement III, and Celestine III. The problem here (and elsewhere) is often one of 'under-classification'. That is, certain legatine classes remain undifferentiated in the face of strong legal and administrative evidence; such historical neglect or oversight undermines the growing specialization of labour within this ecclesiastical office, which comes into sharper focus during the post-church reforming era (*post c.1050*). To his credit, Janssen admits to the objective of his study, which did not aspire to analyze systematically the activity of twelfth-century legates in France. By way of conclusion, he presents some standard 'observations' (*Beobachtung*) and summaries on decretalist legatine classifications (*Legatenklassen*), range (*Auswahl*), and activity (*Tätigkeit*).
33. Grosse, *Der Romanus Legatus*.
34. E. Königer (1910) 'Studien zur Geschichte des päpstlichen Gesandtschaftswesens', *Jahresbericht der Staats-Realschule in Jägerndorf* 33, 3–32. See also his follow-up article of the same title in volume 35 of this journal (1912), 1–27.
35. See T. Massino (1907) *Gregor VII im Verhältnis zu seinen Legaten* (Greifswald: H. Adler).
36. K. R. Rennie (2010) *Law and Practice in the Age of Reform: The Legatine Work of Hugh of Die (1073–1106)* (Turnhout: Brepols).
37. See W. Ohnsorge (1928) 'Die Legaten Alexanders III. im ersten Jahrzehnt seines Pontifikats 1159–1169', *Historische Studien* 175, 1–167; M. Pacaut (1955) 'Les légats d'Alexandre III (1159–1181)', *Revue d'histoire ecclésiastique* 50, 821–838.
38. H. Zimmermann (1913) *Die päpstliche Legation in der ersten Hälfte des 13. Jahrhunderts* (Paderborn: Ferdinand Schöningh Verlag). See also A. Pokorny (1886) *Die Wirksamkeit der Legaten des Papstes Honorius III. in Frankreich und Deutschland. Eine historische Studie* (Krems: L. Oberreal und Handelsschule).
39. *Ibid.*, pp. 10ff.
40. *Ibid.*, pp. 18–20.

41. K. Luxardo (1878) *Das päpstlichen Vordekretalen-Gesandtschaftsrecht* (Innsbruck: Wagner).
42. The legal status of papal legates is given much fuller treatment by Karl Huess, whose 1912 study examines the legal theory of legation from its origins to the pontificate of Boniface VIII (1294–1303). While establishing some connection between the medieval papal legate and the Roman office of proconsul, his work has garnered criticism for the absent discussion on Roman legal terminology – a lacuna fully addressed by more recent historiography. Paul Hinschius' multi-volume work on the hierarchy, government, and law of the Roman Church (*System des katholischen Kirchenrechts*), by comparison, is considerably more comprehensive, which explains its frequent citation in works of medieval religious history especially. On the specific subject of papal legation, this renowned German scholar offers some rare, albeit brief, treatment for the fourth to the twelfth centuries. While his coverage is largely summative, it nevertheless recognizes the early activity of legates at eastern church councils (e.g., Nicaea, Sardica, Ephesus), in addition to their perambulations in the regions of Italy, Spain, France, Germany, and England. As one might expect, the material on legation expands exponentially following the eleventh-century pontificate of Gregory VII, and particularly when concerning the *Dekretalenrecht* of twelfth-century offices like *legati e/a latere*, *legati missi*, and *legati nati*. Complementing this more legalistic discussion is Hinschius' considered treatment of ecclesiastical jurisdiction and its delegation, as well as apostolic vicars, the latter of which can rightly be treated in the discourse of early legation (see below).
43. G. Paro (1947) *The Right of Papal Legation*, vol. 211, *Studies in Canon Law* (Washington, D.C.: The Catholic University of America Press).
44. Perrin, 'Legatus, the Lawyers and the Terminology of Power', p. 468.
45. P. Blet (1990) *Histoire de la représentation diplomatique du Saint Siège des origines à l'aube du XIX siècle* (Vatican City: Vatican Archives).
46. Schmutz, 'The Foundations of Medieval Papal Representation', p. 47.
47. *Ibid.*, p. 2.
48. *Ibid.*, p. 112.
49. *Ibid.*, p. 2. See also R. A. Schmutz (1972) 'Medieval Papal Representatives: Legates, Nuncios, and Judges-Delegate', *Studia Gratiana* 15, 441–463 and C. I. Kyer (1978) 'Legatus and Nuntius as Used to Denote Papal Envoys: 1245–1378', *Mediaeval Studies* 40, 473–477.
50. R. C. Figueira (1980) 'The Canon Law of Medieval Papal Legation' (Cornell University), p. 2.
51. *Ibid.*, p. 7.
52. See R. C. Figueira (2006) 'The Medieval Papal Legate and His Province: Geographical Limits of Jurisdiction', in *Plenitude of Power: The Doctrines and Exercise of Authority in the Middle Ages: Essays in Memory of Robert Louis Benson*, ed. R. C. Figueira (Aldershot: Ashgate), pp. 73–106; R. C. Figueira (1986) 'Decretalists, Medieval Papal Legation, and the Roman Law of Offices and Jurisdiction', *Res Publica Litterarum* IX, 119–135; Figueira, 'The Classification of Medieval Papal Legates', 211–228.
53. L. Chevailler, and Jean-Claude Genin (1968) 'Recherches sur les apocrisaires. Contribution à l'histoire de la représentation pontificale (Ve-VIIIe s.)', in *Studi in onore di Giuseppe Grosso* (Turin: G. Giappichelli).

54. D. E. Queller (1967) *The office of ambassador in the Middle Ages* (Princeton, N.J.: Princeton University Press). See also G. Mattingly (1937) 'The First Resident Embassies: Medieval Italian Origins of Modern Diplomacy', *Speculum* 12, 423–439 and Kyer, 'Legatus and Nuntius', 473–477.
55. G. Post (1964) *Studies in Medieval Legal Thought: Public Law and the State, 1100–1322* (Princeton, N.J.: Princeton University Press), pp. 91–162.
56. R. L. Benson (1967) 'Plenitudo potestatis: Evolution of a Formula from Gregory IV to Gratian', *Studia Gratiana* 4, 195–217.
57. S. Weiss (1995) *Die Urkunden der päpstlichen Legaten von Leo IX. bis Coelestin III. (1049–1198)* (Cologne-Weimar-Vienna: Böhlau); cf. S. Weiss (1999) 'Die Legatenurkunde des 11. und 12. Jahrhunderts zwischen Papst- und Herrscherurkunde', in *Papsturkunde und europäisches Urkundenwesen. Studien zu ihrer formalen und rechtlichen Kohärenz vom 11. bis 15. Jahrhundert*, ed. P. Herde and H. Jakobs (Cologne: Böhlau), 27–38.
58. D. Riesenberger (1967) *Prosopographie der päpstlichen Legaten von Stephan II. bis Silvester II.* (Freiburg).
59. C. Schuchard (1995) 'Päpstliche Legaten und Kollektoren nördlich der Alpen', in *Kommunikation und Mobilität im Mittelalter: Begegnungen zwischen dem Süden und der Mitte Europas (11.–14. Jahrhundert)*, ed. S. de Rachewiltz and J. Riedmamm (Sigmaringen: Jan Thorbecke), 261–275; Müller, *Päpstliche Delegationsgerichtsbarkeit*; P. C. Ferguson (1997) *Medieval papal representatives in Scotland: legates, nuncios, and judges-delegate, 1125–1286* (Edinburgh: The Stair Society); W. Maleczek (2003) 'Die päpstlichen Legaten im 14. und 15. Jahrhundert', in *Gesandtschafts- und Botenwesen im spätmittelalterlichen Europa*, ed. R. C. Schwinges and K. Wriedt, *Vorträge und Forschungen* (Ostfildern: Jan Thorbecke), 33–86; B. Studd (2001) 'Legationen als Instrumente päpstlicher Reform- und Kreuzzugspropaganda im 15. Jahrhundert', in *Formen und Funktionen öffentlicher Kommunikation im Mittelalter*, ed. G. Althoff (Stuttgart: Jan Thorbecke), 421–453.
60. Knut Walf's book (1966) on the institutional development of papal legation between the *Dekretalenrecht* and the Congress of Vienna (1159–1815) is an early witness to this scholarly direction, offering a rare historical survey on the offices of *legati missi*, *legati e/a latere*, and *legati nati* with a view to understanding their respective formation (*Entstehung*), legal status (*Rechte*), and assigned tasks (*Aufgabengebiet*). Hans Ollendiek's work (1976) on the establishment of legations and their political motivations under Popes Urban IV (1261–1264) and Clement IV (1265–1268) also breaks from previous historiographical tradition, adding valuable critical analysis to an already comprehensive body of historical evidence.
61. See also C. Zey and M. P. Alberzoni (2012) 'Legati e delegati papali (secoli XII–XIII): stato della ricerca e questioni aperte', in *Legati e delegati papali. Profili, ambiti d'azione e tipologie di intervento nei secoli XII–XIII* (Milan: Vita e Pensiero), 3–30; C. Zey (2008) 'Handlungsspielräume – Handlungsinitiativen. Aspekte der päpstlichen Legatenpolitik im 12. Jahrhundert', in *Zentrum und Netzwerk: Kirchliche Kommunikationen und Raumstrukturen im Mittelalter*, ed. G. Drossbach and H.-J. Schmidt (Berlin; New York: Walter de Gruyter), 63–92.
62. Figueira, 'The Canon Law of Medieval Papal Legation', p. 6.

2 Theories of Legation

1. H. F. Pitkin (1967) *The Concept of Representation* (Berkeley and Los Angeles: University of California Press), 1.
2. See G. Post (1964) *Studies in Medieval Legal Thought: Public Law and the State, 1100–1322* (Princeton, N.J.: Princeton University Press), 96ff.
3. R. C. Figueira (1980) 'The Canon Law of Medieval Papal Legation' (Cornell University), 153.
4. Pope Hadrian II, *Epp.* 16–18, 40, MGH *Epistolae* 6, pp. 719–721, 757.
5. E. Shils (1961) 'Centre and Periphery', in *The Logic of Personal Knowledge: Essays Presented to Michael Polanyi on his Seventieth Birthday 11th March 1961* (Glencoe, IL: The Free Press), 120.
6. R. C. Figueira (1986) "'Legatus Apostolice Sedis": The Pope's "alter ego" According to Thirteenth-Century Canon Law', *Studi Medievali* 27, 542.
7. *Ibid.*, 539.
8. M. Weber (1978) *Economy and Society: An Outline of Interpretive Sociology*, trans. E. Fischoff, T. Parsons, and others, 3 vols (Berkeley, Los Angeles, and London: University of California Press), vol. 1, 47.
9. *Ibid.*, p. 293.
10. Pitkin, *The Concept of Representation*, pp. 11–12; cf. 'Political Representation', in *Stanford Encyclopedia of Philosophy* (2006; revised 2011). <http://plato.stanford.edu/entries/political-representation/>, date accessed 24 March 2013.
11. *Ibid.*, p. 39.
12. Figueira, 'Legatus Apostolice Sedis', p. 528.
13. C. Geertz (1983) 'Centres, Kings, and Charisma: Reflections on the Symbolics of Power', in *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, Inc.), 146.
14. Shils, 'Centre and Periphery', p. 119.
15. *Ibid.*, p. 119.
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122. For some examples, see Justinian, *Novellae*, 6.3; K. Luxardo (1878) *Das päpstlichen Vordecretalen-Gesandtschaftsrecht* (Innsbruck: Wagner), p. 29, n.17; p. 30, n.19–22.
123. PL 68:984, c.8; PL 68:1005, c.12; cf. Jaffé 2462.
124. For some examples of this office’s use, see Theophanes Confessor, year 498/499, p. 218; year 551/552, p. 333; year 564/565, p. 353; and year 569/570, p. 359. For the privileges of the church at Ravenna, see Pope Paschal I, *Ep.* 4, in PL 102:1089–1091.
125. On this subject, see Luxardo, *Das päpstlichen Vordecretalen-Gesandtschaftsrecht*, pp. 6–10.
126. L. Chevailler and J.-C. Genin (1968) ‘Recherches sur les apocrisiaires. Contribution à l’histoire de la représentation pontificale (Ve–VIIe S.)’, in *Studi in Onore Di Giuseppe Grosso*. v. 361–461 (Turin: G. Giappichelli), 395.
127. For more on this two-fold categorization, see Luxardo, *Das päpstlichen Vordecretalen-Gesandtschaftsrecht*, pp. 6–7, and pp. 34–35.
128. Chevailler and Genin, ‘Recherches sur les apocrisiaires’, 419. For a complete list of office holders, see Luxardo, *Das päpstlichen Vordecretalen-Gesandtschaftsrecht*, pp. 8–10.
129. See J. Moorhead (2006) ‘On Becoming Pope in Late Antiquity’, *Journal of Religious History* 30, 279–293.
130. Hincmar of Rheims, *De ordine palatii*, in MGH Fontes, c.4, p. 56.
131. See Pope Leo I, *Ep.* 117, PL 54:1037–1039; *Ep.* 118, PL 54:1039–1040; *Ep.* 125, PL 54:1068–1069; *Ep.* 140, PL 54: 1109; *Ep.* 144, PL 54:1112–1113; and *Ep.* 147, PL 54:1116. For the fullest study on this bishop, see A. Wille (1909) ‘Bischof Julian von Kios, der Nunzius Leos des Grossen in Konstantinopel’ (Würzburg).
132. The others being Bishops Paschasinus of Lilybaeum and Lucentius, and the priests Boniface and Basil.
133. Wessel, *Leo the Great*, p. 334.

134. Pope Leo I, *Ep.* 111, c.3, PL 54:1022; and *Epp.* 112, c. 2, PL 54:1024 and 116, c.1, PL 54:1035.
135. *Ibid.*, *Ep.* 113, c.1, PL 54:1024–1025.
136. *Ibid.*, c.2, PL 54:1025–1026; cf. ACO, *Ep.* 59, 2.4, pp. 64–65.
137. *Ibid.*, *Ep.* 59, ACO, 2.4, p. 65.
138. *Ibid.*, *Ep.* 117, c.1, PL 54:1037–1038; *Ep.* 63, ACO, 2.4, pp. 69–70.
139. Wessel, *Leo the Great*, p. 335.
140. Pope Leo I, *Ep.* 117, c.3, PL 54:1038.
141. *Ibid.*, *Ep.* 141, c.1, PL 54:1110; *Ep.* 85, ACO 2.4, pp. 94–95.
142. *Ibid.*, *Ep.* 127, c.2, PL 54:1072; *Ep.* 73, ACO 2.4, pp. 82–83; *Ep.* 77 ACO 2.4, p. 87.
143. *Ibid.*, *Ep.* 114, PL 54:1027–1032; *Ep.* 64, ACO 2.4, pp. 70–71.
144. Wessel, *Leo the Great*, p. 337.
145. Pope Gregory I, *Register*, 5.43.
146. *Ibid.*, 5.44.
147. *Ibid.*, 5.45
148. *Ibid.*, 7.23. See also 7.29 for his bringing back a relic.
149. *Ibid.*, 13.39.
150. On this matter, see Pope Gregory I, *Register*, 5.37.
151. *Ibid.*, 13.39.
152. On Emperor Maurice, see M. Whitby (1988) *The Emperor Maurice and his historian: Theophylact Simocatta on Persian and Balkan warfare* (Oxford; New York: Clarendon Press; Oxford University Press); cf. J. R. C. Martyn (2004) *The Letters of Gregory the Great*, 3 vols. (Toronto: Pontifical Institute of Mediaeval Studies Press), III, p. 854, n.119.
153. Pope Gregory I, *Register*, 13.39.
154. Mansi, XI:717D.
155. On the history of this schism, see W. H. C. Frend (1972) *The Rise of the Monophysite Movement: Chapters in the History of the Church in the Fifth and Sixth Centuries* (Cambridge: Cambridge University Press), pp. 182–183, and pp. 235–239.
156. See Theophanes Confessor, year 487/488, p. 204.
157. *Ibid.*
158. *The Ecclesiastical History of Evagrius Scholasticus* (2000), trans. M. Whitby (Liverpool: Liverpool University Press), III.20; cf. LP, nos XLVIII (Simplicius), L (Felix III), and LI (Gelasius).
159. LP, LIII, c.2, p. 269.
160. *Ibid.*
161. Pope Gregory I, *Register*, III.52.
162. J. Moorhead (1994) *Justinian* (London; New York: Longman), pp. 130–137.
163. Mango and Scott, in Theophanes Confessor, p. 328, n.2
164. See John Malalas, year 483, pp. 290–291, who refers to Vigilius as having ‘taken sanctuary at St Sergius’ in the district known as Hormisdas’.
165. Theophanes Confessor, year 546/547, pp. 327–328. See also John Malalas, year 483, p. 288.
166. *Ibid.*, year 552/553, p. 334. See J. Moorhead, *The Roman Empire Divided, 400–700* (Harlow; New York: Longman), pp. 129–130.
167. LP, LXXVI, c.2, p. 336.
168. LP, XCIII, c.20, pp. 432–433.

169. Chevailler and Genin, 'Recherches sur les apocrisiaires', 370–371.
170. Justinian, *Novellae*, VI.2.
171. *Ibid.*, VI.3.
172. *Ibid.*, CXXIII, 5.
173. Chevailler and Genin, 'Recherches sur les apocrisiaires', 408.
174. LP, XC, c.3, p. 389.
175. MGH, SRM 5, p. 555. n.1. For earlier examples of referendaries, see Justinian's *Novellae*, 57.1; 67.3; 123.9.
176. Honorius of Autun, *Gemma animae*, c.185, in PL 172:601.
177. Hincmar of Rheims, *De ordine palatii*, c.4, p. 56.
178. *Annales Bertiniani*, year 864, p. 74.
179. Hincmar of Rheims, *De ordine palatii*, cc.19–20, pp. 68–70.
180. *Ibid.*, c.4, pp. 62–64; cf. c. 5, p. 68; c. 6, p. 88; c.19, p. 68.
181. *Ibid.*, c. 5, pp. 69–71.
182. For some ninth-tenth century examples, see Pope Nicholas I, *Ep.* 33, MGH, *Epistolae* 6, pp. 301–303; LP, CVII, c.63, p. 505; Pope John VIII, *Ep.* 56, MGH *Epistolae* 7, p. 309; cf. King Ludwig II, *Imperatoris Epistola ad Basilium I Imperatorem Constantinopolitanum Missa*, MGH *Epistolae* 7, p. 392; MGH *Leges* 2, p. 555; Pope Theodore II, PL 87:78.
183. Hincmar of Rheims, *De ordine palatii*, c.20, p. 68.
184. Hugh of Die, *Ep.* 1, PL 157:507; William Durantis (1543), *Speculum iuris* (Lyon: A. Vincent; Vêrard, Dominique) 3, 1, p. 23.
185. See Uldarico, *Antiquiores Consuetudines Cluniacenses Monasterii*, c.12, PL 149:643–699.
186. R. C. Figueira (1980) 'The Canon Law of Medieval Papal Legation' (Cornell University), p. 289.

4 Towards Standardization

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2. *Ibid.*, p. 158.
3. *Ibid.*, p. 158 and p. 138, respectively.
4. William Durantis, *Speculum iuris* (rubric *De legato*), 1, 1; cf. *Decretum Gratiani*, secunda pars, 5, 3, 1. For other examples, see Pope Eugene III, *Ep.* 354, PL 180:1394 and *Ep.* 371, PL 180:1405–1406; Pope Alexander III, in *Epistolae ineditae Pontificum Romanorum* (1885), ed. S. Loewenfeld (Leipzig: Veit et Comp.), no. 268, pp. 152–153.
5. R. A. Schmutz (1972) 'Medieval Papal Representatives: Legates, Nuncios, and Judges-Delegate', *Studia Gratiana* 15, 444. See also C. I. Kyer (1978) 'Legatus and Nuntius as Used to Denote Papal Envoys: 1245–1378', *Mediaeval Studies* 40, 473.
6. P. Richard (1906) 'Origines des nonciatures permanentes: La représentation pontificale au XVe siècle (1450–1513)', *Revue d'histoire ecclésiastique* 7, 52–70 and 317–338; See F. Ganshof (1960) 'Merowingisches Gesandtschaftswesen', in *Aus Geschichte und Landeskunde. Forschungen und Dargestellen. Franz Steinbach zum 65. Geburtstag gewidmet von seinen Freunden und Schülern* (Bonn: L. Röhrscheid), pp. 166–183.

7. For some examples, see William Durantis, *Speculum iuris*, 1, 1; Azo of Bologna (1616) *Summa* (Venice: Francis Bindonum), X, cols 961–964.
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9. See Justinian, *Digest*, 3, 3, *De procuratoribus et defensoribus*, 1.
10. Baldi Ubaldi *Perusini in Usus Feudorum Commentaria Doctissima*, p. 89; cf. D. E. Queller (1967) *The Office of Ambassador in the Middle Ages* (Princeton, N.J.: Princeton University Press), p. 9, n.32.
11. Queller, *The Office of Ambassador*, p. 14.
12. Cf. *Annales Fuldenses*, year 871, p. 73.
13. Ammianus Marcellinus, *Later Roman Empire*, 15.5.17.
14. *Ibid.*, 21.11.1.
15. *Ibid.*, 24.3.1.
16. *Ibid.*, 28.6.12.
17. Gregory of Tours, *Historiarum libri X*, III.28; IV.50; VIII.30; IV.16. For secret embassies, see also IV.26; V.3; VI.41.
18. *Ibid.*, II.37.
19. *Ibid.*, V.14.
20. *Ibid.*, IX.10. See also V.18; VII.27; IX.33. See also V.18 and IX.6.
21. *Ibid.*, IX.15.
22. *The Etymologies of Isidore of Seville* (2006), trans. S. A. Barney, W. J. Lewis, J. A. Beach, and O. Berghof (Cambridge: Cambridge University Press), X.N.189, p. 225.
23. *Ibid.*, VII.iii.9, p. 158.
24. *Ibid.*, v.1, p. 160.
25. Pope Gregory I, *Register*, 8.9.
26. Pope Celestine I, *Ep.* 17, PL 50:503.
27. *The Etymologies*, VI.ii.43, p. 138; cf. VII.v.5, p. 160; VII.viii.22, p. 167.
28. See Book of Joshua 6:17.
29. Anselm of Laon, *Gesta Episcoporum, Tungrensium, Trajectensium, et Leodensium*, MGH SS 7, book 2, c.19, p. 199.
30. *Ibid.*
31. For a similar example, see *Thietmari Merseburgensis Episcopi Chronicon*, book 4, c.12, MGH SRG 9, pp. 146–147.
32. See P. Richard, 'Origines des nonciatures permanentes', 52–70 and 317–338; P. Richard (1905) 'Origines de la nonciature de France: Nonces résidents avant Leo X, 1456–1511', *Revue des questions historique* 78, 103–137; and Cf. H. Biaudet (1910) *Les nonciatures apostoliques permanents jusqu'en 1648* (Helsinki: Suomalainen tiedeakatemia).
33. Kyer, 'Legatus and Nuntius', 476.
34. Pope Gregory VII, *Reg.* I, 39.
35. *Ibid.*, V.14a.
36. Schmutz, 'The Foundations of Medieval Papal Representation', p. 98.
37. *Ibid.*
38. A. H. M. Jones (1964) *The later Roman Empire, 284–602. A Social, Economic, and Administrative Survey*. 2 vols (Oxford: Blackwell Publishing), I, pp. 144 and 480.

39. *Codex Theodosianus*, I.29.1 or *Codex Justinianus*, I.55.1.
40. Cassiodorus, *Variae*, V.14 and VII.11.
41. Jones, *The later Roman Empire*, I, p. 145.
42. Cassiodorus, *Variae*, II.17; III.9 and 49; and IX.10. On the process of confirmation, see 7.11; cf. G. Maier (2005) *Amsträger und Herrscher in der Romania Gothica: Vergleichende Untersuchungen zu den Institutionen der ostgermanischen Völkerwanderungsreiche* (Stuttgart: Steiner), pp. 280–283; Jones, *The Later Roman Empire*, I, p. 258.
43. *Ibid.*, VII.12.
44. Jones, *The Later Roman Empire*, I, pp. 279–280. For conditions of their treatment (i.e., immunities), see *Codex Theodosianus*, IX.2.5 and XI.8.3.
45. *Ibid.*, p. 480.
46. *The Etymologies*, IX, iv.18, p. 204.
47. See ‘De defensoribus civitatum’, *Codex Theodosianus*, I 29.6–8; or the *Breviarium Alaricianum* I 10.1–3; or *Codex Justinianus*, I.55.1. Cf. *Novellae*, XV.3.2; cf. H. Wolfram (1988) *History of the Goths*, trans. T. J. Dunlap (Berkeley: University of California Press), p. 215; M. F. Hendy (1988) ‘From Public to Private: The Western Barbarian Coinages as a Mirror of the Disintegration of Late Roman State Structures’, *Viator* 19, 29–78.
48. Mansi, VII:1108.
49. Pope Zosimus, *Ep.* 9, c.3 PL 20:672–673.
50. Jones, *The later Roman Empire*, II, p. 911.
51. *Ibid.*, p. 1381, n.99. For contemporary examples, see Pope Gregory I, *Register*, 6.24; 8.16; 13.41.
52. *Ibid.*
53. K. Sessa (2012) *The Formation of Papal Authority in Late Antique Italy: Roman Bishops and the Domestic Sphere* (Cambridge: Cambridge University Press), p. 119.
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55. Justinian, *Novellae*, lxxiv, c.4.
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61. *Ibid.*
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66. LP, L, c.2, p. 252.

67. *Ibid.*, XCII, c.4, pp. 414–417.
68. *Ibid.*
69. *Ibid.*, XCVII, c.5, p. 487.
70. *Ibid.*, c.21, pp. 492–493.
71. *Codex Carolinus*, Ep. 33, p. 540.
72. *Ibid.*, Epp. 32–35, pp. 538–543.
73. *Ibid.*, Ep. 35, p. 543.
74. R. Davis, in his translation of LP, p. 123 (glossary); cf. J. R. C. Martyn (2003) 'Six Notes on Gregory the Great', *Medievalia et humanistica* 29, 7.
75. Cf. Pope Gregory I, *Register*, 13.35.
76. *Ibid.*, 5.26.
77. *Ibid.*, 9.98; 3.33.
78. *Ibid.*, 6.6; cf. 6.5, 6.51, 6.55, 6.56, 6.60.
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89. *Ibid.*, 3.34; 9.54, 130; 11.24.
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91. *Ibid.*, 2.50; 4.31; 5.7; 8.23.
92. *Ibid.*, 3.23; 5.25; 8.23; 9.88, 106, 171–173, 204.
93. *Ibid.*, 1.57; 3.5, 55; 4.28; 9.36, 107, 194; cf. Martyn 'Six Notes on Gregory the Great', 7.
94. *Ibid.*, 9.28.
95. *Ibid.*, 9.22; cf. 9.32, 37.
96. *Ibid.*, 9.30.
97. Martyn, 'Six Notes on Gregory the Great', 1–7.
98. See Pope Gregory I, *Register*, 9.46.
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100. *Ibid.*, 5.59.
101. For some examples, see Fulbert of Chartres, *Ep.* 112, PL 141:258; Rodulfus Glaber (1989) *Historiarum libri quinque = The Five Books of the Histories*, eds and trans. J. France and N. Bulst. (Oxford: Clarendon Press), book 2, c.7; Peter Damian, *Opusculum quartum*, PL 145:67; Honorius of Autun, *Gemma animae sive*, book 4, c.73, PL 172:718; *The Ecclesiastical History of Orderic Vitalis* (1969–1980), ed. and trans. M. Chibnall. (Oxford: Clarendon Press), book X, c.19; Pope Alexander III, *Ep.* 62, PL 200:133.
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110. G. Demacopoulos (2008) 'Gregory the Great and the Pagan Shrines of Kent', *Journal of Late Antiquity* 1, 353–369.
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114. Pope Gregory II, *Ep.* 12, MGH Epistolae 3, p. 258.
115. *Ibid.*, *Ep.* 20, p. 269.
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122. Cf. MGH Epistolae 3, *Ep.* 52, p. 306; *Ep.* 61, p. 326.
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128. Pope Gregory II, *Ep.* 18, MGH Epistolae 3, pp. 267–268.
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130. Pope Zacharias, *Ep.* 51, MGH Epistolae 3, p. 303.

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132. For an example concerning the Saxons c.786, see *Codex Carolinus*, *Epp.* 76–77, pp. 607–609.
133. Sullivan, ‘The Papacy and Missionary Activity’, 104.
134. LP, CVII, c.69, p. 164.
135. On this legation, see LP, CVII, cc.70–71, pp. 164–165; Pope Nicholas I, *Epp.* 90–98, MGH Epistolae 6, pp. 488–565.
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143. *Ibid.*, c.55, p. 184.
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146. *Ibid.*, PL 129:18.
147. See the first to seventh ecumenical councils and the ‘robber synod’ of Ephesus (449).
148. *Chronicon Salernitanum*, MGH SS 3, p. 525.
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5 On Becoming Legate

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17. J. R. C. Martyn (2004) *The Letters of Gregory the Great*, 3 vols (Toronto: Pontifical Institute of Mediaeval Studies Press), vol. 1, p. 196, n.11.
18. Pope Gregory I, *Register*, 9.111.
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20. *Ibid.*, 9.28.
21. *Ibid.*, 13.39.
22. *Ibid.*
23. *Ibid.*, 1.25–26; 5.40; 8.16.
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 28. LP, XCII, c.14, p. 420; cf. O. Engelmann (1913) *Die päpstliche Legaten in Deutschland bis zur mitte des 11. Jahrhunderts* (Marburg: Schaaf), pp. 1–2, 5–6.
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 30. *Codex Carolinus*, *Ep.* 14, pp. 511–512; *Ep.* 22, pp.525–526; *Ep.* 25, pp.529–530; *Ep.* 30, pp. 536–537. For Peter, see *Epp.* 32–35, pp. 538–543; *Ep.* 43, pp. 557–558.
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 32. Pope Gregory VII, *Reg.* VI, 2; cf. O. Meier (1939) 'Reims und Rom unter Gregor VII', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 28, pp. 431–432.
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 34. Cf. K. R. Rennie, *Law and Practice in the Age of Reform: The Legatine Work of Hugh of Die (1073–1106)* (Turnhout: Brepols), appendix 3, pp. 219–222.
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 36. *Ibid.*
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 40. *Ibid.*
 41. *Epistulae Imperatorum Pontificum*, CSEL 35, *Epp.* 57, 102. See Riesenberger, *Prosopographie der päpstlichen Legaten*.
 42. Queller, *The Office of Ambassador*, p. 155.
 43. Gillett, *Envoys and Political Communication*, p. 234.
 44. LP, LV, c.4, p. 275.
 45. *Ibid.*, LVIII, cc.1–5, pp. 287–288.
 46. Cf. Gillett, *Envoys and Political Communication*, pp. 114–115.
 47. Pope Gregory I, *Register*, 9.214; cf. 8.4.
 48. Saint Boniface, *Ep.* 16, MGH *Epistolae* 3, pp. 265–266.
 49. *Ibid.* *Epp.* 17, 19–20 respectively, MGH *Epistolae* 3, pp. 266–269.

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55. *Ibid.*, year 870, p. 113; cf. T. Schieffer (1935) 'Die päpstlichen Legaten in Frankreich vom Vertrage von Meersen (870) bis zum Schisma Von 1130', *Historische Studien* 263, pp. 11–12.
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58. *Ibid.*, p. 130.
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61. *Ibid.*, p. 114.
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67. Pope Gregory I, *Register*, 1.1.
68. Anselm of Lucca, *Collectio canonica*, 1, 25, PL 102:407; *Decretum Gratiani*, Pars Prima, 94, 1; William Durantis, *Speculum Iuris*, 1, 4.
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70. *Ibid.*
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73. Pope Gregory I, *Register*, 5.26; cf. 9.98; 3.33.
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75. *Ibid.*, p. 56.
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6 The Right of Legation

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3. Perrin, 'Legatus, the Lawyers and the Terminology of Power', 464.
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5. R. C. Figueira (1980) 'The Canon Law of Medieval Papal Legation' (Cornell University), pp. 7–8.
6. *Ibid.*, p. 115.
7. See K. Pennington (2004) 'Representation in Medieval Canon Law', *The Jurist* 64, 363; H. Müller (1997) *Päpstliche Delegationsgerichtsbarkeit in der Normandie (12. und frühes 13. Jahrhundert)*. Studien und Dokumente zur Gallia Pontificia. 2 vols (Bonn: Bouvier Verlag), pp. 50–65; J. Sayers (1971) *Papal Judges Delegate in the Province of Canterbury, 1198–1254* (Oxford: Oxford University Press), pp. 65–70.
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9. Justinian, *Codex*, 1.15.1.
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11. *Collectio Tripartita*, I.62.29; *Decretum Gratiani*, D.97, c.3; Pope Nicholas I, *Ep.* 120 (1), MGH *Epistolae* 6, pp. 638–639.
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13. *Ibid.*
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 28. *Ibid.*, 6.6.
 29. *Ibid.*, 6.5.
 30. Pope Leo I, *Ep.* 84, PL 54:921.
 31. *Ibid.*, *Ep.* 94, PL 54:941; cf. *Ep.* 89, PL 54:930–931.
 32. *Ibid.*, *Ep.* 28, PL 54:755–782; cf. H. Chadwick (2001) *The Church in Ancient Society: From Galilee to Gregory the Great* (Oxford: Oxford University Press), pp. 559–560.
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 45. *Ibid.*, nos 223 and 167.
 46. *Ibid.*, no. 167, p. 619.
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 62. *Ibid.*, *Ep.* 17, pp. 266–267.
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7 Legates and Councils

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 42. Wessel, *Leo the Great*, p. 301.
 43. ACO, 2.1, p. 88; translation in R. Price and M. Gaddis, *The acts of the Council of Chalcedon* (Liverpool: Liverpool University Press, 2005), vol. 3, p. 75.

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49. *Ibid.*, *Ep.* 29, PL 54:783 (13 June 449); *Ep.* 7, ACO, 2.4, p. 9. Hilary escaped and reported to Leo (see *Ep.* 44, PL 54:827–831; *Ep.* 18, ACO, 2.4, pp. 19–21).
50. *Ibid.*, *Ep.* 49, PL 54:842.
51. *Ibid.*, *Ep.* 89, PL 54:930–931.
52. *Ibid.*, *Ep.* 29, PL 54:780–781; *Ep.* 5, ACO, 2.2, pp. 24–33.
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55. Mansi, XIII: 200; cf. E. Lanne (1987) ‘Rome et Nicée II’, in *Nicée II, 787–1987. Douze siècles d’images religieuses*, eds F. Boespflug and N. Lossky (Paris: Les éditions du CERF), 225–227; cf. B. Neil (2009) ‘The Western Reaction to the Council of Nicaea II’, *Journal of Theological Studies* 51, 545.
56. *Decretum Gratiani*, D.63 c.2.
57. Hefele and Leclercq, *Histoire des Conciles*, 1.1, p. 42.
58. G. Tangl (1922) *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters* (Weimar: Hermann Bohlaus Nachfolger), pp. 8–12; Wojtowysch, *Papsttum une Konzile*, 17, pp. 1–2.
59. See Gaudemet, *L’Eglise dans l’Empire Romain*, vol. 3, pp. 452–453.
60. For a recent view on these early church councils, see R. MacMullen (2010) *Voting about God in Early Church Councils* (New Haven, N.J.: Yale University Press).
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62. Gregory was here referring to a monk named Hilary who was sent to parts of Africa.
63. Pope Gregory VII, *Reg.* VII, 12.
64. For a full account, see Hilary of Poitiers, *Tractatus mysteriorum, Fragmenta, Ad Constantium Imperatorem, Hymni*, CSEL 65, pp. 48–67; cf. L. W. Barnard (1983) *The Council of Serdica, AD 343* (Sofia: Synodal Publishing House); L. W. Barnard (1982) ‘The Site of the Council of Serdica’, *Studia Patristica* 179–113; Wojtowysch, *Papsttum une Konzile*, canon 17, pp. 105–116; L. W. Barnard (1980) ‘The Council of Serdica: Some Problems re-assessed’, *Annuario Historiae Conciliorum* 12, 1–25; Hefele and Leclercq, *Histoire des Conciles*, 1.2, pp. 737–823; C. Pietri (1976) *Roma christiana: Recherches sur l’église de Rome, son organisation, sa politique, son ideologie de Miltiade à Sixte III (311–440)*, 2 vols., Bibliothéque des Écoles Françaises d’Athènes et de Rome, vol. 224 (Rome: École française de Rome), I, pp. 208–236; F. Maassen (1870) *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande* (Gratz: Leuschner & Lubensky), pp. 60–65.

65. Theodoret, *Historia Ecclesiastica*, eds L. Parmentier and G. C. Hansen, *et al.*, *Histoire ecclésiastique. Theodoret de Cyrhus* (Paris: CERF, 2006), 2.15 (NPNE, 2.12, p. 173).
66. Athanasius, *Apologia contra Arianos* (NPNE, 3.44, p. 437).
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68. For the council's main points of inquiry, see de Clercq, *Ossius of Cordova*, pp. 354–362.
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91. Athanasius, *Apologia ad Imperium Constantium*, c.27; Sozomen, *Histoire Ecclesiastique*, 4.9; Socrates Scholasticus, *Historia Ecclesiastica*, II.36.
92. Pope Liberius, *Fragmentum Ep* 1, Mansi, III:200.
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136. MGH *Concilia* 2,1, pp. 122–130; cf. W. Hartmann (1989) *Die Synoden der Karolingerzeit im Frankenreich und in Italien* (Paderborn: Ferdinand Schöningh), pp. 105–115; Tangl, *Die Teilnehmer an den allgemeinen Konzilien*, pp. 12–22; cf. W. Hartmann (1988) 'Das Konzil von Frankfurt und Nizäa', *Annuaire Historiae Conciliorum* 20, pp. 307–324; Hefele and Leclercq, *Histoire des Conciles*, 3.2, pp. 1045–1060.
137. *Annales Maximini*, MGH *SS* 12, p. 22. For the *capitula* (56 in total) see MGH *Concilia* 2, 1, pp. 165–171; cf. *Chronicon Moissiacense*, MGH *SS* 1, pp. 300–302; RFA, year 794; *Annales Mettenses Priores*, MGH *SRG* 10, p. 80; *Annales Lobienses*, MGH *SS* 13, p. 230; *Ex Annalibus Rotomagensibus*, MGH *SS* 26, pp. 492; *Ex Annalibus Gemmeticensibus*, MGH *SS* 26, p. 493; *Annales Laureshamensis*, c. XXVII, MGH *SS* 1, pp. 35–36; Engelmann, *Die päpstlichen Legaten in Deutschland*, pp. 35–36.
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 164. *Die Kanonessammlung des Kardinals Deusdedit*, p. 607.
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 168. *Ibid.*, p. 606.
 169. *Ibid.*, p. 608.
 170. *Ibid.*, p. 609.
 171. *Annales Fuldenses*, year 863, p. 58; cf. Hartmann, *Die Synoden der Karolingerzeit*, pp. 280–282.
 172. *Annales Bertiniani*, year 863, p. 62.
 173. Pope Nicholas I, *Ep.* 6, MGH *Epistolae* 6, p. 272.
 174. *Annales Fuldenses*, year 863, p. 57.
 175. *Ibid.*, p. 62.

176. Cf. Pope Nicholas I, *Ep.* 53, MGH *Epistolae* 6, pp. 343–344.
177. LP, CVII, c.46, p. 160.
178. *Annales Bertiniani*, year 863, p. 62.
179. *Ibid.*, p. 64 and year 864, pp. 68–69.
180. Cf. Regino of Prüm, *Chronicon cum continuatio Treverensi*, MGH SRG 50, p. 83. For the *capitula* of this council, see Pope Nicholas I, *Ep.* 98, pp. 553–565.
181. For the dissemination of Nicholas' letter, see MGH *Epistolae* 6, *Epp.* 18–21, pp. 284–287; cf. *Annales Fuldenses*, year 868, pp. 66–67.
182. LP, CVII, c.42, p.159.
183. Cf. Pope Nicholas I, *Epp.* 3–8, MGH *Epistolae* 6, pp. 268–275.
184. *Ibid.*, *Ep.* 3, MGH *Epistolae* 6, p. 270.
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190. *Ibid.*, *Ep.* 36, p. 307.
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193. *Ibid.*
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200. *Les Annales de Flodoard*, year 948, pp. 109–110; cf. O. Pontal (1995) *Les conciles de la France capétienne jusqu'en 1215* (Paris: I.R.H.T.), pp. 66–67.
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8 The Growth of Legation

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3. *Ibid.*, p. 563.
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5. See E. Griffe (1954) 'Aux origines de l'état pontifical. Charlemagne et Hadrian Ier (772–795)', *Bulletin de littérature ecclésiastique* 55, 65–89; cf. K. Herbers (1996) *Leo IV. und das Papsttum in der mitte des 9. Jahrhunderts*. Päpste und Papsttum, vol. 27 (Stuttgart: Anton Hiersemann), pp. 426–431; K. F. Morrison (1969) *Tradition and Authority in the Western Church, 300–1140* (Princeton, New Jersey: Princeton University Press), pp. 155–167 and 213–253.
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13. Cf. Pope Zacharias, MGH Epistolae 3, *Epp.* 52 (p. 306), 61 (p. 326), 82 (p. 363).
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15. See J. Moorhead (1985) 'Papa as "Bishop of Rome"', *Journal of Ecclesiastical History* 36, 350.
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17. Schmutz, 'The Foundations of Medieval Papal Representation', p. 143.
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45. Pope Nicholas I, MGH *Epistolae* 6, *Epp.* 6, 12, 57, 79, 80, 84, 88, 90–91, and 98; Pope John VIII, MGH *Epistolae* 7, *Epp.* 64, 69, 181, 202, 234, 267.
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62. Pope Leo VII, *Ep.* 14, PL 132:1084.
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65. See M. T. Salminen (1998) 'In the Pope's Clothes: Legatine Representation and Apostolic Insignia in High Medieval Europe', in *Roma, Magistra Mundi. Itineraria culturae medievalis – Parvi flores. Mélanges offerts au Père L.E. Boyle à l'occasion de son 75e anniversaire*, ed. J. Hamesse (Louvain-la-Neuve: Fédération des Instituts d'Etudes Médiévales), 349–354.
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70. T. Schieffer (1935) 'Die päpstlichen Legaten in Frankreich vom Vertrage von Meerssen (870) bis zum Schisma Von 1130'. *Historische Studien* 263, 11–48; I. J. Sprey (1998) 'Papal Legates in English Politics, 1100–1272' (University of Virginia), p. 58.
71. See O. Engelmann (1913) *Die päpstliche Legaten in Deutschland bis zur mitte des 11. Jahrhunderts* (Marburg: Schaaf), pp. 1–108.
72. See Riesenberger, *Prosopographie der päpstlichen Legaten*, p.358–365.
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74. J. Sayers (1971) *Papal Judges Delegate in the Province of Canterbury, 1198–1254* (Oxford: Oxford University Press), p. 1.
75. Schmutz, 'The Foundations of Medieval Papal Representation', p. 4.
76. *Ibid.*, p. 155.
77. *Ibid.*, p. 147.

9 A New Era

1. *The Epistolae Vagantes of Pope Gregory VII, Ep.* 54, pp. 130–133.
2. *Ibid.*, pp. 130–131.
3. For evidence of Gregory's deathbed testament, see Hugh of Flavigny, *Chronicon*, MGH *SS* 8, p. 466; cf. *Briefsammlungen der Zeit Heinrichs IV.* MGH *Die Briefe der Deutschen Kaiserzeit* 5, no. 35, pp. 75–76. H. E. J. Cowdrey, 'Death-bed Testaments', in *Fälschungen im Mittelalter*, MGH *SS* 33, vol. IV, pp. 703–724.
4. *The Epistolae Vagantes of Pope Gregory VII, Ep.* 54, pp. 130–131.

5. Pope Gregory VII, *Reg.* II, 55a.
6. I. S. Robinson (1990) *The Papacy, 1073–1198: Continuity and Innovation* (Cambridge: Cambridge University Press), p. 146.
7. Robinson, *The Papacy*, p. 146.
8. K. R. Rennie (2007) “‘Uproot and Destroy, Build and Plant’”: Legatine Authority under Pope Gregory VII (1073–1085), *Journal of Medieval History* 33, 179; cf. Theodor Schieffer (1935) ‘Die päpstlichen Legaten in Frankreich vom Verträge von Meersen (870) bis zum Schisma Von 1130’, *Historische Studien* 263, p. 88; cf. I. S. Robinson (2004) ‘Reform and the Church, 1073–1122’, in *The New Cambridge Medieval History*, ed. D. Luscombe and J. Riley-Smith, vol. IV, part 1 (Cambridge: Cambridge University Press), p. 327.
9. Schieffer, ‘Die päpstlichen Legaten in Frankreich’, p. 88.
10. *Ibid.*, p. 237; cf. Robinson, *The Papacy*, p. 154; R. Hiestand (1993) ‘Les légats pontificaux en France du milieu du XIe à la fin du XIIe siècle’, in *L’église de France et la papauté (Xe– XIIIe siècles)*, ed. R. Grosse (Bonn: Bouvier Verlag), 54–80.
11. R.A. Schmutz (1966) ‘The Foundations of Medieval Papal Representation’ (University of Southern California), p. 238.
12. *Ibid.*
13. K. G. Cushing (1998) *Papacy and the Law in the Gregorian Revolution: The Canonistic Work of Anselm of Lucca* (Oxford: Clarendon Press), p. 18.
14. Robinson, *The Papacy*, p. 146.
15. Rennie, ‘Uproot and Destroy’, p. 171; H. E. J. Cowdrey (1998), *Pope Gregory VII: 1073–1085* (Oxford: Clarendon Press), p. 32; Robinson, *The Papacy*, p. 146.
16. Pope Alexander II, *Diploma de legatione*, PL 145:857.
17. Schmutz, ‘The Foundations of Medieval Papal Representation’, p. 238. For a summary of legatine activity under Gregory VII, see K. R. Rennie (2010) *Law and Practice in the Age of Reform: The Legatine Work of Hugh of Die (1073–1106)* (Turnhout: Brepols), appendix 3, pp. 219–222.
18. See Pope Gregory VII, *Reg.* VI, 2.
19. S. Vanderputten (2013) *Monastic Reform as Process: Realities and Representations in Medieval Flanders, 900–1100* (Ithaca, N.Y.: Cornell University Press), p. 8.
20. Pope Paschal II, *Ep.* 254, PL 163:240–241 (translated by Robinson, *The Papacy*, p. 156).
21. J. Sayers (1971) *Papal Judges Delegate in the Province of Canterbury, 1198–1254* (Oxford: Oxford University Press), p. 9.
22. Schmutz, ‘The Foundations of Medieval Papal Representation’, p. 239.
23. Perrin, ‘Legatus, the Lawyers and the Terminology of Power’, 466.
24. Sayers, *Papal Judges Delegate*, p. 26.
25. Pope Alexander III, *Ep.* 131, PL 200:197.
26. X. 3.39.17; William Durantis, *Speculum iuris*, 1,1, p. 23 (‘Qualiter constitutur’); cf. R. C. Figueira (1986) “‘Legatus Apostolice Sedis’: The Pope’s “Alter Ego” According to Thirteenth-Century Canon Law’, *Studi Medievali* 27, 534.

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