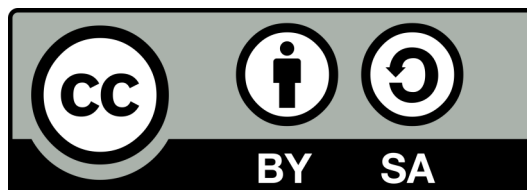


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**MASTER MONDES MÉDIÉVAUX  
HISTOIRE, ARCHÉOLOGIE, LITTÉRATURES  
DES MONDES CHRÉTIENS ET MUSULMANS MÉDIÉVAUX**

**Université Jean Moulin – Lyon III**

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Valentin SENTIS**

**Venerabilis fratris nostri Bernardi  
Apostolice Sedis legato**

**Légation et pensée politique des papes du Duecento**



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"Let one be ruler, let one be king"<sup>1</sup>.

## Introduction

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<sup>1</sup> HOMER. *Iliade*. Paris, Les Belles Lettres, Collection du centenaire, 2019. II, 204.p. 50

Political theology is an area where two worldviews collide.

First of all, Politics is the way of governing the City (polis), and it has a very vast library (je mettrais peut-être “and it has created a very large body”) of sources and commentaries from the beginnings of Western thought in Greece right up to the present day. Politics is seen as the prerogative of the secular powers, since religion is sidelined in the city (je pense qu’on utilise plutôt “polis” en anglais), both from a physical and geographical point of view and from a philosophical and political point of view. Over the centuries, in the West, through the works dealing with Politics, we have moved from a desire to govern a place with a view to the common good (Plato's *Republic* and *Phaedo*, Aristotle's *Politics*, to name but a few) to the study of the government of a particular person (John of Salisbury's *Policratus*, Machiavelli's *Prince*, etc.).

On the other hand, we have theology, which attempts by its very role (that of saying what God is and what He is and does for mankind) to understand the organisation of mankind by looking at it through the prism of religion and faith.

In his *City of God*, Saint Augustine explains the possible junction of the political and the religious, and the Middle Ages saw Thomas Aquinas write a series of texts in response to a request from the King of Cyprus (*De regno ad Regem Cypri*). Bonaventure did the same in his series of lectures on history and against Averroism, *Collationes in hexameron*. These works deal with politics from a Christian point of view in the City, in a kingdom. They are based on the Gospels, which contain the words of Jesus, retold and commented on. They are also based on St Paul, who, in his many letters, discusses the place of Christians in a Mediterranean world vaguely aware of this new religion.

The aim is to integrate religion into the city by pointing out what Christians should criticise and what they should submit to.

So here we have this tangle of the political and the religious. We have mainly mentioned theologians here, and in particular Dominicans and Franciscans, but these are scholars who have spent a lifetime teaching and researching biblical and philosophical texts. However, we have not yet touched on what will lead to the problematic of our dissertation, namely the thought of the popes.

Since the creation of what is known as the "Petrine ministry", popes have been called upon to govern believers throughout the world, wherever they may be; but this international political exercise is going to pose a few problems.

The first concern relates to various words of Jesus in the Gospels, such as "render unto Caesar the things that are Caesar's and unto God the things that are God's"<sup>2</sup>. These words were first understood by Saint Paul as a call to obey authority, since authority comes from God, in the Letter to the Romans, for example: "Let everyone be subject to the higher authorities, for there is no authority except in dependence on God, and those that exist are established in dependence on God"<sup>3</sup>. But Saint Paul was a Roman citizen and his interpretation can be seen as a conciliation with Roman power, at a time when Christianity was not well perceived. The Fathers of the Church also took up this question of the link between politics, human power and divine power. Among the Fathers of the Church, Saint Augustine is the most important thinker in this field. He attempted to reconcile the city of God and the city of man, to show how to reconcile the two so as not to be surprised by the end of time and the return of God, known as the Parousia. Throughout a vast period of spiritual research, Saint Augustine rubbed shoulders with several currents of thought of his time, and also introduced some Neoplatonic and ancient philosophy into his thought; his reading is therefore interesting, and the eras that followed him were not mistaken, since they reused his thought to establish and understand politics and the role of the Christian in it. Indeed, his thought was so popular that the term "political Augustinianism" was coined to describe its use. The Middle Ages would pick up on this, first through the political thinking of the popes contained in their orders and mandates, and then through the theology that would follow to support this and build the intellectual edifice of what modern historiography would call theocracy.

The term theocracy, by saying that power belongs to God - understood in politics - was first used to express, as Saint Paul did, the primacy of the divine in man's political actions<sup>4</sup>. But contemporary history has mainly remembered the definition and use made of it by the German sociologist Max Weber in his posthumous and unfinished work *Economy and Society*, published in 1921. Weber's definition is more active in that it is the way in which a government views politics only with the help of a religious caste.

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<sup>2</sup> Mk 12:13-17; Mt 22:15-22; Le 20:20-26

<sup>3</sup> Rom 13:01 See also: COLLANGE Jean-François. *Render to Caesar what is Caesar's and to God what is God's. Seven theses for a theology of politics. Seven theses for a theology of politics*. Autres Temps. Cahiers d'éthique sociale et politique. N°47, 1995. pp. 20-24. ([www.persee.fr/doc/chris\\_0753-2776\\_1995\\_num\\_47\\_1\\_1789](http://www.persee.fr/doc/chris_0753-2776_1995_num_47_1_1789))

<sup>4</sup> BRAGUE, Rémi. *La loi de Dieu, Histoire philosophique d'une alliance*. Paris, Gallimard, 2008.p.24



Defined in this way, the theocracy led us to consider the authority and means of pressure available to the Pope to bend monarchs and become a monarch in his own right, on a par with them. This quickly led to a political quarrel, which was to have a major impact, firstly in France, where papal interventionism culminated in the Inquisition and declined with Philip the Fair and the "attack on Anagni"<sup>5</sup>. But it didn't stop there, and continued in another form with Jansenism and the problem of Gallicanism and ultramontanism<sup>6</sup>, another quarrel between the king and the pope over the pope's desired control of the kingdom's clergy and the question of religious freedom in terms of spiritual guidance and life. This dispute did not end until 1801<sup>7</sup> with the Concordat.

We can already see part of the problem we are proposing to deal with, namely that of a power arrogated to itself by the papacy, seen as excessive. Outside France and in the medieval West, papal theocracy, in its concrete expression, is present essentially in Italy, due to geographical proximity, since it is the same area, and also due to historical proximity, since this territory is that of the birth of the Roman Empire to which the popes constantly refer. In a very special way, the pope's desire for power can be seen in northern Italy, in what historians sometimes refer to as *communal* Italy. These apparently autonomous communes were the "battlefields" of the policies pursued by the Holy Roman Emperor (in particular Frederick II) against the triumphant Papacy.

"The fundamental development was the transformation of a decentralised Church, in which higher powers were scattered across dioceses or ecclesiastical provinces, into a monocracy, a pontifical monarchy effectively governed at the top of the hierarchy by the Bishop of Rome"<sup>8</sup>.

The desire for freedom that characterised the communal nobility - constantly seeking to adapt to the new forms of nobility, that of the magnates and above all the merchants and bankers, the

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<sup>5</sup> FAVIER, Jean. *Philippe le Bel*. Paris, Fayard, 1978.

<sup>6</sup> MAIRE, Catherine-Laurence. *From the cause of God to the cause of the nation. Le jansénisme au XVIIIe siècle*. Paris, Gallimard, coll. Bibliothèque des Histoires, 1998 (2017); see also by the same author: *L'Église dans L'état. Politique et Religion dans la France des Lumières*. Paris, Gallimard, Bibliothèque des Histoires series, 2019.

<sup>7</sup> MAIRE, Catherine-Laurence. *From the cause of God to the cause of the nation. Le jansénisme au XVIIIe siècle*. Paris, Gallimard, Bibliothèque des Histoires, 1998 (2017) p. 15.

<sup>8</sup> THERY, Julien. *Le triomphe de la théocratie pontificale, du IIIe conseil du Latran au pontificat de Boniface VIII (1179-1303)*. In Marie Madeleine de Cevins and Jean-Michel Matz. *Structures et dynamiques religieuses dans les sociétés de l'Occident latin (1179-1449)*, Presses Universitaires de Rennes, 2010, pp.17-31.

new bourgeois<sup>9</sup> - was to have a profound effect on these Italian communes. The quarrel between the Guelphs and Ghibellines was to have a similar effect, since from a political point of view it shattered the apparent unity of these communes. Apparent because, in the thirteenth century, these communes were caught up in a "great political movement, [...] that of the collective emancipation of peasants and their organisation within the framework of rural communes"<sup>10</sup> .

In this Duecento, the Pope, God's representative on earth, and the kings and emperors, also representing God's kingship, clashed. These two parties used the Italian communes as an arena for political expression and confrontation. Italy's autonomous communes had a turbulent history in this century. The various popes - Innocent IV (1243-1254), who deposed Frederick II in Lyon, Clement IV (1265-1268), Martin IV (1282-1285) and Honorius IV (1285-1287), for those of interest to us here - found themselves under pressure from the Emperor, who held Sicily and southern Italy. They decided to intervene in the northern cities by soliciting them to join the papal camp, so as not to end up caught between two political entities and two parts of the Empire, since northern Italy, along with Germania and Burgundy, belonged to the Holy Roman Empire. Increasingly stifled in his Papal States, Pope Innocent IV had to use diplomacy to skilfully play politics and save his lands and his spiritual and temporal claims, which it would be up to his successors to extend and consolidate. This led to a flurry of diplomacy, with legates being sent wherever the Pope thought he could gain a little power against his enemy.

To achieve this, the Pope has various "weapons" at his disposal, both temporal and spiritual, such as excommunication. Excommunication is said to be minor when it concerns a fault concerning the person, in which case it is called a "personal interdict"; it is said to be major when the seriousness is proven and the person is unwilling to repent of an idea or a book. In a similar vein, other means are also available to the Pope: pecuniary restraint consists of a fine or the withdrawal of subsidies or financial benefits granted or offered by the Pope. Deposition is the act by which the pope releases - like Saint Peter, to whom Christ gave the power to release<sup>11</sup> - a person from these regal functions or from the vassal relationships associated with them (the most famous of these was the deposition issued by Innocent IV against Frederick II in 1245).

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<sup>9</sup> CASTELNUOVO, Guido. *Être Noble Dans La Cité : Les Noblesses Italiennes En Quête d'identité (XIIIe-XVe Siècle)*. Paris, Classiques Garnier, 2014.

<sup>10</sup> MENANT, François. *Campagnes lombardes au Moyen-Âge. L'économie et la société rurales dans la région de Bergame, de Crémone et de Brescia du Xe au XIIIe s.* Rome, Ecoles Française d'Athènes et de Rome, 1993, p.487.

<sup>11</sup> Mt. 16:19: "I will give you the keys of the kingdom of heaven: whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven."

These "weapons" must be used judiciously so as not to distort their importance and almost dramatic effect. The use of biblical passages from the prophets of the Old Testament in sentences, for example, carries a certain weight with the addressee. The type of document also played a role; in fact, there was a gap between the bull *ad perpetuam rei memoriam*, a document of major importance whose aim was to impose a spiritual or temporal view, which was to be fulminated (the metaphor of lightning served to emphasise the importance and gravity of what was said), and the letter or mandate, which could either be sent to an outside third party or to a member of the curia (in which case it would be called a curial letter). This gap is filled by the legate, who is generally given freedom of movement by the Pope, which distinguishes him from the nuncio, whose sole task is to announce the Pope's word.

This very particular context refers to what history has called *the quarrel between the priesthood and the Empire*. It began when, in 1075, Pope Gregory VII wrote or commissioned the writing of the *Dictatus Papae*<sup>12</sup>, a collection of twenty-seven legal propositions concerning papal power<sup>13</sup>. The second proposition was "Quod solus Romanus pontifex iure dicatur universalis", which stated that universality belonged to the Pope alone; however, the Emperor of the Holy Roman Empire also wanted to claim universality. What's more, from 1198, when Innocent III was elected, he used various letters and bulls to show that the Pope alone held temporal and spiritual authority, with kings and emperors holding only political power (according to the ancient distinction between Auctoritas and Potestas). However, Frederick II did not see it this way. In 1237, a battle took place at Cortenuova, and the emperor defeated the troops of the Italian communes, allies of the Pope, and decided to invade the Papal States. As a result, in 1241, Pope Gregory IX convened a council to depose the emperor. The emperor succeeded in preventing the council from taking place by intercepting a fleet made up of most of the prelates during the battle of the isola del Giglio. The Pope died a few weeks later. The cardinals were unable to choose a new pope for two years. Finally, they elected a Genoese pope, Innocent IV. From the outset, Innocent IV tried to hold talks with the emperor, but to no avail and he decided to flee. He wanted to take refuge in France, but Louis IX, who did not accept the Pope's political pretensions, did not take sides, considering that the blame was shared, and refused to take him in. He agreed to let him settle in Lyon, as part of the city was under imperial and part under

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<sup>12</sup> Biblioteca Apostolica Vaticana, Ms Vat.lat.1321. 276v-277r; BEROLINI, Caspar, ed. *Epistolae selectae*, M.G.H., t. II, fasc. 1, *Gregorii PP VII Reg.* 1920, p. 202-208.

<sup>13</sup> MORDEK, Hubert. *Dictatus papae' e proprie auctoritates apostolice sedis'*. *Intorno all'idea del primato pontificio di Gregorio VII*, "Rivista di storia della Chiesa in Italia", 28, 1974, pp. 1-22.

French rule. Innocent IV deposed the emperor on 17 July 1245 in Lyon cathedral. Frederick II died in 1250, leaving an illegitimate child in Italy (Manfred) and a legitimate son in Germania (Conrad). Conrad was elected Emperor and Manfred was crowned King of Sicily.

The Pope managed to return to Italy in 1252, organising the Inquisition in northern Italy, culminating in Alexander IV's promulgation of a general excommunication against the Ghibellines in 1256.

For around ten years, the popes used diplomacy to find allies against the imperial pretensions. They enlisted the help of Charles d'Anjou, Louis IX's brother. On 26 February 1266, French troops met Manfred's troops at Benevento. Manfred was killed in the battle, which marked the beginning of the fall of the Ghibellines. There were, however, two years of uncertainty as the Ghibellines all waited for the grandson of Frederick II, Conradin, to be elected King of the Romans and tried to take back his share by descending with his army to meet that of Charles of Anjou. This took place in the Abruzzi near Tagliacozzo. Charles was victorious and, wanting to get rid of the claims of the imperial branch of the Hohenstaufens, had Conradin beheaded in Naples.

In the north of Italy, this quarrel became a political issue, even though it was not always about the quarrel between the Pope and the Emperor. As every major city was a city-state, the dispute was primarily a power struggle between several families, who used the conflict to gain the support of the Pope or the Emperor. As Bartoldo da Sassoferrato points out in his *Tractatus de guelfis et gebellinis*: "just as the gibelins are interpreted as those who put their trust in the bravery of temporal power, [...] so the guelfs are interpreted as those who put their trust in divine prayers and actions"<sup>14</sup>. Here we have the central problem of our study.

This dispute was as much political and philosophical as it was theological. Relying on Roman law - which, by taking up the cause of nascent Christianity from Constantine onwards, was to assimilate this religion with the legal system - the sovereign pontiff wanted to take Christianity in hand and give it effective power beyond the words to which it was generally confined. This claim to universality was reflected in the Pope's desire to give his opinion and to have a presence and weight that he believed to be decisive in the political negotiations in

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<sup>14</sup> SASSOFERRATO, Da Bartoldo. *Traité sur les guelfes et les gibelins, sur le gouvernement de la cité, sur le tyran* ; textes introduits, traduits et commentés par Sylvain Parent. Paris, Les Belles Lettres, 2019.p. 57.

which he took part, even though they did not concern him. The same thing happens in disputes over succession.

However, we must not forget the underlying doctrine: for the Pope, it was a question of bringing the City of God and the City of Man into line with the doctrine of Saint Augustine, without forgetting, however, that Saint Augustine distinguished between the City of God as the proper place of the soul, which it was trying to reach, taking up the Aristotelian topos, and the City of Man as the place of disorders that the soul had to clean up, but not definitively, as it was made for God. The kings and emperors were quick to take umbrage at this: they quickly made it clear that the Pope should only concern himself with spiritual matters and evangelisation, not politics, even if the princes occasionally used the spiritual power of the Supreme Pontiff for their own political purposes. The Pope did not see it that way and sent letters and legates to rely on the loyalty of Christian princes and do everything in his power to turn these kings and emperors into enemies, to whom he would launch crusade after crusade, even if it meant losing his political allies through the confusion caused by the rapid changes in position. The defence of Christianity, as unity in the faith, was thus used by the Pope as a pretext to serve his political ambitions. But he had to be wary, his actions did not have the same scope and, since the deposition of Frederick II, the kings and princes have had a warning of the Pope's line of conduct; moreover, on the other hand, with Frederick II's reply<sup>15</sup>, an example of the Pope's intentions in this area was given by the emperor himself.

Given the number of papal legates, we thought it would be appropriate to select one of them to study his activities and attempt to explain the Pope's policies.

We focused on a jurist from the south of France, known for his role as bishop, his family name and his activity as a jurist, which led him to meet and work with many popes. We have therefore chosen to study Bernard de Languissel, who was appointed bishop of Arles in 1274. The Bibliothèque Nationale de France holds several manuscript letters relating to his episcopal office, three of which<sup>16</sup> are letters he sent to request the collection of a sum from the decime, including one asking the bishop of Carcassonne to pay the sum earmarked for the Holy Land, which the bishop of Carcassonne was improperly withholding.

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<sup>15</sup> WEILAND, Ludwig. *Constitutiones et acta publica imperatorum et regum 2 (1198-1272)*, Monumenta Germaniae Historica, Hanover, Hahn, 1963, n. 262, p. 360-367.

<sup>16</sup> BNF, Department of Manuscripts. Baluze 389, N°394, 395, 396.

(<https://gallica.bnf.fr/ark:/12148/btv1b9001546b/f48.item.r=languissel>; consulted in May 2019)

Bernard de Languissel was created a cardinal by Martin IV in 1281, who gave him the office of Cardinal-Bishop of Porto-Santa Rufina. He was sent to serve as papal legate in Tuscany and Romagna to defend the papal cause. Bernard de Languissel served as legate during the pontificate of Clement IV, whose chaplain he was, to the King of Sicily Charles I, as well as in Siena to conclude a peace between the two factions. Martin IV sent him to Bologna in Romagna and then to Siena to conclude agreements and celebrate a peace, reconciling these communes with the papacy. Despite his duties as legate, he never ceased to work for his native Gard, for example when Bernard Saisset, bishop of Pamiers, abused his prerogatives over the canons. "The abbot had a hard hand; he expelled canons who opposed him from the monastery. He had no interest in filling vacancies in the community or among the clerics or servants. When offices and offices were vacant, he collected the income from them. He also took the alms given for prayers or services for the deceased. Thus his administration had the result, if not of enriching himself, at least of reducing his subordinates to poverty"<sup>17</sup>. The canons sent a letter to Pope Nicholas IV<sup>18</sup> on 1<sup>er</sup> July 1289, who in turn sent one to Bernard de Languissel on 27 August, informing him of the canons' grievances and complaints and giving him full power to settle the dispute<sup>19</sup>.

As Bernard de Languissel is a central figure in the development of our work, it seems important to take a few moments to look at his biography.

This man comes from a well-known family in the Nîmes region. "His father, Bernard, was a jurisconsult"<sup>20</sup>. "The name his family had taken came from a fief of Languissel, located on the Vistre plain"<sup>21</sup>. This name corresponds to a locality on the outskirts of Nîmes; it appears to

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<sup>17</sup> VIDAL, Jean-Marie. *Bernard Saisset, Bishop of Pamiers (1232-1311)*. Revue des Sciences Religieuses, tome 5, fascicule 3, 1925. p 423. ([www.persee.fr/doc/rscir\\_0035-2217\\_1925\\_num\\_5\\_3\\_1307](http://www.persee.fr/doc/rscir_0035-2217_1925_num_5_3_1307); consulted in May 2019).

<sup>18</sup> Nicholas IV. N° 1314. "Nos igitur, votis eorum, obtentu venerabilis fratris nostri B[ernardi], episcopi Portuensis, super hoc apostolicam gratiam implorantis".

<sup>19</sup> Nicholas IV. N° 1316.

<sup>20</sup> MENARD, Léon. *Histoire civile, ecclésiastique et littéraire de la ville de Nîmes: avec texte et notes suivie de dissertations historiques et critiques sur ses antiquités, et de diverses observations sur son histoire naturelle*, Vol. 1. Clavel-Ballivet, 1873.p. 335.

(<https://books.google.fr/books?id=XS8oAAAAYAAJ&pg=PA335&dq=%22bernard+de+languissel%22&hl=en&sa=X&ved=0ahUKEwii9IDG97HiAhUImxQKHZigCrkQ6AEIKDAA#v=onepage&q=%22bernard%20de%20languissel%22&f=false>; consulted in May 2019)

<sup>21</sup> RIVOIRE, Hector. *Statistique du département du Gard*, Vol. 1. Ballivet et Fabre, 1842. p. 441. (<https://books.google.fr/books?id=HWL82qvimpoc&pg=RA1->

have been a settlement since prehistoric and Roman times. The *Persée* website lists forty-six references to it in archaeological journals and newsletters from the early 19th century<sup>22</sup>. The fiefdom of Languissel is cited as a vassal fiefdom of the King in the Uzès charter in 1353<sup>23</sup>. We also know that in the viguerie of Nîmes, Aubais and its castle, Nages and Solorgues belonged to the Languissel family; Aubais and its outbuildings were purchased in 1285 from Guillaume Bucuci, King Philippe III's purveyor and lord of Nîmes<sup>24</sup>. We find confirmation of this possession in the history of Guillaume de Nogaret, legist and adviser to Philip the Fair. When, in 1304, he obtained the viguerie of Calvisson, the king's officers had to assess the extent of his legal power; however, he was not given full power, since in this viguerie, Aubais, Nages and Solorgues were said to have been sold "to Guiraud de Languissel"<sup>25</sup>. As for the rest of the information about the family, here is what a scholar from the second half of the 19th century, Gratien Charvet, has to say about it:

*"Guiraud de Languissel, the great-grandfather of the bishop of Nîmes of the same name, owned the fiefdom of Languissel, located near the Vistre river, a short distance from Nîmes, from the beginning of the 13th century. Around 1285, he acquired the seigneurie of Aubais and the towns of Nages and Solorgues in the diocese of Nîmes from Guillaume Buccuci, the king's treasurer. His son Bernard, a jurisconsult from Nîmes, was the father of Bertrand II de Languissel, who was consecrated bishop of Nîmes on 6 October 1280 and died on 8 January 1324 after 44 years as bishop. Apart from the bishop of Nîmes, Bertrand II, Bernard de Languissel had three other sons: 1° Bernard, archbishop of Arles from 1274, who was created cardinal*

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PA441&dq=%22bernard+de+languissel%22&hl=fr&sa=X&ved=0ahUKEwii9IDG97HiAhUImxQKHZigCrkQ6AEIMzAC#v=onepage&q=%22bernard%20de%20languissel%22&f=false; accessed May 2019)

<sup>22</sup> <https://www.persee.fr/search?ta=article&q=languissel> (consulted in May 2019)

<sup>23</sup> CARBONNEL-DION, Isabelle. *Les vassaux du roi dans la sénéchaussée de Beaucaire*. Bibliothèque de l'école des chartes. 1987, tome 145, livraison 2. p. 436. ([www.persee.fr/doc/bec\\_0373-6237\\_1987\\_num\\_145\\_2\\_450479](http://www.persee.fr/doc/bec_0373-6237_1987_num_145_2_450479); consulted in May 2019)

<sup>24</sup> MENARD, Léon. *Histoire civile, ecclésiastique et littéraire de la ville de Nîmes*. Paris, 1750-1757. t. VII .p 605. (<https://books.google.fr/books?id=2rddAAAACAAJ&pg=PP5&dq=Histoire+civile+eccl%C3%A9siastique,+et+litt%C3%A9raire+de+la+ville+de+Nîmes:+with+notes+and+proofs;+followed+by+historical+dissertations+%26+critical+on+its+antiquity%C3%A9s+%26+and+various+observations+on+its+natural+history&.hl=en&sa=X&ved=0ahUKEwiSsKfXINPiAhXRyYUKHRNxAE8Q6AEIKDAA#v=snippet&q=languissel&f=false>; accessed May 2019).

<sup>25</sup> THOMAS, Louis. *The private life of Guillaume de Nogaret*. Annales du Midi : revue archéologique, historique et philologique de la France méridionale, Tome 16, N°62, 1904. p. 184. ([www.persee.fr/doc/anami\\_0003-4398\\_1904\\_num\\_16\\_62\\_3595](http://www.persee.fr/doc/anami_0003-4398_1904_num_16_62_3595); consulted in May 2019)

*in 1281, became legate of Lombardy and bishop of Porto, and died in Civitta-Vecchia in 1290; 3° - André, bishop of Avignon in 1291; 4° - Hugues, who continued the line of descent.*

*His children were 1° Bernard II, knight, lord of Aubais, lieutenant of the seneschal of Beaucaire in 1311; 2° André, provost of Nîmes cathedral in 1328; 3° Guiraud, bishop of Apt and Nîmes; and 4° Guillaume surnamed la-Colonne, whose son Bertrand, knight, lord of Aubais, was lieutenant of the seneschal of Beaucaire in 1346, and died at the beginning of 1348, leaving, from his wife Gassende, a son named Jean Bernard and two daughters, Andrette, who married Rostaing de Pujaul, damoiseil, lord of Verfeuil, and Françoise, nun of the abbey of Saint-Sauveur de la fontaine de Nîmes " <sup>26</sup>*

Here we have all the information we have on the de Languissel family.

Two points need to be looked at more closely. Firstly, in some documents the first name "Bernard II" is given, so as not to confuse him with his father. Secondly, we are told that Bernard died in "Civitta-Vecchia". However, several other authors, including Léon Ménard in his history of the town of Nîmes, give Orvieto as the place of his death. In addition, a book published at the end of the 19th century states: "He died in 1290, and was buried in the church of St-François, where a marble mausoleum was erected for him, on which his effigy and coat of arms can be seen"<sup>27</sup>. In fact, only François Duchesne, in his *Histoire de tous les cardinaux françois de naissance, ou qui ont été promoteus au cardinalat*, gives us any evidence of the date and place of death, as well as the errors, notably of Alfonso Chacon in his work *Vitæ, et res gestæ Pontificvm Romanorum et S. R. E. Cardinalivm. R. E. Cardinalivm ab initio nascentis Ecclesiæ vsque ad Vrbanyvm VIII. Pont. Max.* Duchesne tells us:

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<sup>26</sup> CHARVET, Gratien. *Bref par lequel le pape Jean XXII notifie à Philippe VI, de Valois, la nomination de Guiraud de Languissel, évêque d'Apt, au siège épiscopal de Nîmes.* Bulletin du comité de l'art chrétien du Diocèse de Nîmes, Vol 1, 1877. p. 33-36.

(<https://books.google.fr/books?id=tPZWAAAAIAAJ&pg=PA33&dq=%22bernard+de+languissel%22&hl=en&sa=X&ved=0ahUKEwii9IDG97HiAhUImxQKHZigCrkQ6AEIOTAD#v=onepage&q=%22bernard%20de%20languissel%22&f=false>; consulted in May 2019)

<sup>27</sup> RIVOIRE, Hector. *Statistique du département du Gard*, Vol. 1. Ballivet et Fabre, 1842. p. 441



"He was buried in the Church of S.François in the same town of Orviette, in front of the high altar, under a marble stone, where he is depicted with his coat of arms, and the day of his death marked, as we said above, on the thirteenth of the Calendes d'Octobre, of the year 1290. From this it must be inferred that Ciaconius was mistaken when he said that Bernard de Languissel died in Rome and that Saxi was mistaken when he maintained that this same Bernard remained in the year 1294. then that he died in the town of Orviette as early as 1290.<sup>28</sup> .

We therefore have at least three sources that tell us that he died in Orvieto, in the church of San Francesco. The final source that undoubtedly gives us the place of his death is his will, edited by Agostino Paravicini Bagliani; the edition of the will clearly indicates the date 1290 and Orvieto as the place<sup>29</sup> . Moreover, in a footnote, Paravicini shows that several historians have hesitated or made errors in their understanding of the date of his death. Agostino Paravicini's work also shows that he is listed as the executor of the wills of four cardinals.

We will have to follow these sources to form an itinerary of the life of Bernard de Languissel before his creation as a cardinal.

Beyond Bernard de Languissel, in his image, it is the service of the papacy as envisaged in the 13th century that we wish to study. This service was intended by the system of the prelature, in a spiritual scheme, and yet it was inevitably the diplomatic service of the popes' temporal power. Theocracy, because it envisages humanity, needs zealous servants to succeed, to carry the voice of the pope and to give concrete expression to this voice through political acts. Bernard de Languissel is therefore a "yardstick", an *ideal-type* - to use Max Weber's vocabulary - of those great servants who are so powerful and important as cardinal-legates. Based on his life and legation, we will also study the political system and the mechanisms of power, while looking at the historical consequences of this political power, whether desired or real, and without forgetting that these historical events and the services rendered by the cardinal legates are, in a

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<sup>28</sup> DUCHESNE, François. *Histoire de tous les cardinaux françois de naissance, ou qui esté promeus au cardinalat*. Paris, F. Duchesne, 1660. vol.1. p. 290. (<https://gallica.bnf.fr/ark:/12148/bpt6k914067/f310.image>; accessed May 2019).

<sup>29</sup> PARAVICINI BAGLIANI, Agostino. *I Testamenti Dei Cardinali Del Duecento*. Miscellanea Della Società Romana Di Storia Patria 25. Roma, Presso La Società Alla Biblioteca Vallicelliana, 1980. p. 46.

sense, the twilight of papal wills, since the 14th century will see the end of these great legations and a renewal in the Papacy's pattern of international relations.

*"With the very slow officialisation of the nunciature (as a mission), however, we entered the era of representation in the modern sense of the word: we effectively entered the media field of diplomacy, which inevitably, sooner or later - the Great Schism acted as a delaying factor - integrated the legation into its midst at the cost of changing its essence"<sup>30</sup>.*

For our study, we will look in detail at Bernard de Languissel's legation to the King of Sicily, Charles of Anjou, during the pontificate of Clement IV, a period during which he was only the Pope's chaplain but during which the Pope already showed his confidence by sending him. We will then look at the period of legation during which Bernard de Languissel was sent to Siena to celebrate a peace and take charge of certain political aspects of the commune. We will also look at his role in the reconciliation of the city of Bologna with the papacy, shortly after his elevation to the dignity of cardinal. All of these factors demonstrate the importance of this man, who came from a noble family and had a career that befitted a servant of the papacy, which was then in the throes of ideological restructuring following the Gregorian reform and, above all, the popes of the Duecento, led by Innocent III and Innocent IV. These popes wanted to give the pontifical power an unassailable foundation by sending out legates and other emissaries. Our hypothesis is that the letters sent to give directives contain details, words and vocabulary that help to define the political vision that the popes wanted. We will therefore study these letters by analysing them through the prism of political thought. We will look at the papacy of the thirteenth century as a triumph willed and directed by the popes, while considering the particularity of a state defined by the internal, even intimate, sacredness on which it is based; a sacredness that we will question through what Marc Bloch has to say about it in his book on the wonder kings, but also with the help of Max Weber and his redefinition of theocracy at the beginning of the twentieth century. All these elements will lead us to a focal point: the idea that the political power of the popes, growing and asserting itself in the thirteenth

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<sup>30</sup> JAMME, Armand. From incarnation to representation? Reflections on the pontifical vocabulary of political delegation between the twelfth and sixteenth centuries. FOSSIER, Arnaud and LE PAGE, Dominique. La représentation politique et ses instruments avant la démocratie. Dijon, Presse universitaire de Bourgogne, 2020. (forthcoming).

century, is at the root of the problems encountered today by the ecclesial institution, in that it is a question of excessive human power in competition with the power of God. Should "one be ruler, one be king"<sup>31</sup>, that is the question we will always be asking ourselves.

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<sup>31</sup> HOMERE. *Iliade*. Paris, Les Belles Lettres, Collection du centenaire, 2019. II, 204.p. 50.



The sources

In fact, it was not until the end of the nineteenth century, with the first generations of chartists and the beginning of the École Française de Rome, that the first editions of papal registers were published. The work was immense: in almost half a century, all the popes of the 13th century had their registers published<sup>1</sup>. However, it was not until the study of institutions that an interest began to emerge in the officers of papal institutions, such as notaries, jurists, nuncios, legates and others. What is more, these officers and their history are fairly well known for the Trecento and Quattrocento periods, but relatively little for our own period. There is an abundant bibliography in France, Italy and Germany on these officers for the period beginning in 1300, but there are barely a few articles on the papal chancellery in the Duecento. Yet this thirteenth century, more than any other, was the century of the popes' temporal claims, the century of the will to *Plenitudo Potestatis*, since, as Agostino Paravicini puts it: "Mai come prima di allora, papi e cardinali ricorrono al simbolismo del potere, alle immagini, e, verso la fine del secolo, persino alla statuaria, per sostenere la *plenitudo potestatis* del papa, oltre che per produrre una memoria di sé"<sup>2</sup>. This symbolism, present in every part of the culture promoted by the Pope, can also be found in that immense part of medieval culture that is writing, the diplomatic exchange imbued with both spiritual and temporal symbols. This is where the Pope's desire for universal power begins: the power of words and the power of law. Researching and studying papal literature, whether curial or more formal, is therefore the beginning of research into what is known as 'theocracy'. In order to limit the study of this corpus, which for the popes of the thirteenth century is close to 50,000 documents, we have concentrated our research on the years of Bernard de Languissel's legation, which has enabled us to delimit the following pontificates:

- Clement IV (1265-1268). The registers were edited by Édouard Jordan, (Bibliothèque des Écoles françaises d'Athènes et de Rome 2<sup>e</sup> sér. 11, 1893-1945) but we will also base ourselves on Matthias Thumser's edition concerning Bernard de Languissel's dispatch to Charles I of Anjou<sup>3</sup>.

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<sup>1</sup> For an overview of the issue, see the Ecole Nationales des Chartes website on the Papal Act: [http://theleme.enc.sorbonne.fr/bibliographies/diplomatique\\_medievale/acte\\_pontifical](http://theleme.enc.sorbonne.fr/bibliographies/diplomatique_medievale/acte_pontifical)

<sup>2</sup> PARAVICINI BAGLIANI, Agostino. *Il papato nel secolo XIII: cent'anni di bibliografia (1875-2009)*. SISMEI, Edizioni del Galluzzo, 2010. p. XVII.

<sup>3</sup> For a presentation of the work of the German historian and a comparison with the work of Edouard Jordan see: THUMSER, Matthias. *Zur Überlieferungsgeschichte der Briefe Papst Clemens' IV (1265-1268)*. Deutsches Archiv 51 (1995) S. 115-168.

- Martin IV (1281-1285). The registers used are those edited by François Olivier-Martin, still published by the Ecole Française de Rome<sup>4</sup>, as well as Reg. Vat. 42, edited by Gérard Rudolph<sup>5</sup>.

- Honorius IV (1285-1287). We will use the registers edited by Maurice Prou<sup>6</sup>.

- Nicholas IV (1288-1292). Ernest Langlois (contributor), *Les registres de Nicolas IV : Recueil des bulles de ce pape*, Ernest Thorin.

All these letters, with the exception of those in the Thumser edition for Clement IV and those in the Rudolph edition for Martin IV, will be available online on the *Ut Per Litteras Apostolicas* website, hosted by Brepols.

Among the vast number of letters available on line on the Brepols portal, some are not transcribed and are only briefly analysed in Latin. For our dissertation we therefore had to transcribe some of the letters contained in the following manuscripts, which are presented in Appendix IV:

- ASV, Reg. Vat. 33, f. 69v, containing a letter from Clement IV, dated 17 December 1267, E. Jordan has not transcribed it, and identifies 4 other versions.
- ASV, Reg. Vat. 41, fol. 173v - 178r. These folios contain 41 letters, ranging from 17 to 27 June 1283, divided between several general letters and later additions, which explains the small size. These letters all concern the pontificate of Martin IV. 8 are edited by F. Olivier-Martin, 1 is partially edited.
- ASV, Reg. Vat. 43, fol. 209, no. 45. This letter, dated 5 November 1286, under the pontificate of Honorius IV, directly concerns the cardinalate of Bernard de Languissel. It has been partially edited by M. Prou.

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([http://www.digizeitschriften.de/main/dms/img/?PPN=PPN345858735\\_0051&DMDID=dmdlog16](http://www.digizeitschriften.de/main/dms/img/?PPN=PPN345858735_0051&DMDID=dmdlog16); consulted in May 2019)

<sup>4</sup>OLIVIER-MARTIN, François. *Les registres de Martin IV (1281-1285); recueil des bulles de ce pape publiées ou analysées d'après les manuscrits originaux des archives du Vatican*. Paris, A. Fontemoing. 1901.

<sup>5</sup>RUDOLPH, Gerald. *Das Kammerregister Papst Martins IV: Reg. Vat. 42. Littera antiqua 14*. Città del Vaticano: Scuola Vaticana di Paleografia, Diplomatica e Archivistica, 2007.

<sup>6</sup>PROU Maurice. *The Registers of Honorius IV*. Bibliothèque des Écoles françaises d'Athènes et de Rome 2<sup>e</sup> sér. 7. Paris, E. Thorin, 1886.

These manuscripts make up a set of books called *Registers*. They are copies of the letters sent. "The custom of the Church of Rome is that when a letter is sent to someone on an important matter, a copy is kept. From all these copies, a book called a register is made"<sup>7</sup>. They are therefore an important memorial issue for the papacy, but they are not the original letters, merely administrative copies first and foremost, but above all political copies, as they ensure apostolic continuity.

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<sup>7</sup> Johan Fiedrich von Schulte. *Die summa des Stephanus Tornacensis über das Decretum Gratiani*. Giesen, 1891, p. 104 In JAMME, Armand. *Mémoire vive et mémoire morte, Identité et archives pontificales aux XIIIe-XIVe siècles*. In FOSSIER, Arnaud ; REVEST Clémence (dir.). *Ecritures grises, les instruments de travail des administrations (XIIe-XVIIe siècle)*. Paris, Ecole Nationale des Chartes, Ecole Française de Rome, 2019, p. 386.





"Tale imperò che gentilezza volse,  
secondo 'l suo parere,  
che fosse antica possession d'avere  
con reggimenti belli "<sup>1</sup> .

## Part One: Communal Italy and the Popes.

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<sup>1</sup> Dante, *Convivio*, IV, Le dolce rime, v. 21-24. in CASTELNUOVO, Guido. *Être Noble Dans La Cité : Les Noblesses Italiennes En Quête d'identité (XIIIe-XVe Siècle)*. Paris, Classiques Garnier, 2014.p, 170. ("Such an emperor claimed that nobility, in his opinion, was possession of ancient property associated with good morals").



## I/ Italian municipalities and the papacy between the 12th and 13th centuries

*"E sì come un uomo a sua sufficienza richiede compagnia domestica di famiglia, così una casa a sua sufficienza richiede una vicinanza: altrimenti molti difetti sosterrebbe che sarebbero impedimento di felicità. E però che una vicinanza [a] sé non può in tutto soddisfare, conviene a satisfacimento di quella essere la cittade. Ancora la cittade richiede alle sue arti e alle sue difensioni vicenda avere e fratellanza colle circavicine cittadi; e però fu fatto lo regno"<sup>1</sup>.*

So far, we have focused on northern and central Italy between the ninth and thirteenth centuries, specifically on its role and status within the Empire, and in more detail on the mechanisms of its entry into the Middle Ages, with the upheavals that the cities underwent very early on in their political shaping, leading to characteristic changes. However, we have concentrated on the communes in an almost philosophical way, trying to detect here and there the underlying phenomena of tensions and internal transformations leading to a reframing of the towns from both the outside and the inside. Having done that, it is now up to us to study the succession of events that have taken root in and shaped these communal changes. More specifically, we will focus on the events between the Empire and the Papacy that took place in the cities.

The opening quotation from Dante's *Convivio* is linked to the political form that the Italian communes were to take. The excerpt attempts to explain philosophically, borrowing heavily from Aristotle, the causal link between personal, family, communal and imperial action, and ends by emphasising the involvement of politics. This has been a feature of politics since its earliest Greek developments. The minute relationship that exists between different groups allows us to take advantage of it in the development of political acts, where an act that may

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<sup>1</sup> Dante, *Convivio*, IV, IV, 2, ed. C. Vasoli & D. de Robertis (1995), *Opere minori*, t. 2, vol. II, Milan/Naples, Ricciardi. ("Just as a man requires for his sufficiency the domestic company of a family, so a house requires for its sufficiency a neighbourhood [*vicinanza*]: otherwise it would suffer from many shortcomings that would prevent its felicity [*félicitas*]. Because a neighbourhood cannot satisfy itself entirely, it is appropriate for its satisfaction that there should be a city. The city in turn requires, for its trades and its defence, links and fraternity with neighbouring cities: this is what the kingdom was made for" In ALIGHIERI Dante, *De l'éloquence en vulgaire*. Ed. Rosier-Catach, I., Grondeux, A., & Imbach, R. (2011). Paris, Fayard. p. 332).

seem insignificant, focusing only on one commune, can have repercussions in a much wider order<sup>2</sup>.

The story would be too long to go back to the beginnings of these quarrels between the Empire and the Papacy. Let's take the time of Pope Innocent II (1130-1143) as the causal beginning. The death of his predecessor Honorius II (1124-1130) left the cardinals divided between two parties. One party defended Gregorio Papareschi<sup>3</sup> against Pietro Pierleoni. Gregorio Papareschi was elected and took the name Innocent II, while some of the more reluctant cardinals elected Pietro Pierleoni, who took the name Anacletus II. He was supported by Roger II of Sicily, who took Innocent II prisoner for a time, forcing him to take refuge in Provence. In France, Louis VI the Fat (1108-1137) called a meeting of bishops in Etampes to seek their advice. Bernard of Clairvaux was consulted and gave a favourable opinion in the person of Innocent II, who took the opportunity to excommunicate Anacletus II in 1121 at the Council of Reims<sup>4</sup>. Innocent, having received the support of Louis VI the Fat in France, Henry I Beauclerc in England and Lothaire II in Germania, was able to return to Italy where he convened a second council at the Lateran to confirm the various councils held in exile. He took advantage of this council to attack Roger II of Sicily, crowned King of Sicily by Anacletus II, asking for the support of Lothair II, who used this favour to invade most of southern Italy. Unfortunately for the Pope, Lothair II died in 1137, leaving the conquest of Sicily unfinished. Innocent II had to sign a peace treaty at Mignano in 1139 confirming Roger II as King of Sicily. Innocent II also gave Apulia and Capua to the sons of Roger II of Sicily<sup>5</sup>. The complexity of an Italy divided between three pretenders to its dream of unification into a single kingdom was already laid bare here: the Papacy, which dreamt of regaining the imperial glow of the Roman Empire of Constantine and Theodosius; the Holy Roman Empire, which wanted to make the Holy Roman Germanic Empire a reality; and the Norman Hauteville family, which wanted more than just the south of the peninsula and Sicily.

A few years later, Pope Eugene III (1145-1153) was faced with a revolt by the Romans, led by Arnaud of Brescia<sup>6</sup>, a monk who criticised the growing power of the Papacy's temporal

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<sup>2</sup> Aristotle, *Politics*, I 5, 1254a28-31.

<sup>3</sup> MALECZEK Werner, "Innocenz II", in *Lexikon des Mittelalters* 5 (1991), p. 433-434.

<sup>4</sup> GRABOÏŠ, Aryeh. *The schism of 1130 and France*. *Revue d'histoire ecclésiastique*, 76 (1981), p. 593-612.

<sup>5</sup> JORDAN Edouard, *Op. Cit.* p. 28.

<sup>6</sup> MOORE, Robert I. *Heretics. Resistance and repression in the medieval West*. trans. Fr. Julien Théry, Paris, Belin, 2017, pp. 235-242.

pretensions over their city. The Pope appealed to the new Emperor, Frederick I. The Treaty of Constance<sup>7</sup> in 1153 formalised the demands of both sides. The Pope promised to crown Frederick I emperor in Rome as soon as the city was retaken. Eugenio III died shortly afterwards and Frederick I was on his way; his new stable interlocutor became Adrian IV (1154-1159). Frederick I was crowned Emperor on 18 June 1155<sup>8</sup>. He immediately returned north to Germany. In Sicily, Roger II died in 1154 and was succeeded by his son William I (1154-1166), known as the Evil One. Adrian IV took advantage of these changes, which the princes of Apulia had used to revolt, to help them by coming to Benevento to settle for a time. Unfortunately, the revolt was quickly put down and the Pope had to make a treaty with William I in 1156. The Treaty of Benevento<sup>9</sup> greatly benefited the Kingdom of Sicily by adding new territories giving the northern limits "that the Kingdom of Naples was to keep until 1860"<sup>10</sup>. Frederick I saw this as an affront. In 1158, Frederick I returned to Italy, this time with a much larger army, and held a Diet at Roncaglia, not far from Piacenza. The aim of this assembly was to take stock of all the property belonging to the Empire.

*"Regalia sunt hec : Arimanniec, vie publice, Rumina navigabilia, et ex quibus fiunt navigabilia, portus, ripatica, vectigalia que vulgo dicuntur tholonea, monete, mulctarum penarumque compendia, bona vacantia, et que indignis legibus auferuntur, nisi que spetialiter quibusdam conceduntur, et bona contrahentium incestas nuptias, et dampnatorum et proscriptorum secundum quod in novis constitutionibus cavetur, angariarum et parangariarum et plaustorum et navium prestationes, et extraordinaria collatio ad felicissimam regalis numinis expeditionem, potestas constituendorum magistratuum ad iustitiam expediendam, argentarie, et palatia in civitatibus consuetis, piscationum redditus et salinarum, et bona committentium crimen maiestatis, et dimidium thesauri inventi in loco*

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<sup>7</sup> WEILAND Ludwig, Monumenta Germaniae Historica, Constitutiones, I, pp. 201-203.

<sup>8</sup> JORDAN Edouard, *op. cit.* p. 53.

<sup>9</sup> WEILAND Ludwig WEILAND, Monumenta Germaniae Historica, Constitutiones, I, pp. 588-591.

<sup>10</sup> JORDAN Edouard, *op. cit.* p. 54.

*cesaris, non data opera, vel in loco religioso; si data opera, totum ad eum pertinet*"<sup>11</sup>.

The enunciation of the *regalia* suggests that Frederick I was trying to regain a modicum of authority over his communes. With these enumerations, drawn up with the help of doctors of law from the University of Bologna, the emperor regained control over the communes. The communes, losing their legal and political strength, did not wait long to contest the validity or content of the treaty, often arguing that they had fulfilled their imperial duty in other ways. The agreement could not have been worse and the confusion more tangible. The confusion was compounded by the communes openly placing their trust and honour in the Empire or the Pope. Whether it was a question of being exempted and enjoying commercial advantages by being for the Empire and against the Church and its power seen as seigniorial - referring back to the beginning of the development of the communes - or rather of wanting to do away with the imperial demands and seeing the papacy as a guarantee of freedom and protection requiring less tax involvement with its benefits - also due to the structuring of the communes. These two parties faced each other and organised the communes as political forums, using the public space of the cities to circulate their ideas.

In July 1159, Crema, a commune equidistant from Milan and Cremona, refused to comply with the demands of the Diet of Roncaglia. Frederick I, who would not be denied, laid siege to the town, aided in part by Cremona, which coveted the commune, which was itself defended by men from Milan, another commune that coveted the commune and its *contado*. The siege lasted six months and ended with the capitulation of the inhabitants and Frederick I razing the town to the ground. This was the first milestone in the resentment of the Italian communes, even though they were not linked in many respects. The political and administrative independence they slowly sought to establish between the eleventh and thirteenth centuries was undermined by both the emperor and the pope, both in a reaction of pride in their political and philosophical

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<sup>11</sup> WEILAND Ludwig, Monumenta Germaniae Historica, Constitutiones, I, pp. 244-245. ("The one they decided upon included the *arimanniae*, public roads, navigable rivers and the rivers that form them, harbour and mooring dues, tonlieux, coinage, fines and compositions, vacant property, the property of those condemned under the "new constitutions", cartage duties and ship supplies, extraordinary collections made to contribute to royal expeditions, the right to establish magistrates to administer justice, mines, royal palaces in towns where they existed by custom, revenues from fisheries and salt works, the property of those condemned for lèse-majesté and, depending on the case, all or half of the treasures discovered on the lands of "Caesar" or the churches. The emperor promised to leave the *regalia* in perpetuity to those who could produce a regular title" (Edouard Jordan, *Op. Cit.*, p. 67).

war over the effectiveness and totality of power. But there was no question of a *Lombard League* yet.

Adrian IV died in 1159. His succession was extremely complex and stormy: even within the Sacred College, some of the cardinals supported the emperor. One cardinal, Ottaviano Crescenzi, whom the previous pope had sent as a legation to the emperor, took his side and the emperor thanked him by giving him the county of Terni<sup>12</sup>. Adrian IV's chancellor, Rolando Bandinelli, sided with the Church and allied himself with the Sicilians against the Empire. The election was tense and indecisive, and once again resulted in a double victory. Rolando was elected and took the name of Alexander III (1159-1181), while Ottaviano was crowned by a bishop and took the name of Victor IV (1159-1164). As soon as he was elected, despite having a slender advantage, Alexander III anathematised his rival. Frederick I was now in a position of full power, as it fell to him to arbitrate between two popes. Renewing the Roman imperial tradition, he convened a council in Pavia<sup>13</sup>, inviting the King of England, Henry II, the Teutonic bishops and the two popes to decide collegially who would be recognised. As soon as the invitation arrived, Alexander III replied that the emperor could not convene a council, especially if he was convening the pope himself to decide on the authenticity of his election<sup>14</sup>! In February 1160, the council began with only Victor IV, Alexander III sending only one cardinal. However, the kings of France and England, Louis VII (1137-1180) and Henry II, sent few bishops. The discussions took an imperialist turn in favour of Victor IV, who always supported the emperor. The end of the council consecrated Victor IV as the only true pope. Politics got in the way, as the pope received favours from the Byzantine emperor Manuel Comnenus (1143-1180), as well as from the kings of England and France, more out of fear of seeing a single monarchy benefit from the power of the Church than out of any real defence of the latter. These two kings solemnly recognised Alexander III as Pope after holding separate ecclesiastical assemblies. As a result, Alexander III excommunicated Frederick I in 1160, and the feeling of injustice towards the Empire increased tenfold. Only one emperor, worthy of being successor to the Roman Empire, fought courageously to defend this heritage and to defend the Church. Here is a witness, an imperial agent, giving an opinion that seems to be shared in different parts of the Empire:

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<sup>12</sup> JORDAN Edouard, *op. cit.* p. 76.

<sup>13</sup> WEILAND Ludwig, *Monumenta Germaniae Historica, Constitutiones*, I, pp. 252-256.

<sup>14</sup> *Ibid.* See in particular letter Nr. 185 (p. 256-257) concerning Alexander III's reply.



*"Notum sit preterea universaliter, quoniam timore invictissimi imperatoris Frederici omnes caeteri terrarum reges contremiscunt et, qui semper inimicitiis inter se bachari consueverant, nunc mutua pace et fide firmata conveniunt in unum adversus dominum suum Romanum imperatorem, animis non preliis, fraudibus non viribus[. Unde et omnes reguli timore et odio magis imperatoris quam intuitu iusticiae illum in papam suscipere presumunt"*<sup>15</sup> .

Frederick I then decided to consolidate his power in Lombardy by dealing with the communes that had supported Pope Alexander III and the commune of Cremona. This was the case in Milan in 1161. It held out for a year and surrendered by itself at the beginning of March 1162. The city was largely destroyed, not by imperial troops but by Milan's own neighbours and rivals, who shared the task. The emperor triumphantly entered the deserted city to signify his victory. This second act of war by Frederick I was considerable for the time and for the influence of the imperial power, to the point that the emperor "dated several acts *post destructionem mediolani*"<sup>16</sup> . These events made the emperor aware of the need to establish his power differently. He therefore imposed podestates, consuls who ran a commune that was foreign to them and directly dependent on the emperor. Victor IV, following the Emperor's affairs, tried for a time to bring several communes in Lombardy under his control, using his papal authority. He had little success and died in 1164. His loyal cardinals immediately chose one of their own, who took the name of Paschal III (1164-1168). This was the time of the *Lombard League*.

In order to install a new pope recognised only by the Emperor and his allies, Frederick I had to give him full legitimacy by having him consecrated in Saint Peter's Basilica. However, the Romans sided with Pope Alexander III, and many wondered why a new antipope had been elected. Several cardinals, who were in favour of Alexander III, also succeeded during this time in getting a senate elected that was favourable to him and the reopening of St Peter's Basilica. Alexander III once again had the upper hand. The time had come for the Pope to return to Rome

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<sup>15</sup> DOEBERL Michael, *Monumenta Germaniae selecta ab anno 768 usque ad annum 1250*, Vol. IV, p. 198-199. (<https://archive.org/details/monumentagermani04doebuoft/page/198/mode/2up>) ("All the other kings of the earth tremble with fear before the invincible emperor Frederick; and those who have hitherto been at enmity with one another make peace and unite against their lord the Roman emperor, but with intent, not to the point of waging war, by cunning, not by force.... All these kinglets, rather out of hatred and fear of the emperor than for reasons of justice, had the audacity to accept Roland as pope" In Edouard Jordan, *Op. Cit.*, p. 79-80).

<sup>16</sup> JORDAN Edouard, *op. cit.* p. 81.

and take full possession of his Petrine power. With the help of the King of Sicily, William I, he arrived by sea at Messina in the autumn of 1165 and returned to Rome. The Empire was not to be outdone, as the antipope Paschal III was based in Viterbo, not far from Rome, and contestation was imminent. At the end of May 1166, William I died. His son William II (1166-1189), then a young king, continued his father's work and supported the Pope. The Byzantine emperor, Manuel Comnenus, took advantage of Alexander III's installation in Rome and the young William II's ascension to the throne of Sicily to offer the Pope the union of the two Churches into one and the hand of his young daughter to the King of Sicily, to no avail. Faced with these dangers, Frederick I decided to march on Rome to re-establish a fading power and fear, and to install Paschal III definitively in Rome. Crossing Italy again, the emperor arrived near Rome and inflicted a heavy defeat on the Papal troops, aided by the Romans, at *Monte Porzio* at the end of May 1167. Pope Alexander III had to take refuge in Benevento, while in Rome Frederick I was once again crowned Emperor by Paschal III, thereby giving him papal legitimacy by installing him on the throne of Peter. He also received the allegiance of the Romans and regained imperial power over Rome, thus fully establishing his power. A terrible epidemic followed, decimating the imperial army and forcing him to flee Rome for Germanic lands. Their passage was an occasion for plunder, skirmishes and refusals by the communes, which had been so affable just a short time before. These disasters led Thomas Becket to say:

*"Never has the power of God been better demonstrated in the world!"<sup>17</sup>.*

Another witness, Cardinal Boson, camerlingue, explained these events as a divine miracle:

*"sed quod erat valde mirabile in oculis omnium"<sup>18</sup>.*

This was the right time to create the *Lombardy League*. It began, however, with a much less political aspect. The first step was an economic rapprochement. Venice, then the gateway to the Holy Roman Empire for products from the East, gradually saw this advantage eroded by the will of the Byzantine and German imperial powers. Frederick I wanted Southern Italy, in order to recreate the Roman Empire and unite Italy. This would give imperial privileges to several Adriatic trading ports and put Venice at a huge disadvantage, given its location. The second

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<sup>17</sup> JORDAN Edouard, *op. cit.* p. 100.

<sup>18</sup> WATTERICH, Johann Matthias. Pontificum Romanorum, qui fuerunt inde ab exeunte saeculo IX. usque ad finem saeculi XIII., vitae ab aequalibus conscriptae. *Vol. II, Pars VI.* Leipzig 1862. p. 408 ("but it was perfectly marvellous in everyone's eyes").

emperor, a Byzantine, wanted to regain his ties in southern Italy, which would undoubtedly spell disaster and disavowal for Venice. The city therefore decided to pre-empt these ominous omens by seeking the help of the cities of Verona, Vicenza and Padua through financial promises. A merchant league was formed, which formulated an alliance to give the Emperor and the Empire only what the former emperors (Romans and Carolingians) had asked for.

*"quod, salvo imperii antiquo iure, nihil amplius de caetero facerent praedicto imperatori, nisi quod ab antiquis antecessoribus suis eius, decessoribus, Carolo videlicet atque aliis orthodoxis imperatoribus constat exhibitum"*<sup>19</sup>.

Unfortunately, no direct contemporary source of these events has survived, as they are known from later chronicles<sup>20</sup>. The Emperor then made concessions to the surrounding communes to avoid further losses. But the movement had begun. Cremona, then in the throes of imperial favour, took the lead and brought together neighbouring towns to form the *Lombard League*; the word was coined and would have a posterity in the following century under Frederick II (and as far afield as Italy in the 1970s and 80s with the creation of a new far-right party, using the name as a guardian and recovering the supposed date of its creation to turn it into a political event<sup>21</sup>). This league succeeded in putting a stop to latent communal dissension and, for a time, smoothed over the claims of major cities such as Milan and Cremona. By the beginning of 1168, the league had grown to sixteen cities. Its first major achievement was the Battle of Legnano in 1176. This battle, which was not militarily decisive and looked more like a timely battle than a strategic plan, pitted the army of Emperor Frederick I against League troops. The flight was more humiliating for the Emperor than decisive. It gave rise to a revival of pride and led the League to refuse a peace treaty, believing that its time had come. This episode was so important for the cohesion of the League's communes that centuries later, when the time came to get rid of Austria, Verdi would turn it into an opera, in the style of the *Sicilian Vespers*, to set an example for the people who were ready to rise up. The event was also used in the Italian anthem<sup>22</sup> after unification, in the stanza containing the allusion to the *Sicilian Vespers*. The

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<sup>19</sup> WATTERICH, Johann Matthias. *Op. cit.* in Vol. II, Pars VI. Leipzig 1862. p. 398 ("that, subject to the ancient rights of the Empire, they would in future grant Frederick only what Charlemagne and the other orthodox princes had enjoyed" In JORDAN Edouard, *Op. Cit.*, p. 89).

<sup>20</sup> PARENT Sylvain, "Gianluca Raccagni, The Lombard League (1167-1225)", *Médiévales* [En ligne], 65 | automne 2013, online January 20, 2014, accessed April 08, 2020. <http://journals.openedition.org/medievales/7156>

<sup>21</sup> *Idem*.

<sup>22</sup> "Dall'Alpi a Sicilia / Dovunque è Legnano, / Ogn'uom di Ferruccio / Ha il core, ha la mano, / I bimbi d'Italia /

defeat was the trigger for peace talks, which were quickly set up on the initiative of German and Italian bishops, with the strong support of Pope Alexander III, who was still in a delicate position, having been unable to return to Rome for almost ten years. The emperor first made a treaty with Cremona, giving it a number of advantages that seemed enormous. These negotiations began in July 1176<sup>23</sup> and were officially ratified in December 1176<sup>24</sup>, at the same time as talks between the Empire and the Papacy began in Anagni, the Pope's place of residence. Peace was signed in Venice in 1177 by Alexander III and the Emperor. This treaty<sup>25</sup> marked the end of the schism between the Papacy and the Empire, with Frederick I recognising Alexander III as the only Pope and rejecting the successor to Paschal III, Calixtus III (1168-1178), who had died in 1168. The Emperor also recognised the *Lombard League* and established a lasting peace with it. Antipope Calixtus III received an abbey in exchange for his submission<sup>26</sup>. A fifteen-year peace was signed with the King of Sicily, and the Emperor recognised him as King<sup>27</sup>. For his part, Alexander III lifted the excommunication pronounced against the Emperor and redistributed several episcopal sees in Germany and Italy to supporters of Frederick I. This peace was to the advantage of the Pope, who regained Rome, the unity of the Church and his power to appoint German bishops, putting an end for a time to the Emperor's demands. But this treaty was tenuous and it was not until the Peace of Constance in 1183 that all this was solidified. The Peace of Constance was a milestone in the political and economic development of the Italian communes. For the first time, it gave specific rights to the League's cities. The first article lists the concessions; here is the text:

*"Nos Romanorum imperator Fridericus et filius noster Henricus Romanorum Rex, concedimus vobis civitatibus, locis et personis **Societatis regalia et consuetudines vestras tam in civitate quam extra civitatem, videlicet Verone et castro eius et suburbiis et aliis civitatibus, locis et personis Societatis, in perpetuum ; videlicet ut in ipsa civitate omnia habeatis, sicut hactenus***

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Si chiaman Balilla, /Il suon d'ogni squilla /I Vespri suonò. /Stringiamci a coorte /Siam pronti alla morte /L'Italia chiamò" (text of the anthem on the website of the Italian Republic: <https://www.quirinale.it/page/inno>).

<sup>23</sup> WEILAND Ludwig, *Monumenta Germaniae Historica, Constitutiones*, I, Nr. 247, pp. 347-349.

<sup>24</sup> *Idem*.

<sup>25</sup> WEILAND Ludwig, *Op. cit*, *Constitutiones*, I, pp. 360-373.

<sup>26</sup> *Ibid.* " 13. Ei autem qui dicitur Calixtus una abbatia dabitur".

<sup>27</sup> *Ibid.* " 9. Pacem aute mveram reddit [...] illustri Regi Sicilie usque ad XV annos".

*habuistis vel habetis; extra vero omnes consuetudines sine contradictione exerceatis, quas ab antiquo exercuistis vel exercetis: scilicet in fodro et nemoribus et pascuis et pontibus, aquis et molendinis, sicut ab antiquo habere consuevistis vel habetis, in exercitu, in munitionibus civitatum, in iurisdictione, tam in criminalibus causis quam in pecuniariis, intus et extra, et in ceteris que ad commoditatem spectant civitatum* <sup>28</sup> .

We have underlined two words: "societatis" and "regalia". *Societatis* refers to the name given to the communes making up the *Lombard League*, both for themselves and for others. This word is perceived as that of a commercial group<sup>29</sup> and that is how the Empire wants to see them. Frederick I granted these communes the *Regalia*, which he had struggled so hard to regain control of at the beginning of his reign. These concessions were extremely wide-ranging and gave a new lease of life to the Lombard communes, which were to expand considerably. The investigations that were to decide on the "regalian rights"<sup>30</sup> were to be carried out by bishops, an act of imperial indulgence towards the Pope. Any commune that did not agree to this would have to pay a fairly substantial "annual tax"; the tax could, however, be reduced "if it appeared excessive"<sup>31</sup> . As a firm counterpart to these broadly granted rights, it was forbidden to make the slightest complaint to the Emperor regarding these previous provisions<sup>32</sup> . The vast powers granted by Frederick I were the envy of other communes: "Practice will soon show that even the other Communes, outside the League, enjoy the same privileges"<sup>33</sup> .

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<sup>28</sup> WEILAND Ludwig, *op. cit.*, Constitutiones, I, p. 412. See pp. 408-420 for the entire treaty. ("We, Frederick, Emperor of the Romans, and our son Henry, King of the Romans, grant to you in perpetuity, cities, places and persons of the League, the regalian rights (regalia) and customs which are yours both within the city and outside, namely : in Verona, its castrum and suburbs, and in the other cities, places and persons of the league, in perpetuity, so that in each city you have them all as you have had them up to the present or as you have them, and that outside you exercise without contradiction all the customs which you have exercised since ancient times or which you are exercising, namely what concerns taxation (fodrum), woods and pastures, bridges, watercourses and mills, as you have been accustomed to do since ancient times or as you still do, and also with regard to the army, the fortifications of the cities, the jurisdiction of both criminal and pecuniary causes, inside and outside, as well as everything that concerns the utility of the cities" In GAULIN, Jean-Louis (dir.) ; JAMME, Armand (dir.) ; and ROUCHON MOUILLERON, Véronique (dir.). *Villes d'Italie: Textes et documents des XIIe, XIIIe, XIVe siècles*. New edition [online]. Lyon: Presses universitaires de Lyon, 2005. p. 39).

<sup>29</sup> ASCHERI Mario, "La cité-État italienne du Moyen-Âge. Culture et liberté", *Médiévales* [En ligne], 48 | Spring 2005, online since 28 June 2008, accessed 08 April 2020. URL : <http://journals.openedition.org/medievales/4403> ; DOI : <https://doi.org/10.4000/medievales.4403>

<sup>30</sup> GAULIN, Jean-Louis (ed.), *Art. cit.*, p. 39.

<sup>31</sup> GAULIN, Jean-Louis (ed.), *Art. cit.*, p. 39.

<sup>32</sup> *Idem*, p. 40.

<sup>33</sup> ASCHERI Mario, "La cité-État italienne du Moyen-Âge. Culture et liberté", *Médiévales*, 48 | 2005, p. 156.

The end of the peace treaty gives the names of the representatives of the Lombards (by which is meant the League); they number seventeen communes. They are followed by the communes that had been favourable to the Emperor and remained so (eight are mentioned by name); these will have to recognise the terms of the treaty, swear to respect them and subsequently explain their change of heart. The Emperor's signature is followed by a surprising but vital reference for him, from a diplomatic point of view:

*"Seing of Lord Frederick, Undefeated Emperor of the Romans"<sup>34</sup>.*

In his desire to retain his power, the Emperor saw himself as unconquerable. It was he who conceded all this to keep the Empire intact and give an honoured inheritance to his son, who was already King of Germania under the name of Henry VI (1191-1197).

This meandering journey through the political meanderings of the 12th century shows us one decisive element: the power of the written word and of law. The communes undoubtedly wielded considerable influence, and the military initiative fell to them as belligerents who had forced the Emperor to refuse his yoke. But it was the peace treaties that sanctioned the events and the pugnacity of the cities. Militarily, the cities took the initiative, and politically, the Pope took advantage of their desire for political freedom, which had been entrenched for almost a century, to attach himself to this spirited wave and take advantage of it. The law sanctions and establishes a limit for a time that can be calculated and gives repercussions that can be measured and quantified.

*"The Empire also benefited from the resurgence of Roman law in the West since the end of the eleventh century and the rediscovery of the Justinian compilation in Bologna; Roman law is fundamentally the law of the emperor and makes the princeps, i.e. the emperor successor to Augustus, the supreme legislator"<sup>35</sup>.*

The fact that Frederick I called on doctors of civil law from the University of Bologna for the Treaty of Roncaglia enshrining his *regalia* reflects the power and usefulness that the Emperor found in the rebirth of Roman law. The Pope was quick to understand the power of law, which

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<sup>34</sup> GAULIN, Jean-Louis (ed.), *Art. cit*, p. 40.

<sup>35</sup> PÉQUIGNOT, Stéphane, and Jean-Marie MOEGLIN. *Diplomatie et " relations internationales " au Moyen Âge: IXe-XVe siècle*. 1st Edition. Nouvelle Clio. Paris: PUF, 2017.p. 34.

sanctioned a state of affairs while giving it an undeniable timeless foundation. The twelfth century ended with a peace treaty, the death of the Emperor in 1190 and the coronation of his son Henry VI in Rome. One century ends. Another begins. This thirteenth century would be pontifical and triumphant.

Frederick II was a fabulous heir; his mother gave him Sicily and his father the Empire. The aptly named "Frederick-Roger" was the visible miracle of the Empire at its height. However, it "took years before his coveted inheritance was reunited"<sup>36</sup>. The succession was the cornerstone of an intrusive quarrel between the Church and the Empire. When Henry VI died in 1197, the young Frederick's uncle, Philip of Swabia, was elected to succeed Henry VI in Germania, but he was not the only contender. Otto of Brunswick, a Welf, was also in the running. He was all the more feared because Pope Innocent III (1198-1216) supported him, as the Welfs were great protectors of the Church and opponents of the Hohenstaufen dynasty, which the Pope fanned in order to reduce to a minimum the imperial importance that was doing him so much harm. Despite the Pope's support, Philip of Swabia was elected. To appease an Empire on the verge of implosion, he forged an alliance with his adversary Otto of Brunswick by giving him his daughter in marriage. A special case then arose that gave the Pope the upper hand. In 1198, Frederick-Roger's mother died, and in her will, dated 25 November, in Palermo, she made the following provision concerning her son:

*"Sie bestimmt Papst Innozenz III. zum Vormund ihres Sohnes und zum Verweser des Königreichs Sizilien, dem alle Einwohner den Untertaneneid leisten sollen, und sichert dem Papst während der Zeit der Regentschaft von den königlichen Einkünften jährlich 30 000 Tarenen zu sowie darüber hinaus die Erstattung der im Reichsinteresse gemachten Ausgaben"*<sup>37</sup>.

Here was Innocent III appointed "guardian" of the future emperor! This singularly providential setback for the Pope allowed him to hope for a more cordial agreement with the Empire. In 1208, Philip of Swabia was assassinated on the orders of a Count Palatine, and Otto of

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<sup>36</sup> CROUZET-PAVAN, Élisabeth. Op. cit. p. 91.

<sup>37</sup> KÖLZER, Theo, Konstanze, and Heinrich, Monumenta Germaniae Historica, ed. Die Urkunden der kaiserin konstanze. Die Urkunden Heinrichs VI. und der Kaiserin Konstanze, T. 3. Hannover: Hahn, 1990.p. 279-281. ([https://www.dmgh.de/mgh\\_dd\\_h\\_vi/index.htm#page/278/mode/2up](https://www.dmgh.de/mgh_dd_h_vi/index.htm#page/278/mode/2up)). ("It appoints Pope Innocent III as guardian of her son and administrator of the kingdom of Sicily, to which all inhabitants must swear allegiance, and guarantees the pope 30,000 tarenas a year from the royal income during the reign, as well as reimbursement of expenses incurred in the interests of the Empire").

Brunswick, married to the deceased's daughter, was re-elected King of the Germans and thus laid claim to the imperial crown. But Innocent III did not see it that way, as he had tried to control the kingdom of Sicily and Frederick-Roger, to make him an ally. As soon as he reached "pubertas", at the age of fourteen, Frederick-Roger began to criticise the Pope for certain choices (particularly episcopal appointments in Sicily), and to check and fear the Pope, preferring loyal friends to Innocent III's men. On 4 October 1209, Innocent III crowned Otto IV emperor after Otto IV promised to respect the rights of the bishoprics of Sicily and to no longer have any designs on the pope's territories in Italy, "including those concerning the former Byzantine exarchate of Ravenna"<sup>38</sup>. But Otto IV was not to keep his promises: as soon as he was crowned, he entered southern Italy and appealed to the barons "dissatisfied with Frederick II's initial authoritarian measures"<sup>39</sup> to gain a foothold in these territories and claim them as his own. The Pope, who had supported him against Philip of Swabia, excommunicated him in November 1210 and he then asked for the help of the main dukes, bishops and archbishops of Germany, as well as Philip II Augustus (1180-1223), King of France. Events sped up and the Pope lost control. By calling for help and excommunicating Otto IV, he gave Frederick II full legitimacy on the imperial throne; the Pope also gave and accepted the unification of Sicily and the Holy Roman Empire that he had so feared and that he, like his predecessors, had managed to avoid. Elected King of the Germans and King of the Romans in 1215, Frederick II was crowned Emperor in 1220 by Honorius III (1216-1227), having promised the latter to separate the Sicilian throne from the imperial throne, which he had done by crowning his son Henry King of Sicily when he was just one year old.<sup>40</sup>. And yet, at his coronation, he made a blatant and complete display of his imperial status:

*"In his hands, adorned with precious gloves, he holds the sceptre, the sword and a globe surmounted by the Cross, the symbols of the authority of the most powerful prince in the West. But he also wears the diadem of Otto I, who restored the Empire in 962, and the mantle of his grandfather, Roger II, King of Sicily"*<sup>41</sup>.

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<sup>38</sup> GOUGUENHEIM, Sylvain. Frédéric II: un empereur de légendes. Paris: Perrin, 2015.p. 38.

<sup>39</sup> *Idem*.

<sup>40</sup> *Idem*.

<sup>41</sup> CROUZET-PAVAN, Élisabeth. Op. cit. p. 92.



Yet despite this, despite this thirst for Empire, he hardly knew Germany, so far away from this Sicilian. And yet, despite his coronation with its eminently imperial symbols, his Empire remained Italian and above all Sicilian. Otto IV was still alive, and it was only with the help of Philippe Auguste, King of France, at the Battle of Bouvines in 1214 that he was finally defeated and stripped of his royal attributes.

*"Carrus quo reprobus erexerat Otho deaconem, / Quem super auratis  
aquilam suspenderat alis,/ Cogitur innumeras in se sentire secures,  
/Fragminibusque dolet ignis cibus esse minutis, / Nec saltem ut superent  
fastus vestigia tanti, /Cumque suis pereat damnata superbia pompis . /Ast  
aquilam, fractis reparatam protinus alis, /Rex hora regi Frederico misit  
eadem, /Hoc sciat ut dono fasces, Othone repulso, /Jam nunc divino  
translatos munere in ipsum "<sup>42</sup> .*

Frederick II was now free of his imperial power and fully able to provide for the needs of his kingdom. Frederick II's imperial power needed substantial resources, and Sicily was the first country to provide them. With a major "fiscal turn of screw", he equipped his army, disregarding the island for a time, and reactivated the state apparatus put in place by his father, giving the administrative initiative to the royal power. Any urban desire for emancipation was fiercely repressed. Henri Bresc said that Sicily had been "radically impoverished and weakened"<sup>43</sup> . Frederick II then showed his ambitions: to unify and restore imperial power. The question of the Lombard communes, which were increasingly attached to their autonomy, soon arose. This was largely a direct result of the Peace of Constance, which gave them a degree of freedom never before seen in the Empire. It was therefore in contradiction to the last years of his grandfather's reign that the young Frederick II took charge of these communes. At the

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<sup>42</sup> Oeuvres de Rigord et de Guillaume Le Breton, *historiens de Philippe-Auguste*, published for the Société de l'Histoire de France. *Philippide*, XII, 41-50, ed. H.-François Delaborde, Vol. 2, p. 350.

(<https://gallica.bnf.fr/ark:/12148/bpt6k6550207c/f364.item> ). ("As for the chariot on which Othon the reprobate had erected his dragon and suspended over it his eagle with its golden wings, it soon fell under the innumerable blows of the axes; and, broken into a thousand pieces, it grieved to become the prey of the flames, for it was desired that at least no trace should remain of so much pomp, and that pride thus condemned should disappear with all its pomp. The eagle, whose wings had been broken, having been promptly restored, the king sent it that very hour to King Frederick, so that he might learn by this gift that Otto having been repulsed, the beams of the empire were passing into his hands by a favour from Heaven" In Guillaume le Breton, *La Philippide*: poème, ed. et trad. Guizot, François, Collection de mémoires relatifs à l'histoire de France; 12, p. 352).

(<https://gallica.bnf.fr/ark:/12148/bpt6k94607v/f363.item> ).

<sup>43</sup> BRESC Henri, *Un monde méditerranéen, Economie et société en Sicile, 1300-1450*, Rome, 1986, t.1, p. 59-60.

beginning of the 13th century, the *Lombard League* was scarcely recognised or mentioned in documents, particularly papal documents; it did not in any way disappear, but it no longer appeared as a league defending the cities. It was Milan, a major city that had suffered under the Empire, and more specifically under Frederick I, that revived the idea of a broader league, including several cities in Piedmont and Emilia-Romagna, under its auspices. Into this mix stepped the Pope, this time Gregory IX (1227-1241). Frederick II had given him proof of good conduct by declaring himself in favour of the Sixth Crusade (1228-1229), but he reconsidered his words, which made the Pope impatient and then finally declined. The pope could not bear this indecision on the crusade, especially from the most important King of the West, and excommunicated him at Anagni in 1227. Frederick II continued his crusade in northern Italy. His army was less well-ordered, but he could count on many mercenaries and troops from cities that favoured him<sup>44</sup>. The most important episode was the battle of Cortenuova in November 1237. The German princes were becoming increasingly worried about the League and referred the matter to the Emperor. The Pope, for his part, did not want a new quarrel that could give the imperial powers a stronger foothold and relegate him to second place. He therefore took the initiative and, in July 1237, proposed a meeting between members of the League and envoys of Frederick II (in this case, Pierre de la Vigne, his loyal adviser, and Hermann von Salza, Grand Master of the Teutonic Order; this shows the importance of the question of the Lombard cities). The meeting was a failure, the Italian cities refusing to give power to Frederick II, refusing to give men for the crusade and refusing to let their specific political identity disappear<sup>45</sup>. What followed was well-known and disastrous for the League. The Milanese were taken by surprise; having come to the rescue of Brescia, which refused to submit, the league dispersed as the hours passed, the Milanese allies preferring to surrender unconditionally<sup>46</sup>. Milan was the only city to decide to flee during the night, but the November rains had made the ground muddy, and the *Carroccio*, the chariot of command that symbolised the city's military power, had to be reluctantly left behind. Frederick II was facing a total victory; he took Pietro Tiepolo, son of the Doge of Venice and podestà of Milan, prisoner and paraded him in triumph, in the imperial Roman manner in Cremona, drawn by an elephant<sup>47</sup>. The emperor decided to use this victory

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<sup>44</sup> CARDINI F., "Gli ordinamenti militari", in *Frederico II e le Sicilia*, P. Toubert & A. Paravicini-Bagliani, eds Palermo, 1998, pp. 87-101.

<sup>45</sup> KANTOROWICZ Ernst, *Frederick the Second, 1194-1250*, Frederick Ungar Publishing Co, 1957, pp. 416-418.

<sup>46</sup> *Ibidem*. 435-438.

<sup>47</sup> *Idem*.

as a political weapon: he sent the *carrocio* to Rome and had it placed "on the Capitol on five marble columns; a bas-relief, combining sculptures and inscriptions"<sup>48</sup>. But as the cities were not unanimous and united, the threats and sieges had to be repeated. In 1238, there was another siege of Brescia, but it failed and the emperor sent his army back. Using political means to diversify the imperial approach, Frederick II began to support certain podestates or lords, such as Ezzelino da Romano in Veneto, who would meet with a disastrous fate due to his great power. "In Lombardy, Oberto Pelavicino carved out a large seigniorship for himself. He is Captain General of the Empire"<sup>49</sup>. These events did not please the Pope, who renewed his excommunication in 1239. Gregory IX had also used the new mendicant orders - Franciscans and Dominicans - and their oratorical talents to play a political role in the communes. In 1233, for example, the Dominican Bartholomew of Vicenza created "a military order recruited from among the urban patricians and intended to oppose the heretics and enemies of the Church politically, if necessary by force, the Militia of Jesus Christ"<sup>50</sup>. Around Piacenza, it was a Franciscan, Leo dei Valvassori of Perego, who "arbitrated the conflicts between the aristocratic party and the *populus*"<sup>51</sup>. Here we have the Pope almost initiating the establishment of a Church party, renewing the communes and the way in which they conducted politics. This initiative was nonetheless unique; it took place during the canonisation process of Dominic Guzman, founder of the Order of Preachers. The Papacy entrusted the struggle and the spiritual strengthening of the Church, particularly in Italy, to these two new orders, known as "mendicant" because of their humility in terms of community life. But these new Franciscan and Dominican orders were also orders of orators, often with great intellectual knowledge. The Pope had before him men whose spirituality and humility could not be faulted, and the Mendicant Orders made skilful use of them in their chronicles.

*"In the cities of Lombardy, many heretics were burnt at the stake, while more than a hundred thousand men, not knowing whether to join the Roman Church or heresy, were sincerely converted to the Catholic faith of the Church of Rome through the preaching of the Friars Preachers. And the witness says:*

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<sup>48</sup> CROUZET-PAVAN, Élisabeth. Op. cit. p. 95.

<sup>49</sup> *Idem*.

<sup>50</sup> VAUCHEZ André. *A pacification campaign in Lombardy around 1233. L'action politique des Ordres Mendicants d'après la réforme des statuts communaux et les accords de paix*. In: Mélanges d'archéologie et d'histoire, tome 78, n°2, 1966. p. 509. ([www.persee.fr/doc/mefr\\_0223-4874\\_1966\\_num\\_78\\_2\\_7526](http://www.persee.fr/doc/mefr_0223-4874_1966_num_78_2_7526)).

<sup>51</sup> *Ibidem*. p. 510.

*sincerely, for these converts now pursue and abhor the heretics whom they formerly defended. In addition, the majority of the cities of Lombardy and the Marche are entrusting to the friars the organisation of their affairs and the reform of their statutes, with the power to delete, add, subtract or modify as they see fit. They entrust themselves to them to stop the wars in progress, to make peace and re-establish peace between themselves, to have the gains of usurers and ill-gotten goods returned, to receive confessions, and finally for many other good offices which it would take too long to list*"<sup>52</sup>.

This was the case, for example, of the Franciscan Leo dei Valvassori of Perego, Minister General of the Franciscan Province, who resided in Milan and who in 1241 became "Archbishop of the Lombard metropolis, which he governed both temporally and spiritually"<sup>53</sup>. Some communes went so far as to consider these religious as urban magistrates, giving them the privileges that they reserved for public magistrates at the time, such as bodyguards or notaries, and official titles such as "*Dux et comes*", taken from the bishops when they ruled and "fallen into disuse since the Commune had become emancipated"<sup>54</sup>. As a consequence of the vicissitudes of the communes, these clerics did not use any special privileges and reached the head of the administrations through the normal public political channels. These conditions and the legitimacy of the changes made by the clerics were criticised on a number of occasions by the inhabitants of the communes, but the Pope quickly put an end to any doubts by pointing out that the changes had been made "*Voluntate Communis*"<sup>55</sup>, emphasising the unquestionable legitimacy of the acts produced and their changes. Apart from these very disparate cases, there is one adherence that came as a surprise: André Vauchez hypothesises that it is the preaching calling for peace, eternal in a supernatural way or perpetual in a historical way. What's more, the call for freedom and liberation was perceived positively by communities that had never stopped fighting, sometimes even within the same family or social class. All these factors help

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<sup>52</sup> VAUCHEZ André. *Art. Cit.* In: *Mélanges d'archéologie et d'histoire*, tome 78, n°2, 1966. p. 503.

<sup>53</sup> *Ibidem.* p. 510.

<sup>54</sup> *Ibidem.* p. 512.

<sup>55</sup> Bull of Gregory IX of 30 April 1235. Text in Mandelli, *Il comune di Vercelli nel Medioevo*, Vercelli, 1857, p. 172 ("de la volonté de la Commune" In Vauchez André. *Art. Cit.* In: *Mélanges d'archéologie et d'histoire*, vol. 78, no. 2, 1966. p. 513).

to explain the fervour surrounding the Mendicant Orders, particularly the Order of Preachers, for example when the body of Saint Dominic was moved to Bologna in 1233.

*"Does this mean that the Beggars who reformed the communal statutes and tried to bring peace to Lombardy were simply the spokesmen for a popular movement? Did they act on their own initiative or were they mandated by the ecclesiastical authorities?"<sup>56</sup> .*

The solution, complex and subtle, was as dual as ever. When it came to tackling heretics by changing the statutes to drive them out, the Church was in the driving seat, with the Inquisition gradually being put in place. In these cases, moreover, the archbishop initiated the decision to include new provisions in the statutes. As early as 1231, Gregory IX had requested in a bull to the bishops of Milan and Trier that the religious of the Mendicant Orders, being members of the communal councils, enforce the new pontifical rules on heresy and insert them into the statutes of the said communes<sup>57</sup> . It also seems that inclusion in the statutes is also a way of clarifying ecclesiastical privileges, even if it means changing the content. On other occasions, these clerics had themselves appointed as *legates* and claimed to be there by *papal mandate*, showing that the townspeople were well aware, despite their fervour, of the place of origin of decisions. The Emperor was not fooled by this, and in many respects complained against these clerics, who, under the guise of spirituality, ran counter to imperial prerogatives and hampered the already complex political stability of the city<sup>58</sup> . As a result, the solution to the question posed lies somewhere between a pontifical mandate, aimed at the papacy's temporal policy, and a legation working openly under the Pope's orders and for spiritual as well as temporal reasons.

*"both a political agent of the Holy See and an apostolic missionary"<sup>59</sup> .*

This is the duality we were talking about. To make use of the new spiritual works whose popular fervour, because of their extreme acuity to the problems of the world, makes them malleable. We can say that the papacy made use of the mendicant friars, according to a letter<sup>60</sup> that Gregory

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<sup>56</sup> VAUCHEZ André. *Art. Cit.* ,p. 516.

<sup>57</sup> *Ibid.* Footnote 3.

<sup>58</sup> For an example of a letter from Frederick II: HUILLARD-BREHOLLES, *Historia diplomatia Friderici secundi*, t. III, 2, p. 907- 908. For Gregory IX's reply: Monumenta Germania Historica, Epistolae sec. XIII, ed. Rodenberg, t. I, no. 702.

<sup>59</sup> Gr. MEERSSEMAN, Etudes sur les anciennes confréries dominicaines, II, Les confréries de St. Pierre Martyr, AFP, 21, 1951, p. 57.

<sup>60</sup> L. Auvray, Les Registres de Grégoire IX, t. I, Paris, 1896, no. 54.

IX sent to the podestates of Lombardy; he appreciated this part of Italy, which he cared for, like so many popes since the beginning of the quarrel with the Holy Empire. The pope's letter was a programme to counterbalance the Empire.

*"The pontiff called on the civil authorities to stop protecting or tolerating heretics; he enjoined them to respect the freedoms of the Church and strongly attacked the Communes who "excommunicated" (sic) clerics who refused to accept the encroachments of civil power; Finally, he stigmatised the attitude of those who, not content with tolerating usury, made its practice official in their statutes, and imposed sanctions on those who displayed apostolic letters to defend themselves against usurers. In conclusion, Gregory IX forcefully insisted on the need for a reform of communal statutes that took into account the demands of the Church"<sup>61</sup>.*

At the end of this journey between the Empire, the Papacy and the communes, we get a glimpse of the ins and outs of politics in Italy. Once again, we see tensions at work. They are all the more intense because they are multiple and do not come from just one source at a time. The Papacy was in disarray in the face of the Empire which, despite the instability in Germania, was expanding into Italy. Frederick I tried in vain to gain support in Sicily, while at the same time trying to bring order to the Italian communes that he had been unable to keep united within the Empire. The Pope was pressed on all sides, cramped in his papal states but ultimately unable for several centuries to implement his claims to temporal and monarchical power. Norman Sicily, which was supported by the Pope for a time, turned around, due to the vagaries of power, and ended up asking for lands in southern Italy, some of which were formerly Byzantine, which the Byzantine Emperor wanted to reclaim in a bid, identical to that of the Holy Roman Empire, to replay the Roman imperial partition. The Pope, the Emperor and the King of Sicily were to reshuffle the Italian cards, both in terms of territory and politics, in an unstable to-and-fro pattern that varied according to the occasion. The many peace agreements concluded had no long-term effects and could be seen as failures, even if the signatories could not consider them

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<sup>61</sup> VAUCHEZ André. *Art. Cit.*, p. 521.

immutable, given the many temporal and pragmatic indications that gave no fixed spiritual or temporal point. In spite of this, treaties are important political milestones in that they establish a state of affairs for a generation, with that generation constantly referring back to the articles of the treaties in order to take advantage of them. Tension and the power of the written word over memory. The political tension in Italy was also played out within the cities themselves. Their administrative constitutions made them an oratorical public space. The emperor understood this very well when he decided to create the podestates, an original form of communal government. The social and family compartmentalisation that the Emperor used to set up the podestats meant that they were more dependent on the Empire because they were isolated in a non-native city. The Emperor used endless communal quarrels to further his policies. *Divide and conquer*. The adage is well known. The Papacy, which was beginning its rise as a monarchy, adopted a different and surprising approach, but one that had its advantages: it borrowed the young mendicant orders to gain a foothold in the cities and change the statutes in its favour, from within the communes themselves, from within the public administration. To enter the cities, the Mendicant Orders rely on their spirituality of humility, inner liberation and simplicity. *Gather to rule*. Tensions were exacerbated and put on public display, through preaching and staged peace ceremonies designed to be remembered. Rule was the watchword. It was to be the driving force behind the battle of ideas that was to be waged in intellectual production, both philosophical and theological.





## II/ The tools of pontifical power

The history of conflict between the Empire and the Church that we have studied is that of sacred power. Sacred power represents what the Empire must keep in order to establish its authority, and what the Pope wants in order to find stable temporal power. Stability is achieved through the written word, the law that immortalises. Three scriptural productions are fundamental in this respect: the *Donation of Constantine*, the *Dictatus papae* and the *Decretals*.

Constantine was the most intense subject of memory for the Western papacy; he even became a symbol of the long-awaited union between the temporal and spiritual Empires. Once Christian persecution had come to an end and Constantine was recognised as sole emperor, he published the Edict of Milan in February 313. This edict gave full freedom to the Christian religion, and the revocation of the "edicts of persecution of 303-304"<sup>1</sup> led to an extension of the rights and privileges of places of worship. In October of the same year, edicts clarified this and gave "tax immunity"<sup>2</sup> to the clergy. In 316, clerics were given "jurisdiction over civil law cases"<sup>3</sup>. All this should be seen in the context of the emperor's own role. After his military victories, he adopted Christian symbols, for example on coins and temple frontispieces. In fact, he took on the role of Christian emperor, a role that enabled him, as head of the Empire, to take into account some of the trials of the Church, such as Donatism, the economic issue of ill-gotten gains during Diocletian's persecution. Some African bishops were reluctant to follow the Church's recommendations on how to respond to persecution. Constantine, the emperor, asked the proconsul of Africa to remedy these problems only with those who had remained "in communion with the bishop of Rome"<sup>4</sup>. To do this, a council was convened to take the new religion in hand. It was held in one of the imperial residences, "which the empress had lent for the occasion"<sup>5</sup>. The council failed, as the emperor was reluctant to use force to suppress what he saw as an attack on the integrity of his newly Christian imperial power. This episode of ecclesiological struggle came to an end, and another, theological one, began: Arianism. This theological doctrine states that Christ cannot be the son of God and man from all eternity. Jesus

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<sup>1</sup> SAXER Victor. *The Church and the Christian Empire in the 4th century. La difficile séparation des compétences devant les problèmes doctrinaux et ecclésiologiques*. In: *Revue des Sciences Religieuses*, tome 77, fascicule 1, 2003. p. 12. ([www.persee.fr/doc/rscir\\_0035-2217\\_2003\\_num\\_77\\_1\\_3655](http://www.persee.fr/doc/rscir_0035-2217_2003_num_77_1_3655)).

<sup>2</sup> *Idem*.

<sup>3</sup> *Idem*.

<sup>4</sup> *Ibid*, p. 15.

<sup>5</sup> *Idem*.

could not be "true God and true man", as stated in the Nicene Creed. The Bishop of Alexandria excommunicated Arius, the priest who held this doctrine; Arius took refuge with the faithful and obtained the support of other bishops. Two camps were thus formed. Constantine, convinced of his duty to unite and pacify the Church, took matters into his own hands. The consequences were as much political as religious. Having had to fight a fervent persecutor of Christians (Maximus) for the leadership of the Empire, and having come to an agreement with the Emperor of the East (Licinius) on joint relations with the Papacy, discord separated what Constantine had conquered. After an unsuccessful attempt at mediation, he decided to bring together as many of the Empire's bishops as possible to discuss the issue. In early 325, he convened what was to become the first ecumenical council: Nicaea I.

*"It took place in the imperial palace. Constantine sat at the opening session on a golden throne, but the actual presidency seems to have been exercised by Ossius of Cordoba, and when the emperor was not present at the sessions, a palace official supervised the debates and checked the vote count"<sup>6</sup>.*

Constantine took on the role of protector of the Church, taking the decision to convene a council to settle a theological issue that was highly specific and fastidious, at a time when the right doctrine had to be defined in order to unify a Church spread throughout the Empire. The Church, for its part, made doctrinal provisions, notably at the end of the Symbol of Faith: it added a passage that gradually disappeared but which remains in the Armenian Church.

*"For those who say: 'There was a time when he was not' and: 'Before he was born he was not' and 'he was created from nothing', or who declare that the Son of God is of another substance or essence, or that he is subject to change or alteration, the Catholic and Apostolic Church **anathematizes** them"<sup>7</sup>.*

Once the first ecumenical council had been convened and a definition of the Christian faith had been ratified, the situation was clarified and it was now possible to separate the Church from

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<sup>6</sup> *Ibidem*. p. 19.

<sup>7</sup> DUMEIGE Gervais, Textes doctrinaux du magistère de l'Église sur la foi catholique, Paris, l'Orante, 1993, p. 6.

schismatics or heretics. The Near East was then the recipient of numerous constitutions setting out :

*"that privileges granted for religious reasons applied only to Catholics: heretics and schismatics had to bear the munera"*<sup>8</sup> .

Since *munera* were taxes owed to the Empire, Constantine exempted members of the Catholic Church from them. This was the first legal clarification of a Catholic Church, as previous legal decisions had tended to refer to local bishoprics or parishes, and usually gave them the name of the bishop of the place where the jurisdiction applied. A change therefore took place, with imperial jurisdiction unifying and clarifying the Church. Bishops were to have a special place in Constantine's legislation. It should be noted that Saint Paul had already asked, in the first letter to the Corinthians<sup>9</sup> , why go to pagan judges for disputes between Christians, urging them instead to appeal to brothers who were better able to judge between believers. The idea here is to form an apparent unity in order to consolidate the nascent Church and leave no room for attacks on the way of life. These cases, often settled by spiritual penalties, are an extension of the compromise that already existed in Roman law<sup>10</sup> . "Thus the Gospel, Roman law and Eastern customs sponsored the jurisdiction of the bishop in different ways"<sup>11</sup> . Constantine therefore took the trouble to have them accepted throughout the Empire, in the secular public arena. The emperor endorsed the use of the bishop as a judge in public affairs, giving him unparalleled secular power. However, he was subject to several limitations. Firstly, he could only take on a public case if it concerned a religious issue relating to the Christian religion. Secondly, it is up to the secular court to carry out the sentence pronounced by the bishop. Lastly, there could be no appeal against an initial judgement handed down by the bishop, which was an important point because the pontifical power was not yet strong enough to claim to be able to rule objectively and comprehensively on these issues. Constantine therefore enshrined Christian

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<sup>8</sup> GAUDEMET, Jean. *The religious legislation of Constantine*. In: Revue d'histoire de l'Église de France, tome 33, n°122, 1947. p. 31. ([www.persee.fr/doc/rhef\\_0300-9505\\_1947\\_num\\_33\\_122\\_3034](http://www.persee.fr/doc/rhef_0300-9505_1947_num_33_122_3034)).

<sup>9</sup> I CO. VI, 1: "When one of you has a disagreement with another, how dare he go to trial before pagan judges rather than before the faithful?"

<sup>10</sup> ROUSSIER, J. "DU COMPROMIS 'SINE POENA' EN DROIT ROMAIN CLASSIQUE." Revue Historique De Droit Français Et Étranger (1922-) 18 (1939): 167-205. [www.jstor.org/stable/43844050](http://www.jstor.org/stable/43844050).

<sup>11</sup> GAUDEMET, Jean. *Art. cit.* p. 33.

arbitration in law as a place and means of jurisdiction, using the term *episcopale iudicium*<sup>12</sup> on several occasions.

*"The bishop was neither a magistrate nor a Roman civil servant with the power of iudicatio. However, the emperor, the master of judicial power, recognises his participation in justice, which profoundly transforms his traditional character as a simple arbitrator"*<sup>13</sup>.

In 333, Constantine took up this constitution, broadening it and confirming several points; the bishop became a definitive participant in imperial jurisdiction and his sentences became "not subject to appeal"<sup>14</sup>. Constantine described the largesse granted to the Christian Church in terms of the fact that it was better able to exercise equity between parties, being governed by the precepts of Christ and the apostles, without being burdened by civil procedure; he thus gave the Church its character of equity, which would long be remembered. As the bishop was accepted as a means of imperial jurisdiction, his testimony during trials changed. He became a serious witness and his testimony alone was sufficient, no other being tolerated after his own: the ethics of the person questioned were deemed sufficient.

This brief overview shows Constantine's influence on Christianity in the Roman Empire. These constitutions, which were favourable to the Church, were collected and preserved in the Theodosian Code of 438 and the Justinian Code of 529. Constantine was the dream figure of the alliance between the temporal and the spiritual, while maintaining a predominantly secular space. The prestige attached to his role and his name made him the most appropriate drafter of the document used to set in motion the temporal will of the papacy: the *Donation of Constantine*.

This text was first compiled in the *Decretals* of pseudo-Isidore, a false compilation that seems to have come from France at the time of Louis the Pious<sup>15</sup>. Contained in the second part,

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<sup>12</sup> GAUDEMET, Jean. *Art. cit.* p. 35.

<sup>13</sup> *Idem.*

<sup>14</sup> GAUDEMET, Jean. *Art. cit.* p. 37.

<sup>15</sup> GAUDEMET, Jean. *The Formation of Canon Law and the Government of the Church from Antiquity to the Middle Ages.*

*classique* : Recueil d'articles. Strasbourg: Presses universitaires de Strasbourg, 2008. p. 133 (generated on 28 January 2020). Available on the Internet: <http://books.openedition.org/pus/8801>. For the question of the false *Decretals* of Pseudo-Isidore, see essentially: H. Fuhrmann, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen. Von ihrem Auftauchen bis in die neuere Zeit*, 3: Texte, Untersuchungen, Übersichten (Monumenta

according to the current critical edition<sup>16</sup>, it differs from and yet will serve as the basis for the text contained in Gratien's *Decretals*<sup>17</sup>. Questions about this constitution seem to have been raised as early as the Middle Ages, particularly in the imperial camp, in order to contest its importance and legal scope, as Otton of Freising, a close relative of Frederick I, chancellor and chronicler, did. In his chronicle, he recalls the presumed baptism of Emperor Constantine after his miraculous cure of leprosy by Pope Sylvester I, leading to the *Donation*. These events, included in a "Vita" or "Actus b. Silvestri"<sup>18</sup>, were known to Otto, who nevertheless expressed doubts, since he knew, and noted in his chronicle, that Constantine had been baptised at the end of his life at Nicomedes<sup>19</sup>. He notes, however, with great caution:

*"Proinde quae in beati Silvestri vita de lepra et conversione eius leguntur,  
apocryfa videntur"*<sup>20</sup>.

He had to be careful with what *appeared to be apocryphal*, on the one hand so as not to offend those who were on the Pope's side, but also because, from the eleventh to seventeenth centuries, the Pope very quickly deployed the margins of pontifical edification, which amounted to aggressive communication so as not to be able to admit the slightest doubt about his authenticity. For example, one of the editions of Otto's *chronicles* highlights a sentence by an unknown hand in the thirteenth-century manuscript being edited, responding to Otto's sentence as follows:

*"Hic magister errat, qui curia Romana, cui assentiendum est, contrarium  
tenet"*<sup>21</sup>.

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Germaniae Historica, Schriften, 24,3), Stuttgart 1974, 633-650 - S. Patzold, Gefälschtes Recht aus dem Frühmittelalter. Untersuchungen zur Herstellung und Überlieferung der pseudoisidorischen Dekretalen (Schriften der Philosophisch-Historischen Klasse der Heidelberger Akademie der Wissenschaften, 55), Heidelberg 2015.

<sup>16</sup> <http://www.pseudoisidor.mgh.de>.

<sup>17</sup> D. 96 c. 14.

<sup>18</sup> FRIED, Johannes. *Donation of Constantine and Constitutum Constantini: The Misinterpretation of a Fiction and Its Original Meaning*. Millennium-Studien 3. Berlin: de Gruyter, 2007. p. 11.

<sup>19</sup> *Ibid.*

<sup>20</sup> Otto Freising, Chronicon, IV, 1. in PERTZ, Georg Heinrich, and Monumenta Germaniae Historica, editors. Scriptores. Supplementa tomorum I, V, VI, XII. Chronica aevi Suevici. Unveränd. Nachdr. [der Ausg.] Hannoverae 1868, Hiersemann, 1989.p. 195. ([https://www.dmgh.de/mgh\\_ss\\_20/index.htm#page/195/mode/2up](https://www.dmgh.de/mgh_ss_20/index.htm#page/195/mode/2up)). ("Thus, what is written about leprosy and conversion in the life of Saint Sylvester seems to be apocryphal").

<sup>21</sup> HOFMEISTER, Adolf, and Otto HARRASSOWITZ GmbH & Co. KG. *Ottonis episcopi Frisingensis Chronica sive Historia de duabus civitatibus* (MGH SrG), 1912, p. 185. ([https://www.dmgh.de/mgh\\_ss\\_rer\\_germ\\_45/index.htm#page/184/mode/2up](https://www.dmgh.de/mgh_ss_rer_germ_45/index.htm#page/184/mode/2up)). ("The master is mistaken here, for the Roman curia assumes the opposite and is to be preferred").

The Roman Curia had succeeded in its communication campaign. Before reaching a point where its power was so great that it distorted reactions and literary perceptions of the *Donation*, there was the political battle between the Empire and the Pope. Acts led the way, between concordats, treaties, peace, battles, sieges, tyrannies and podestates. But there was also an ideological and literary battle. The first explicit mention of the document by a pope, judging it to be true and using it as a diplomatic document, was made by Leo IX (1049-1054). Strangely enough, it was while opposing the Byzantines - who had their sights set on Sicily and southern Italy and who took a dim view of the alliance between Henry III of the Holy Roman Empire and the Pope - that Leo IX first drew this ultimate weapon against an Eastern Empire that wanted nothing more than to relive the glory of Rome from its eastern seat. It was a weapon because it pitted Pope Sylvester I against Constantine, whose aura and legitimacy remained intact, even after more than six hundred years. The weapon chosen is all the more reliable because it expressly refers to the lands coveted by the Byzantine Empire. The text of the *Donation* contained in the false *Decretals* was therefore known to the Pope, and according to the German publisher Horst Fuhrmann, a version was reworked by the Pope and his secretary, Cardinal Humbert de Silva Candida. Identified under the name *Leo-Humbert*, it uses the dispute with the Byzantine patriarch as a pretext; parts of the text are quoted in the letters between the Papacy and the Byzantine Empire. More than that, the Pope and his secretary modified the text to emphasise its pro-Roman and anti-Byzantine aspects<sup>22</sup>.

*"Unde ut non pontificalis apex vilescat, sed magis amplius quam terreni imperii dignitas et gloriae potentia decoretur, ecce tam palatium nostrum, ut praelatum est, quamque Romae urbis et omnes Italiae seu occidentalium regionum provincias, loca et civitates saepefato beatissimo pontifici, patri nostro Silvestrio, universali papae, contradentes atque relinquentes eius vel successorum ipsius pontificum potestati et ditioni firma imperiali censura per hanc nostram divalem sacram et pragmaticum constitutum decernimus*

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<sup>22</sup> *Das Constitutum Constantini (Konstantinische Schenkung)*. Text, ed. by Horst FUHRMANN (MGH LL 8, Fontes Juris Germanici Antiqui in usum scholarum separatim editi 10), Hanover 1968.p. 15.

*disponenda atque iuri sanctae Romanae ecclesiae concedimus permanenda*

"<sup>23</sup> .

The Pope therefore had the power of a written document to come and demand peace in the Italian provinces coveted by the Byzantine Empire; he would use this passage on numerous occasions. But the power of the written word had not yet entered its most theocratic phase and would have little impact, the years merely creating a memory, then a myth, then a symbol. Invisibly or visibly, the popes who succeeded Leo IX took bits and pieces of the *Donation here* and there to assert a privilege or call for order. In the middle of the twelfth century, Gratian drew up his *Concordia discordantium canonum*, later known as the *Decretum Gratiani*. This compendium is made up of apostolic constitutions, Roman laws and Frankish laws, which make up the first part, comprising one hundred and one distinctions; a second part focuses on the causes that are supposed to be defensible and that have been defended by the Church for its construction and defence. Finally, the last part deals with sacred matters and various consecrations. The first part is the richest and most eclectic; it allows us to note that Roman laws, even from the time of Constantine, are called *paleae*, which means "wheat straw" and evokes the bad part to be separated from the good grain that is ecclesiastical canonical literature. It is under this name that the *Donation* in the *Distinctiones* is inscribed. It follows the chapter on the submission of emperors to the pontiff, entitled :

*"Imperatores debent Pontificibus subesse, non preesse"*<sup>24</sup> .

Recent German and English historiography has given authorship of this chapter to the first commentator on the *Decretum*, Paucapalea, Gratian having been reluctant to include it<sup>25</sup> . He is

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<sup>23</sup> *Das Constitutum Constantini (Konstantinische Schenkung)*. Text, ed. by Horst FUHRMANN (MGH LL 8, Fontes Juris Germanici Antiqui in usum scholarum separatim editi 10), Hanover 19680. p. 93-94. ([https://www.dmgh.de/mgh\\_fontes\\_iuris\\_10/index.htm#page/93/mode/1up](https://www.dmgh.de/mgh_fontes_iuris_10/index.htm#page/93/mode/1up)). ("In order that the supreme pontificate not be diminished, but rather be adorned with dignity and glory, even more than is the dignity of the earthly Empire : Behold, we confer upon the most holy pontiff frequently mentioned, our father Sylvester, the universal pope, as well as our palace, as has been said, as also the city of Rome, all the provinces, places and cities of Italy and the western regions, and we - by our firm imperial will through our divine, holy and imperial constitution - cede them to his and his successors, and we decree that they shall remain under the law of the holy Roman church").

<sup>24</sup> D. 96 c. 11 ("The emperors must be under the pontiffs, not command them").

<sup>25</sup> On these questions see: Rudolf WEIGAND, *Fälschungen als Paleae im Dekret Gratians*. In: *Fälschungen im Mittelalter 2. Internationaler Kongreß der MGH*, München, 16.-19. September 1986. Gefälschte Rechtstexte. Der bestrafte Fälscher (MGH Schriften 33, 2), pp. 301-318. - Die Summa des Paucapalea über das Decretum Gratiani, ed. Johann Friedrich von Schulte, Gießen 1890.

also said to have written the summary preceding the *Donation*<sup>26</sup>, since it is the same summary that he gives in his commentary<sup>27</sup>. This summary states that the emperor Constantine conceded (concessit) the crown and all the royal dignities over the city of Rome, in the provinces of Italy and the western parts. It is then noted that the *Donation* is given in memory of what is written in the *gesta B. Silvestri*, referring not to the false *Decretals*, but to Sylvester I, pope at the time of Constantine, giving memorial weight and authority, by coincidence, between the pope and the emperor. Here again, opinions, particularly those of literate German authors, are clear-cut, and they do not hesitate to call into question not the authenticity of the document, but the fullness that the papacy recognises in it. Thus Damasus, a decretalist whose testimony we have kept, put forward the following hypothesis, which was taken up by other German decretalists:

*"certain people, who claim that the emperor has his sword from the pope, since Constantine had handed over the Imperium to the Roman church (...) but in fact he has it from God, as Augustinus says"*<sup>28</sup>.

By using theological weapons - by referring to Saint Augustine - the criticism moves to the theological and philosophical level. The pontifical communication of popes and canonists thus succeeded in making a text created from scratch indispensable and self-evident, even if it did not initially serve the papal will in any way. Gervais of Tilbury, another learned cleric loyal to Emperor Otto IV, also gave his point of view (in his work *Otia imperialia*) on the subtle content of the *Donation* to preserve imperial power. He differentiated between imperial office, encompassing the entire Empire, and royal office, encompassing only the western part and Italy.

*"Constantini gesta si memoramus, ab ipso collata legitur potestas in partes Occidentales tantum Sylvestro. Orientalis regio facta est caput Imperii"*<sup>29</sup>.

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<sup>26</sup> D. 96 c. 13.

<sup>27</sup> FRIED, Johannes. *Donation of Constantine and Constitutum Constantini: The Misinterpretation of a Fiction and Its Original Meaning*. Millennium-Studien 3. Berlin: de Gruyter, 2007. p. 19.

<sup>28</sup> A. J. CARLYLE, *The Political Theory of the Roman Lawyers and the Canonists. From the Tenth Century to the Thirteenth Century* (A History of Medieval Political Theory in the West 2, ed. by Robert Warrand Carlyle), Edinburgh/London 1909, p. 212 note 2. ("some people, who claim that the emperor takes his sword from the pope, since Constantine had given the imperium to the Roman church (...) but in fact he takes it from God, as Augustine says").

<sup>29</sup> Gervase de Tilbury, *Otia Imperialia*. Recreation for an Emperor, ed. and translated by S. E. Banks and J. W. Binns (Oxford Medieval Texts), Oxford 2002, p. 10 ("Constantine had 'handed over to Pope Sylvester alone potestas in the western regions' and thus constituted 'his royal right in the West', but he did not wish Sylvester [and his successors] to receive 'the name and office of emperor'" In Fried, Johannes, *Op. Cit.*, p. 21).



Apart from this type of literary criticism, there was little criticism, even in the commentaries on the *Decretals*. It was not until Lorenzo Valla, in 1440 (!), in his *De falso credita et ementita Constantini donatione libri duo*, that a textual and philological critique made it possible to confuse the text. The false *Donation* thus remained in the service of the popes for nearly five hundred years, wreaking diplomatic havoc with impunity, in the service of an inordinate desire for spiritual and temporal power. If the *Donation* was incorporated into Gratian's *Decretals*, it is because this collection of texts served the Church in the same way and for the same purpose.

The tone is set from the very first part. Gratian was providing a framework for the laws of the Church, which it was to become. As the first part of what was to become known as the *Corpus iuris canonici*, which remained in force until the recasting of canon law in 1917, Gratian's compilation has two known versions: the first dates from around 1120 - 1130, the second from 1145. The first version is more balanced in terms of content; it has only two parts, one devoted to the clergy and legal norms, the other to causes.

*"Gratien invented thirty-six 'causes', which are fictitious disputes submitted to the judge. In each cause Gratian lists a series of questions that the judge might have to answer. The questions are resolved on the basis of ancient legal texts taken exclusively from ecclesiastical sources"*<sup>30</sup>.

In 112, the Concordat of Worms put an end to the Investiture Dispute and gave a starting point and an anchor to the dispute between the Empire and the Papacy. Thus, in 1145, a second edition of the decrees was published, and it would be the one that would be remembered and become a milestone for the Church. In this second edition, Gratian no longer confined himself to ecclesiastical legal data, but took up his work again and added Roman imperial sources, in particular the Justinian collections, cited a hundred times<sup>31</sup>. This is a spectacular turnaround, and is one reason for the overall imbalance of the edition. The first edition, produced around the time of the Concordat of Worms, is there to show how stable ecclesiastical jurisdiction is and how it functions in itself without the support of civil jurisdiction. But this was merely Gratien's desire, highlighted by the fictitious causes he had to invent.

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<sup>30</sup> L. WAEKENS, *Le décret de Gratien, un florilège de textes juridiques des années 1130*, in R. Ceulemans - P. De Leemans (eds.), *On Good Authority. Tradition, Compilation and the Construction of Authority in Literature from Antiquity to the Renaissance* (Lectio 3), Turnhout, 2015, p. 254.

<sup>31</sup> L. Waelkens, *Art. cit.*, p. 254.

*"A reading of the Decree therefore evokes Gratien's dream of returning to the independence of the ecclesiastical courts of Antiquity, an idealised Antiquity, that of the pax romana, of Saint Ambrose and Saint Augustine"*<sup>32</sup>

Let's take a closer look at these *Decretals*. They open with a sentence that has shaped the Church and the law.

*"Humanum genus duobus regitur, naturali uidelicet iure et moribus. Ius naturae est, quod in lege et euangelio continetur, quo quisque iubetur alii facere, quod sibi uult fieri, et prohibetur alii inferre, quod sibi nolit fieri. Unde Christus in euangelio: "Omnia quaecumque uultis ut faciant uobis homines, et uos eadem facite illis. Haec est enim lex et prophetarum."*<sup>33</sup>

With this sentence, Gratien places his text in the direct line of Saint Augustine, between natural law and human customs. Above all, however, he affirms, in a quotation from Isidore of Seville, that natural law alone comes from God and is stable, whereas human beings function according to customs created by human activity<sup>34</sup>. The stability and anchoring that he wanted to imply were what he implemented in his *Decretals*. To establish ecclesiastical authority, he made extensive use of the Bible (more than 1,000 quotations)<sup>35</sup>, which was used in such a way as to give it the visibility of an argument from authority: a point of law was discussed and ended with a biblical introduction such as "Dominus ait, Dominus ait in Evangelio, per Prophetam dixit..."<sup>36</sup>. However, this is the work of a canonist, putting in order the scattered documents that gradually make up the ecclesiastical legal monument. In this context, the biblical reference is of little help; it does not state the law. Yet it is used abundantly. This should be seen as an exercise in integrating *exempla*, giving a pastoral scope that will be taken up in the many commentaries, glosses and law faculties that will bring out of their ranks many eminent and important members

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<sup>32</sup> *Ibid*, p. 255.

<sup>33</sup> D. 1 ("The human race is governed by two things, so-called natural law and morals. Natural law is what is said in the Law and the Gospel: everyone must do to others what he wants done to him; he is forbidden to treat others as he himself does not want to be treated. That is why Christ says in the Gospel: 'Whatever you would have others do to you, you do to them: this is what the Law and the Prophets say' [Mt. 7. 12]" In Ph. Delhaye, *Permanence du droit naturel*, Louvain, Nauwelaerts ; Lille, Giard, 1960, p.68).

<sup>34</sup> D. 1 c.1.

<sup>35</sup> Gaudemet, Jean. "La Bible dans les collections canoniques", in Pierre Riché and Guy Lobrichon (eds.), *Le Moyen-Âge et la Bible, La Bible de tous les temps*, Paris, Beauchesne, 1984, p. 350.

<sup>36</sup> Gaudemet, Jean. *Art. cit.* p. 348.

of the ecclesiastical administration. It is also the *rock*, taken from the New Testament, on which the papal edifice is built.

*"The Gratien Decree, here as in many other areas, is part of a long history. But it also bears the seeds of great change. Faithful to the past, it makes ample use of biblical references. Marked by the theses developed over the last century by the Gregorian collections, it made Rome the arbiter of law. A hierarchy of sources was established which, without ruling out recourse to the Bible, placed the Roman pontiff in the forefront"*<sup>37</sup>.

This development of canon law also, and above all, involved the development of papal power, in particular through the writings of the pope, including his letters, which are important sources of law, since it is through these that the popes direct, decide, arbitrate and settle questions of law. Other texts are known to us, for example and in a curious way, the *dictatus papae*<sup>38</sup>. Curious, because this text does not correspond to any genre of the time: it consists of a numerical dictation, line by line, of 27 proposals concerning ecclesiastical government and in particular the prerogatives of the bishop of Rome, the pope. These proposals did not come out of nowhere, but were the result of a collective effort to create a Petrine primacy. One of the secretaries of Pope Gregory VII, in whose letters the *Dictatus papae* were found, was Cardinal Deusdedit, a canonist about whom little is known other than that he drew up a *Collectio canonum*, listing classical (i.e. ancient) Christian authors to help jurists. He was not alone: let us simply mention Anselm of Lucca, Bonizo of Sutri, Cardinal Humbert of Moyenmoutiers and Atton of Verceil. All these compilers of ancient pontifical pronouncements and texts by the Fathers of the Church placed particular emphasis on the question of the primacy of St Peter's successors and the unique prerogatives they held<sup>39</sup>. It was in this climate of *papal* appropriation that the *dictatus papae* were issued. The second peculiarity is the use and perpetuation of apocryphal or false texts, such as the false *Decretals* of the pseudo-Isidore, of which there are numerous references and even some expressions are repeated word for word. How are we to

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<sup>37</sup> Gaudemet, Jean. Art. cit. p. 369.

<sup>38</sup> Biblioteca Apostolica Vaticana, Ms Vat.lat.1321. 276v-277r; Epistolae selectae ex M.G.H., t. II, fasc. 1, Gregorii PP VII Reg, ed. Caspar, Berolini 1920, p. 202-208.

<sup>39</sup> Gaudemet, Jean. "L'élaboration du droit canonique en Occident du XIe au XVe siècle", in À cheval entre Histoire et Droit, Mélanges Poudret, (collected by Eva Maier, Antoine Rochat and Denis Tappy), Lausanne, 1999, p. 216.

understand these 27 formulas, if not as a legal *compendium*<sup>40</sup> of the elaborations here and there of the primacy of the pope over all, with regard to the internal affairs of the Church, for example councils where the pope can send a legate who will then be first even if he is not of the same rank as those to whom he is speaking (*Dictatus* IIII). In the same way, this concerns the world of Christendom, both Western and Eastern, when it comes to the deposition of emperors (XII), which goes hand in hand with the untying of oaths of loyalty made to an unjust person, an enemy (*iniquorum*, XXVII). The only formula mentioning a name is XXIII: it quotes Pope Symmachus (498-514), as well as his apologist and deacon Ennodius, concerning the sanctity of the pope ordained according to the canon, who must be recognised as the successor to St Peter. This element makes it possible to recognise the influences of those who compiled the texts leading to the *dictatus papae*. Symmachus became pope some time after Gelasius, who had consolidated the throne of St Peter and ended the quarrel with the Church of the East by deposing the patriarch. He had also collected and begun to compile the texts that would allow him to be recognised as the sole pontiff of the Empire and of Christianity.

*"division of the government of the world between "the sacred authority of the Pontiff" and "the royal power""<sup>41</sup> .*

Ultimately, this was the primary contribution of Gelasius I, which would leave its mark on the history of the papacy and which would be remembered as the Gelasian doctrine. However, things soon went wrong and his achievements were soon swept away. A pope was elected, Symmachus, as well as an antipope, Lorenzo. Theodoric (493-526), King of the Ostrogoths, who was seated in Ravenna, although an Arian, decided to bring the two popes together and, after consultation, to choose the true pope. Symmachus was recognised as the sole pontiff; back in Rome, he convened a council in March 499 to ratify the decision for the Church. The council fathers also decided that no one could decide on the successor to the pope while he was still alive, and that his episcopal ordination in Rome should be defended (*debeat custodiri*)<sup>42</sup> . A reversal occurred when Theodoric asked Pope Symmachus to explain rumours concerning his

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<sup>40</sup> HOFMANN Karl, *Der Dictatus Papae Gregors VII. Eine rechtsgeschichtliche Erklärung*. Görresgesellschaft zur Pflege der Wissenschaften im katholischen Deutschland, Veröffentlichungen der Sektion für Rechts- und Staatswissenschaften 63. Heft. Paderborn, Verlag Ferdinand Schöningh, 1933.p. 15.

<sup>41</sup> Gaudemet, Jean. "Aux origines de la Libertas Ecclesiae dans la Rome symmaquienne", in *Histoire et société*, Mélanges Georges Duby, Aix, 1993, T. III, p. 113.

<sup>42</sup> THIEL, *Epistolae Romanorum Pontificum genuinae et quae ad eos scriptae sunt a s. Hilario usque ad pelagium II*, Braunsberg, 1867-1868, p. 645.

administration of the Church and his election to the Petrine see. The pope locked himself up in Rome and then in St Peter's. Theodoric then called for a council to be held against the pope!

*"In a final session, he was found innocent. He alone was the legitimate pope. The temporal affairs of the Church would be returned to him, and the people would owe him obedience. Clerics who did not accept his obedience would be considered schismatics"<sup>43</sup>.*

But this was not enough to calm the two camps, and it was in Rome, through massacres, fighting and assassinations, that they tore each other apart for four years. In addition to these methods, both sides (more specifically, and in a more lavish style, Symmachus' side) got into the habit of helping their pope through the written word, even if it meant falsifying and inventing victorious, honourable and virtuous accounts, which were quick to portray the pope as a victim. This proliferation of stories became known as the "Symmachian apocrypha"<sup>44</sup>, bringing together the lives of illustrious predecessors such as Gelasius I and above all Sylvester I, whose popularity with forgers continued well into the 1600s<sup>45</sup>.

*"Thus, for some fifteen years, two popes in conflict, a divided clergy, churches disputed between rival factions, the people giving in to violence, while the Senate in Rome and the Goth king in Ravenna threw the weight of secular power into the balance, repeated councils of opposing opinions, but of equal ineffectiveness; so many attacks on the prestige of the Church, on its authority, on its independence. So many reasons for the Church to forcefully demand her freedom"<sup>46</sup>.*

It is therefore to avoid these years of ecclesiological decay and to remember the evils associated with them, to show that we were following in the footsteps of these popes - Gelasius I, Sylvester I, Symmachus, etc. - that the *dictatus papae* refer to these names alone. It is also because, as

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<sup>43</sup> Gaudemet, Jean. *Art. Cit.*, ... , Aix, 1993, T. III, p. 115.

<sup>44</sup> *Idem*.

<sup>45</sup> FUHRMANN, Horst. *Von der Wahrheit der Fälscher*. In *Fälschungen im Mittelalter*, Teil.1, MGH Schriften, Bd. 33, Hannover, 1988.pp. 83-98.

<sup>46</sup> Gaudemet, Jean. *Art. Cit.*, ... , Aix, 1993, T. III, p. 117.

Horst Fuhrmann has shown<sup>47</sup>, the law was built up from numerous and abundant forgeries that gave unprecedented prerogatives to the pope. It was important not to use them at the very time when canon law was being structured by taking up and compiling these forgeries, arranging them among decrees, canons from ecumenical councils and letters from popes to give them a framework of truth; this would have been an admission that the papacy could not afford. In the end, it is a collection of apocryphal writings passed down from generation to generation, which can be found in the writings of the first canonists, such as Yves de Chartres, Bonizo, Deusdedit...<sup>48</sup>

Finally, Gregory VII mentions here his understanding of the Petrine ministry, in line with his culture and his desire to reform the Church. He shows the importance of law as the source of the authority that the pope holds, if he does not have it through symbols, which will soon happen. Reading the 27 propositions, which are almost logical premises used to support all the reasoning that follows, one gets a feeling of excess, a fullness that saturates the meaning of the words, giving formulas that at first sight are outrageous<sup>49</sup>. This excess is that of power. Legal writing, which enshrines words to give them meaning and weight, serves the same purpose. This development has shown us just how far-reaching this is. Taking up the tumult, but above all the authority of the Church taken in hand by Constantine, an emperor who had become a timeless myth and symbol of government, the Church sought to channel its memory through the written word. Above all, it is the memory of the beginnings of the Church in this Romanised Mediterranean world, where after Constantine everything was allowed. The lives of the popes give a uniform vision of the pontifical rather than episcopal concern for independence, in view of the wide-ranging imperial concessions. The bishop of Rome gradually detached himself from his brothers in the episcopate and sought a single path, using the place of death of the apostles Peter and Paul to legitimise (even today) his place and the precedence that is his due. Building on the concessions made by the emperors, but no longer taking their prerogatives from them as the emperors had disappeared, the false *Donation* of Constantine made it possible to keep the problem of the government of the Empire salient by giving large parts of the imperial model to

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<sup>47</sup> FUHRMANN, Horst. "Quod catholicus non habeatur, qui non concordat Romanae ecclesiae". *Randnotizen zum Dictatus Papae* In Festschrift für Helmut Beumann zum 65. Geburtstag, herausgegeben von Kurt Ulrich Jäschke und Reinhard Wenskus. Sigmaringen, Jan Thorbecke, 1977, p. 285.

<sup>48</sup> See GAUDEMET, Jean. "La primauté pontificale dans les collections canoniques grégoriennes", in a cura di Cesare Alzati, Cristianità ed Europa, Miscellanea di Studi in onore di Luigi Prosdocimi, Rome, Fribourg, Vienne, 1994, I, pp. 80-83. The author draws up a table showing the revivals that can be seen in the best-known canonists.

<sup>49</sup> Gaudemet, Jean. *Art. Cit.*, ..., Lausanne, 1999, p. 233.

the bishop of Rome, the pope. In order to maintain its veracity and continue the plan, the help of the legal apparatus was needed. This was done through the false *Decretals* of pseudo-Isidore, then through the *Decretals* of Gratian, in order to create a first outline of a unique and monarchical conception of the papal power. The use of the *Decretals*, as immense compilations of patristic, biblical, secular Roman, Eastern and Western texts, underlines their universality and leaves no room for doubt. This immense legal *exemplar* is the centrepiece of papal power, an edifice built up over the years to last for nearly six centuries. The Pope's canonical primacy was unquestionable. However, it had to be applied with the necessary tools and power. This was Gratian's advice.

*"Sed aliud est causis terminum imponere aliud scripturas sacras diligenter exponere. Negotiis diffiniendis non solum est necessaria scientia, sed etiam potesta"*<sup>50</sup> .

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<sup>50</sup> D. 20, II, Pars. §. 1 ("But it is one thing to carefully expound Scripture and another to impose an end to disputes. Science is not enough to settle matters, you also need power" In Gaudemet, Jean. "La Bible dans les collections canoniques", in Pierre Riché and Guy Lobrichon, *Le Moyen-Âge et la Bible, La Bible de tous les temps*, Paris, Beauchesne, 1984, p. 365).





### III/ the curia and the legations, political tools of power

Two constants emerge in this journey between the triumphant Papacy and the Empire.

The first is the reference to the city of Rome, which, in an analogy between the Roman Empire and the city of the emperor, is used, in the form of a "political recuperation", to legitimise power. "Rome is where the emperor is", as the saying goes<sup>1</sup>. By owning St Peter's in Rome, the Pope was seen as the link between Constantine and medieval Rome (thanks to the *Donation*), but above all, by owning the Lateran Basilica, he was the guardian of the city, and therefore the symbol and sign of ancient Roman imperialism. The emperor, by virtue of his coronation and election as king of the Romans, is also the guardian of this, and he will never cease to want to override the coronation, for example by appealing to the election of the Romans as the only valid one, in a sort of genetic continuity from antiquity concerning the Roman people and families. However, the papacy changes paradigm by inverting the sacramental metaphor of the *corpus mysticum* and the ecclesiological metaphor of the *corpus Christi*. In this way, the Church became the mystical body of Christ, a metaphysical presence; and, as the ultimate addition, the institution, the curia, the chancellery... the entire administrative apparatus revolving around the Pope became a full and eminent member of the mystical body of the Church. However, in the struggle with the Empire, the city of Rome, a privileged site because it was coveted, was repeatedly denied to the Pope. He would therefore have to wander between the various other palaces in the patrimony of St Peter's. This discontinuity led the Pope to reformulate the Roman adage, *ubi papa, ibi Roma*, from the middle of the 13th century. Rome, and therefore *potestas*, was where the pope was; this was how to compensate for the pontifical wanderings in Italy and later in Avignon.

The second constant was the immense production and almost entrepreneurial improvement of the apostolic chancery in the thirteenth century. The latter "occupied a leading position among the sovereign chancelleries of Europe, linked to the increasingly marked international role played by the papacy"<sup>2</sup>. In fact, the Church as an institution was one of the great administrations of the Middle Ages. It was not only political theory that was intended to be universal, but it was

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<sup>1</sup> Herodian, I, 6, *Histoire des empereurs romains de Marc-Aurèle à Gordien III*, (trans. Denis Roques), Paris, Les Belles Lettres, "La Roue à livres" series, 1990, p. 25.

<sup>2</sup> *Le personnel de la chancellerie pontificale aux XIIIe et XIVe siècles* In BARBICHE, Bernard, and Ségolène de Dainville-Barbiche. *Bulla, legatus, nuntius: études de diplomatique et de diplomatie pontificales (XIIIe - XVIIe siècle)*. Mémoires et documents de l'École des Chartes 85. Paris: École des Chartes, 2007. p. 21.

also necessary to take the trouble necessary for its actual expansion. Thus, from Jerusalem to Rome, from England to Spain, from France to the Empire, all had a link with the papal officialdom - which, moreover, branched out from the simplest presbytery to the papal chancery and the curia. This central administration followed the political plans of the Roman pontiff. Innocent III gave it a more consistent backbone during his pontificate; this was primarily to support the ever-increasing quantity of literary productions, calling for the professionalisation of scribes, notaries and all those ecclesiastics who came to support and enforce the pope's will through the power of the written word. "In the 12th century, pontifical offices multiplied and became hierarchical, the recruitment of competent, even expert, staff became a priority, the use of writing and, more specifically, correspondence intensified, and rational archive management was even put in place"<sup>3</sup>. The efficiency of the papal chancery was demonstrated as early as the end of the 12th century, with the gradual introduction of forms, a kind of outline that enabled an act to be issued quickly<sup>4</sup>. The efficiency of the chancellery was due above all to the meticulous organisation of tasks and duties: *scriptores* - in charge of writing the acts - , *abbreviatores* - completing "the minutes of the acts"<sup>5</sup> - , for the most numerous, but also *scriptores litterarum apostolicorum*, *distributores*, *rescribendarius*, *lectores in audientia*, *auditor litterarum contradictarum*, *corrector litterarum apostolicarum*, and the role of the "bullator, finally, [who] affixed the lead seal to the acts magnified"<sup>6</sup>. This hierarchical structure may come as a surprise, but it is understandable given the sheer volume of scripture, which had to be rationalised in order to remain effective. The other two major components, the Apostolic Chamber - which dealt with finances - and the Apostolic Penitentiary - which dealt with dispensations, spiritual judgements and absolutions - were initially merged with the Chancery in terms of acts. It was not until the Avignon period that these two departments had their own notarial staff. In his major work - a 23-volume history of the Roman curia - Cardinal Giovanni Battista de Luca (1614-1683) used an analogy to describe this curial world: "theatrum veritatis et iustitiae"<sup>7</sup>. The deployment of the curial administration paralleled the papal will; thus, the

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<sup>3</sup> FOSSIER, Arnaud, Johann Petitjean, and Clémence Revest. *Écritures grises: les instruments de travail des administrations (XIIe-XVIIe siècle)*, École nationale des chartes, Paris, 2019.p. 10.

<sup>4</sup> See : NOWAK, P *Die Urkundenproduktion der päpstlichen Kanzlei 1181-1187*, in Archiv für Diplomatik, 49, 2003, p. 91-122.

<sup>5</sup> BARBICHE, Bernard. *Le personnel de la chancellerie pontificale... Op Cit*, p. 22.

<sup>6</sup> *Ibid.* 23.

<sup>7</sup> Theatrum veritatis, et iustitiae sive decisivi discursus ad veritatem editi in forensibus controversis canonicis, et civilibus, in quibus, in Urbe advocatus, pro una partium scripsit, vel consultus respondit Io. Baptista De Luca, Rome, Corbelletti, 1669-1681, 23 vols.

beginning was more that of a *prebysterium* such as still exists, the frequent gathering of the priests making up the bishopric (the latter being consulted on financial, legal and spiritual matters). The first inflection was the restriction to priests of "the tituli (the twenty-five main churches of Rome)"<sup>8</sup>, which soon became *presbyteri cardinales*, giving an initial form to the future cardinal sees. The entanglement between the papal court and the Church's administrative bodies became clearer at the beginning of the 11th century: the various services became "concretely seizable"<sup>9</sup>. This gradual focus also had the effect of focusing the "jurisdictional and political powers"<sup>10</sup> on the person holding the office, i.e. the cardinal to whom it was entrusted. The Pope would often have to deal with these cardinals, who were a kind of minister or senior civil servant and sometimes bold advisers. The conciliarism of the 14th and 15th centuries could be partly rooted in this thirst for power on the part of an ecclesiastical technocracy unwilling to let power slip from its grasp. For example, Eugenius III (1145-1153) was openly told that nothing could be measured or decided without their approval<sup>11</sup>. As a result, nepotism, a family practice, became widespread.

However, despite this, the technical nature of the skills required meant that the profiles sought could be targeted. Between the eleventh and fourteenth centuries, canonists were the preferred candidates. Of the 300 papal chancellery staff identified between 1254 and 1304, a good half were canonists from the renowned faculties of Paris and Bologna, the training grounds for many cardinals and popes. Moreover, in the acts, many of them are still named *magister*, even after several years without legal service. There was also an impressive number of Italians among them (coming almost exclusively from the Papal States), or French (when the Pope was French<sup>12</sup>). This targeting has the effect of concentrating skills, sidelining cardinals who, after long stays in the curia, become less inclined to these tasks, reserving for themselves the

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<sup>8</sup> JANKOWIAK, François. *Introductory chapter. Le temps long de la Curie romaine* In: *La Curie romaine de Pie IX à Pie X : Le gouvernement central de l'Église et la fin des États pontificaux* [online]. Rome: Publications de l'École française de Rome, 2007;p. 40. (generated on 15 October 2019). <http://books.openedition.org/efr/462>.

<sup>9</sup> PARAVICINI BAGLIANI A., "Curie (XIe-XIIIe siècle)", in Levillain, Philippe, ed. *Dictionnaire historique de la papauté*. Paris: Fayard, 1994, p. 505.

<sup>10</sup> KUTTNER, S. "*Cardinalis. The History of a Canonical Concept*", *Traditio. Studies in ancient and medieval History*, 3, 1945, p. 152.

<sup>11</sup> HARING, N. "Das Pariser Konsistorium Eugens III. vom April 1147", *Studia Gratiana*, 11, 1967, pp. 91-117.

<sup>12</sup> See the impressive work by Gerd Friedrich Nüske: NÜSKE, G.-F., "Untersuchungen über das Personal der päpstlichen Kanzlei 1254-1304", *Archiv für Diplomatik*, 20, 1974, pp. 39-240 and 21, 1975, pp. 249-431.

management of the most serious or high-profile cases; these cardinals thus arrogate a little more power to themselves around the Pope, or even in his place.

A chancellery specialising in efficient and sovereign production (which has been compared to other European chancelleries), and the city of Rome: these two constants were to intersect, following certain vicissitudes and often turning their backs on each other. Indeed, "from 1100 to 1304, in 204 years, the popes spent 122 years outside Rome and 82 in Rome. In one century, the twelfth, from 1099 to 1198, the Pope was outside Rome for 55 years and a few months, including 8 and a half years in France"<sup>13</sup>. This was a terrible admission of temporal powerlessness within its own seigniorial borders. And yet, geographically, Italy remained a whole, the original site of the Roman Empire. So it was only during the 70-year episode of the Avignon papacy that it became urgent for the glossators of the *Decretals* to specify the continuity of the apostolic see, wherever the pope and the curia were located.

*"The Church, which is the mystical body of Christ [...] and the community of Catholics [...] is not circumscribed by the walls [of Rome]. **The mystical body of Christ is where the head is, that is, the Pope**"<sup>14</sup>.*

The curia then became an extension of the head of the Church. The curia was not homogenous, and at the outset, people were expected to have a broad range of skills to make up for the lack of specialists, with officers on the move. So, when university degrees were not yet a guarantee of competence and a criterion for selection, they had to "pass a reading, writing and even singing exam before a small jury, which was understandable because they might have to serve in the chapel"<sup>15</sup>.

The way the chancellery functioned varied little: a *procurator* would bring a case or a request before the ecclesiastical officialdom, mainly concerning "requests for pardon [...] and the continuation of trials"<sup>16</sup>. The procurators then had to wait for a response - even if they had to make themselves heard when an oversight occurred - and then had to remove the bull recording

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<sup>13</sup> GAUDEMET, Jean. "14. *Ubi papa, ibi Roma?*". *Formation du droit canonique et gouvernement de l'Église de l'Antiquité à l'âge classique*: Recueil d'articles. By Gaudemet. Strasbourg: Presses universitaires de Strasbourg, 2008. p. 326.

<sup>14</sup> IUNG Nicolas. *Un Franciscain, théologien du pouvoir pontifical au XIVe siècle Alvaro Pelayo, évêque et pénitencier de Jean XXII*, Paris, 1931.p. 150.n. 2.

<sup>15</sup> FAVIER, Jean. *Les papes d'Avignon*. Paris: Fayard, 2006.p. 190.

<sup>16</sup> BARBICHE, Bernard. *Le personnel de la chancellerie pontificale...* Op Cit, p. 24.

the decision in order to pass it on to their clients. Despite the importance of certain requests and the ever-increasing role of the chancellery and procurators, few acts were recorded before the thirteenth century, and even then<sup>17</sup>.

Once again, it was not until the Avignon period, especially under John XXII, that registration became more systematic, or even compulsory. At this point, it is easy to see how the papacy's desire for control was undermined. In fact, the immense production of writings could not justify a lasting record; yet the Pope and the curia had political views that could only be emphasised in writing.

*"Historians of power in the medieval and modern periods rightly consider the written word to be one of the main instruments at the service of authority, since it legislates, immunises or rules by means of individual or collective decisions, which need a medium that is intended to be definitive in order to guarantee both their authenticity and their effectiveness"*<sup>18</sup>.

This raises the question of apostolic continuity in matters of politics and international relations. In fact, how can we allow the evaluation and pursuit of affairs, trials, judgements and benefits throughout pontificates that change from one year to the next, or even from one month to the next? To resolve this issue, as well as that of the continuity of offices and deeds outside the specificity of the scribe or notary, forms, *summae dictaminis*, collections of *best practices*, were used. The written word was also, and above all, the preferred means of financial action. Like any lord in any temporal kingdom, the pope had to manage the inflow and outflow of funds, and the Church, by virtue of its size, was a major centre of financial activity. This abundant financial activity was compounded by the almost unique fact that the administration "was paid by the public and not by the authority from which it derived its office"<sup>19</sup>.

Alongside these acts of chancery, there is the question of the acts of the cardinals of the curia. They did not sit without having a role to play: often familiar with the pope (especially between the 12th and 14th centuries) and in some respects having studied the same subjects as him

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<sup>17</sup> On this question see: BARBICHE, Bernard. *Les actes pontificaux originaux des Archives nationales de Paris*, Vatican City, 1975-1982, 3 vols (Index Romanorum pontificum, 1-3), t. 1, p. 100-104.

<sup>18</sup> JAMME, Armand; PONCET, Olivier. *Offices, écrits et papauté (XIIIe-XVIIe siècles)*. New edition [online]. Rome: Publications de l'École française de Rome, 2007, p. 4. (generated on 05 March 2019).

<<http://books.openedition.org/efr/2377>>

<sup>19</sup> *Ibid*, p. 6.

(canon law for the most part in the 13th century), nepotism played a key role. Their role became more specific under Innocent IV, particularly from a diplomatic point of view, as international relations became increasingly important. Because it was surrounded by the Empire, the Papacy sought to find support and establish a temporal power through diplomacy.

*"The acts of the cardinals in the curia were justified by a commission assigned by the pope, either in writing or, more often, orally (oraculo vive vocis) to one or more members of the Sacred College"*<sup>20</sup>.

The cardinal legates, the papacy's diplomats, were also more specific. Their role was essential, as it enabled political action to be taken. It is confusing and inconvenient to talk about diplomacy and international relations from the outset: the idea of international relations can only be understood from the moment when several countries have had a common history, both commercial and political, designated as that "which regulates the mutual transactions between Sovereigns and Nations"<sup>21</sup>. However, the utilitarian philosopher and jurist Jeremy Bentham tells us that this word is new and that it was previously included in the "law of nations"<sup>22</sup>, understood in a broad sense. Taking up a point made by F. Autrand, we will use the word *diplomacy*, which refers to "all activities of dialogue and political exchange between states"<sup>23</sup>. Diplomacy thus concerns relations between powers. Until the fifteenth century, there were no *diplomats* as such, only literate individuals in the service of princes<sup>24</sup>. Only the Pope could be identified, with his *legatus*, which quickly became the general term for papal legates<sup>25</sup>. These legates, like all other diplomats, were dependent on Roman imperial thinking and history in terms of diplomacy. Sending trusted men, whether just to deliver a letter and its reply, or for the longer task of negotiation, was not a matter of course. Roman imperial diplomacy was above

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<sup>20</sup> JUGIE PIERRE. *les cardinaux légats et leurs archives au XIVe siècle* In JAMME, Armand ; PONCET, Olivier. *Offices, écrits et papauté*, Op. Cit, p. 80.

<sup>21</sup> Dumont, Et., *Traité de législation civile et pénale*, t. 1, Paris, 1830, p. 146 (translation of Jeremy Bentham's book). (<https://gallica.bnf.fr/ark:/12148/bpt6k56903266/f194.image>).

<sup>22</sup> *Ibidem*, p. 147, n. 1.

<sup>23</sup> "L'enfance de l'art diplomatique. La rédaction de documents diplomatiques en France, XIVe XVe siècles", *L'invention de la diplomatie - Moyen Age - Temps modernes*, ed. L. Bély, coll. I. Richefort, Paris, 1998, p. 210.

<sup>24</sup> PÉQUIGNOT, Stéphane. *Les diplomaties occidentales, XIIIe-XVe siècle* In: Les relations diplomatiques au Moyen-Âge. Formes et enjeux : XIe Congrès de la SHMESP (Lyon, 3-6 juin 2010) [online]. Paris: Éditions de la Sorbonne, 2011 (generated on 26 March 2020), p. 56. <http://books.openedition.org/psorbonne/16382>

<sup>25</sup> KINTZINGER, Martin. "Les relations internationales au Moyen-Âge : Une construction entre droit international, pratique diplomatique et système courtois". SCHNAKENBOURG, Éric, and Nicolas Drocourt. *Thémis en diplomatie : Droit et arguments juridiques dans les relations internationales de l'Antiquité tardive à la fin du XVIIIe siècle*. Rennes : Presses universitaires de Rennes, 2016. (pp. 19-29) Web. <http://books.openedition.org/pur/47673>.

all a unilateral vision of relations with foreign countries, in the case of *deditio*, the "submission of defeated kings"<sup>26</sup>. The *corpus iuris civilis* underpins this reality, this will through the law, which only uses legations and embassies to settle the political consequences of war, on the understanding and without specifying that the victor is Rome. This state of affairs lasted until the barbarian invasions at the end of the fourth century. The ferocity, or at least the courage and endurance of the barbarians in battle, caused the Empire to change its mind and, during the fifth century, it had to revise its vision and deal with these barbarians, sometimes in a position of inferiority, in order to negotiate as best it could, taking into account the foreigner<sup>27</sup> while respecting him. The question then arises as to the legal status of ambassadors, who are sent to foreign lands with no clear idea of what will happen to them. The law therefore had to be clarified and relations with barbarians had to be taken into account. The early Middle Ages inherited this concept, mainly through its survival in the diplomacy of "the kings of the Ostrogoths, given the assimilation of the Roman diplomatic tradition by the court of Ravenna"<sup>28</sup>. It was in these years (the end of the seventh century) that Isidore of Seville gave us a definition of the emissary:

*"Nuntius est qui nuntiat et quod nuntiatur, id est ἄγγελος καὶ ἀγγελία [angelos kai angelia]. Sed nuntius ipse homo genere masculino : id vero, quod nuntiat, genere neutro, ut hoc nuntium et haec nuntia "*<sup>29</sup>.

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<sup>26</sup> BECKER, Audrey. "L'inviolabilité de l'ambassadeur et le *ius gentium* dans une diplomatie romaine en mutation (ve siècle)". In *Thémis en diplomatie : Op. Cit.* p. 193.

<sup>27</sup> On this question see: Becker A., *Les relations diplomatiques romano-barbares en Occident. Acteurs, fonctions, modalité*, Paris, De Boccard, Collection de l'université de Strasbourg, "Études d'archéologie et d'histoire ancienne", 2013.

<sup>28</sup> BAJONI, Maria Grazia. "Prérogatives et traitement des ambassadeurs dans l'Antiquité tardive" in *Thémis en diplomatie: Op. cit.* p. 209. See also: Delmaire R., "Les porteurs de lettres impériales au Bas-Empire", J. Desmullier, C. Hoëtvan Cauwenberghe, J.-C. Jolivet (eds), *L'étude des correspondances dans le monde romain de l'Antiquité classique à l'Antiquité tardive : permanences et mutations*, Lille, Université Charles de Gaulle, 2010, p. 137-170.

<sup>29</sup> Isidore of Seville, Book X, De vocabulis, 189 In *Isidori Hispalensis episcopi Etymologiarum sive originum libri XX* recognovit brevisque adnotatione critica instruxit W. M. Lindsay, Oxford, Clarendon, 1911, t.1. (<https://archive.org/details/isidori01isiduoft/page/n415/mode/2up>). ("nuntius means he who announces and what is announced, that is to say angelos kai angelia. The man-messenger is masculine, while what he announces is neuter, so that we say 'this messenger' (hoc nuntium) and 'these announcements' (haec nuntia)" In PEQUIGNOT, Stéphane. "Les ambassadeurs dans les miroirs des princes en Occident au Moyen-Âge", §4. Andretta, Stefano, et al. *De l'ambassadeur: Les écrits relatifs à l'ambassadeur et à l'art de négocier du Moyen-Âge au début du xix<sup>e</sup> siècle*. Rome: Publications de l'École française de Rome, 2015. Web. <http://books.openedition.org/efr/2897> ).

There is no question of a legate, but of a messenger who comes only to deliver a message. And yet, on closer examination, it is surprising to note the parallel that Isidore draws between the envoy and the angel; in fact, in Book VII, speaking of angels, he describes their role by likening the nuncio to the angel who comes to announce a divine prodigy, a blessing. What's more, he compares the office of the nuncio, sent to bring a message, to the coming of the Holy Spirit in John's Gospel, making him a messenger of "the Spirit of truth"<sup>30</sup>. From these centuries onwards, bishops were sent to settle the Church's political disputes. One of the earliest is illustrated by the sending of two bishops (including Pope Hormisdas (514-523)) to the Emperor of the East, Anastasius I, following the latter's pretentious allegations of being *Vicarius Christi* in a bid to arrogate power over the bishops of Greece. The two mandates were sent (misit) and carried the pope's letters (portaverunt epistolas); however, this had no effect, as the emperor tried to bribe them with money<sup>31</sup>. Later, at the time of Gregory VII and the *Dictatus papae*, the pope's representative, the legate, was declared to be above the bishops meeting in council (*Dictatus* III).

*"From the outset, the legate's powers of jurisdiction were considered to be in the image of those of the pope. His power to depose bishops identified him with the pope, and consequently anyone who refused to obey him, offended the pope himself, and was to be considered a rebel liable to spiritual punishment. Placed on the ground of hierarchies of authority, the legate's full powers are a way of reaffirming and enhancing the pontifical omnipotence from which he derives his mandate"<sup>32</sup>.*

We see the legate deriving directly from the pope, and becoming a personification of his power, like Isidore's angel coming to announce an omen from God on earth. Yet this is no more than a pious intention, an ardent desire. It was only from the thirteenth century onwards that this desire became operative, legally more powerful than mere words. There was another reason for this:

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<sup>30</sup> Jn. 16. 13: "When he, the Spirit of truth, comes, he will guide you into all truth. For what he says will not come from himself, but what he hears he will say, and what is to come he will make known to you: Saint Isidore of Seville, Book VII, De Deo, angelis et sanctis, II, III, 189.

<sup>31</sup> MOMMSEN, Theodor, and Otto Harrassowitz GmbH & Co. KG. *Liber Pontificalis*, 1898. P. 258-259. ([https://www.dmgh.de/mgh\\_gesta\\_pontificum\\_romanorum\\_1/index.htm#page/258/mode/2up](https://www.dmgh.de/mgh_gesta_pontificum_romanorum_1/index.htm#page/258/mode/2up)).

<sup>32</sup> B  SPFLUG Th  r  se. *La repr  sentation du pape au Moyen-  ge: les l  gats pontificaux au XIII   si  cle*. In: M  langes de l'  cole fran  aise de Rome. Moyen-Age, tome 114, n  1. 2002. p. 61. ([https://www.persee.fr/doc/mefr\\_1123-9883\\_2002\\_num\\_114\\_1\\_9183](https://www.persee.fr/doc/mefr_1123-9883_2002_num_114_1_9183)).



the growing number of areas of contestation in Christendom: the south of France with the "Cathars", the Holy Land and the kingdoms of northern *Europe*. The Pope had to be able to rely on the effectiveness of the power he placed in their hands. He represented the head of Christendom, who, despite his absence, was present in the written output distributed during the legations, and also in the person of the legate: "absens corpore, presens spiritu"<sup>33</sup> : this is how Innocent III expressed the role and content of the mandate he gave to one of his legates. It was also Innocent III who specified that it was a prerogative and characteristic of cardinals to be similar to him, who was part of the head of the Church<sup>34</sup> , to be his brothers, as defined in canon law<sup>35</sup> . Thus, according to the terminology, popes would mainly use cardinal legates, "detached from the papal flank and true *alter egos of the pope*"<sup>36</sup> .

*"The Pope "creates" a legate a latere in the same way that he creates cardinals, i.e. he draws them from nothing, with the difference that a legation is temporary whereas the cardinalate is permanent"*<sup>37</sup> .

This was done in consistory, normally with the approval of the cardinals. However, the *Extravagantes*, a collection of canons compiled by John XXII and constituting the continuation of the *Decretals* and the final part of the *corpus iuris canonici*, begins with a chapter on the possibility of the pope choosing a legate without the agreement of the cardinals, or even of the secular power to which he is sent<sup>38</sup> . In practice, the Pope would always have to find a clever compromise between cardinals and princes. If the legate is chosen by the pope, his powers must be substantial: legally, he can be involved in judging spiritual matters, he can hand down a decision, a sentence of excommunication, he can add to a trial in progress being defended before the bishop. Politically, he can change - as we have seen - the statutes of a commune to make it more docile towards the apostolic see, and in certain cases he can take military action. But it is

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<sup>33</sup> P.L., CCXIV, Reg. II, nos. 212 and 213, col. 772-773 In BCESPFLUG Thérèse. *La représentation du pape au Moyen-Âge*, Art. cit. p. 61.

<sup>34</sup> PARAVICINI BAGLIANI, Agostino. *Il trono di Pietro. L'università del papato da Alessandro III a Bonifacio VII*. Roma, Carocci, 1996, republished 2001, p. 57.

<sup>35</sup> JAMME, Armand. *From incarnation to representation? Réflexions autour du vocabulaire pontifical de la délégation politique entre Xlle et XVIe siècle*. In FOSSIER, Arnaud and LE PAGE, Dominique. *La représentation politique et ses instruments avant la démocratie*. Dijon, Presse universitaire de Bourgogne, 2020. (forthcoming).

<sup>36</sup> *Idem*.

<sup>37</sup> B. BARBICHE, "Les "diplomates" pontificaux du Moyen-Âge tardif à la première modernité : office et charge pastorale", *Offices et Papauté (XIVe-XVIIe siècle)*. Charges, hommes, destinins, ed. A. JAMME, O. PONCET, Rome, 2005, p. 358.

<sup>38</sup> *Corpus Iuris Canonici*, v. 2, *Op. Cit...* p. 1237.

above all in the economic and financial spheres that he has the most power: he can levy a "special tax", recover or cancel a privilege; and more than that, he can "confer vacant benefices", giving himself the right and the power to place anyone he wishes to provide an income (often a member of his family)<sup>39</sup>. The desire of the cardinals of the Sacred College to have greater power (even over the Pope) on the one hand, and the desire of the legates (appointed by the Pope) to provide for the needs of their families and entourage by overstepping papal authority (by granting vacant benefices) on the other: all this shows us a Pope who does not often have full possession of papal authority<sup>40</sup>. In this theatre, the staging is essential and gives efficiency to the words of the mission letters and consistory discussions. Thus, once the choice of the right person to send on mission has been made,

*"The legates and nuncios then had a month to make their preparations, which included some very political meetings with the most prominent cardinals, topped off with drunken snacks. Once the day of departure had been fixed, it was carried out with great pomp in a procession followed by the cardinals to about a league from the city, where the departing cardinals embraced those who remained in the curia"<sup>41</sup>.*

The grandeur of the decorum of the legation is indicative of its importance. The arrival at the place of legation was another: considered and expected to be considered as a prelate with the spirit of truth of the Pope, of Christ, of the Church, the legate had to be able to show his power and the importance of his action. These elements eventually left their mark on people's minds, so much so that at the end of the 14th century, even though the era of the Avignon papacy had put a stop to legations, some mercenaries, on their return to Italy, preferred :

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<sup>39</sup> BCESPFLUG, Thérèse. *La représentation du pape au Moyen-Âge*, Art. cit. p. 66-69. (On vacant benefices see p. 68-69. n. 34).

<sup>40</sup> See JAMME, A: JAMME, A. "Rois de France et papes d'Avignon. Une relecture des relations entre deux pouvoirs dissemblables", in *Église et État. Église ou État? Les clercs et la genèse de l'État*. Mélanges H. Millet, ed. C. BARRALIS, J.-P. BOUDET, F. DELIVRE, J.-P. GENET, Paris, 2014, p. 159-187.

<sup>41</sup> JAMME, Armand. From incarnation to representation? Reflections on the pontifical vocabulary of political delegation between the twelfth and sixteenth centuries. FOSSIER, Arnaud and LE PAGE, Dominique. *La représentation politique et ses instruments avant la démocratie*. Dijon, Presse universitaire de Bourgogne, 2020. (forthcoming). See also: G. MOLLAT, "Contribution à l'histoire du Sacré Collège de Clément V à Eugène IV", *Revue d'histoire ecclésiastique*, no 46, 1951, p. 583.

*They were "obviously obedient to a legate, perhaps because of the idea they had of his intimacy with the sacredness embodied in the vicar of Christ, and no doubt also out of political calculation, since it was better to depend on one of the noble princes of the Church than on a more or less obscure papal emissary!"<sup>42</sup>.*

Recalling the figure of the legate at these moments in the history of the Church shows us the solidity of the symbolic image of ecclesiastical nobility, all the more so when this nobleman is sent as the bearer of the pope's word (*caput corpus Mysticum*). For his part, the Pope was invested with temporal power, in the Papal States, which the long history of the Church enabled to be structured fairly early on, giving it a consistency like no other for several centuries. This structure was based above all on the notarial office of receiving and sending letters from the chancellery, responding to all kinds of requests. It became hierarchical at an early stage and was effectively subdivided, with a view to optimising scriptural production: first in spite of the law, then as a premise for it, with the law then justifying a state of affairs. This curial administration was a world apart, because of its irrepressible desire to resemble the Roman imperial administration, and above all because it was geographically unstable, following the pope as he made conquests, defeats and exiles. Here again, the law was to help stabilise authority rather than location, and with the adage *ubi papa ibi Roma*, canonists and popes were to establish an idea of state administration outside its walls, outside its territory. The stakes were immense: not to give way to the royal administrations, which were following the same path of structuring as a result of the increasingly unilateral importance of law. The challenge of emphasising the adage in order to get it into people's minds, as a symbol of the papacy and above all a symbol of its administration, was also to be able to justify the grandiloquent use of legates, veritable princes of the Church, brothers of the pope and spiritual sons when they travelled. Thus, if Rome is no longer the ideological centre, but symbolises the attachment to the Empire that made the Church what it is, and if the Pope becomes the personification of the centre of the Church wherever he may be, the legate can and in fact - even by right - represents the Pope in his highest likeness, represents the Pope in his *Plenitudo Potestatis*.

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<sup>42</sup> *Idem*.



"Les faiz de Dieu je metz a part,  
I don't want to delay them  
Do against the world darder :  
Chascun keeps his estandart  
Qauant oyez prescher le renart"<sup>1</sup> .

## Second part: the legations of Bernard de Languissel

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<sup>1</sup> Rondeau 215 In ORLEANS (d'), Charles. *En la forêt de longue attente et autres poèmes*. Gérard Gros ed., Paris: Gallimard, 2001.p. 335.



*"ac bone memorie B., episcopus Portuensis, tunc in partibus illis apostolice sedis legatus"<sup>1</sup>.*

It was with these words, referring to the good memory that should be given to him, that Pope Nicholas IV spoke of Cardinal Bernard de Languissel, who had died a year earlier. While this way of recalling the memory of a person's deeds in favour of the apostolic see is not exceptional, it underlines and accentuates, for the person writing, the Pope and the good fortune that this person brought to the power of the Church.

Our study will focus mainly on his years of service to the papacy. We will define this period as follows: the first part is between the end of his studies and his appointment as archbishop of Arles. The second part is between his creation as cardinal and the end of his life. We have little certain information on the early part of his life, apart from that discussed in the introduction<sup>2</sup>.

A preliminary remark is in order concerning the onomastic treatment of Bernard de Languissel. In his early letters, right up until his creation as a cardinal - when he was appointed to his cardinal see - the scribes paid little attention to the accuracy of his surname. Here *Lagusselli*<sup>3</sup>, there *Laguscello*<sup>4</sup>, or *Laguiselli*<sup>5</sup>. It was only when he clearly joined the Roman curia that his name became clearer, remaining constant until his appointment as a bishop, then disappearing during his legations as a cardinal, with only the first name, *Bernardo* or its abbreviation, *B.*, remaining, reflecting the closeness and habit acquired by the curia's scribes and notaries (for this character as for others).

Let's summarise what we know and what we discovered in the introduction. Born around 1230 in Languissel<sup>6</sup>, south of Nîmes, a site held in fief by his family. We know very little about his

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<sup>1</sup> Nicholas IV, no. 7343 (for ease of reference, we will give the pope and number of the letters cited. Unless otherwise stated, all these letters are on the *ut per litteras apostolicas database*, hosted by the publisher Brepols).

<sup>2</sup> Cf. *supra*, p. 8-12.

<sup>3</sup> Urban IV, no. 963.

<sup>4</sup> Urban IV, no. 994.

<sup>5</sup> Urban IV, no. 1532.

<sup>6</sup> The *Languissel* site is well known to scholars. The *persée website* lists some forty results in archaeological journals relating to the *Languissel site* (<https://www.persee.fr/search?ta=article&q.=languissel>, consulted in May 2020).

family. Hector Rivoire tells us that his father was a "jurisconsult"<sup>7</sup> from Nîmes, without giving any further details. L. Ménard gives us more, as he mentions a transaction carried out in favour of the town of Nîmes, in 1256, for the purchase of land with a view to extending the grazing areas. Bernard de Languissel, the father of our legate, is mentioned, with the "title of *dominus*"<sup>8</sup>, as having been delegated, along with another, to carry out the transaction<sup>9</sup>. Bernard de Languissel had three brothers, two of whom became bishops, one of Nîmes, the other of Avignon; the last "continued the line of descent"<sup>10</sup>. However, his family is known to be noble, having been responsible for lands in the viguerie of Nîmes, in the sénéchaussée of Beaucaire, for several generations<sup>11</sup>.

Bernard de Languissel studied civil law in Béziers. His first mention in papal letters supports this: Urban IV mentions him as a "*canonico Bitterrensi*"<sup>12</sup> in 1264, on 17 January. On 19 February, he is mentioned again, this time as "*Domini pape capellano*"<sup>13</sup>; by this date, therefore, he was already in the pope's service. However, it is the Pope's last letter mentioning him that enables us to find out more about his legal studies. On 12 April 1264, a letter mentions the prebend that was to be awarded to him as canon of Béziers, familiar to the archbishop of Narbonne and "*juris civilis professor*"<sup>14</sup>. However, as A. Gouron, in a decision handed down in March 1262 by Gui Foucois, then Archbishop of Narbonne, Bernard de Languissel is named as a witness in his capacity as *juris civilis professor*<sup>15</sup>. This is confirmed by the document cited

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<sup>7</sup> RIVOIRE, Hector. Statistique du département du Gard, Vol. 1. Ballivet et Fabre, 1842. p. 441.

<sup>8</sup> MENARD, Léon. Histoire civile, ecclésiastique et littéraire de la ville de Nîmes: avec texte et notes suivie de dissertations historiques et critiques sur ses antiquités, et de diverses observations sur son histoire naturelle, Vol. 1. Clavel-Ballivet, 1873.p. 317.

<sup>9</sup> *Ibid*, p. 289.

<sup>10</sup> CHARVET, Gratien. Brief by which Pope John XXII notifies Philip VI, of Valois, of the appointment of Guiraud de Languissel, bishop of Apt, to the episcopal see of Nîmes. Bulletin du comité de l'art chrétien du Diocèse de Nîmes, Vol 1, 1877. P. 33.

<sup>11</sup> CARBONNEL-DION Isabelle. *Les vassaux du roi dans la sénéchaussée de Beaucaire*. In: Bibliothèque de l'école des chartes. 1987, volume 145, issue 2. p. 437.

<sup>12</sup> Urban IV, no. 963.

<sup>13</sup> Urban IV, no. 994.

<sup>14</sup> ASV, Reg. Vat. 29, fol. 146v. (letter referenced, but not transcribed, in the *Ut per litteras Apostolicas* database, under the following reference number: Urban IV, no. 1532. However, there seems to be an error: in the entry, the letter bears the following reference: Reg. Vat. 29, fol. 146v, no. 582. However, in Reg. Vat. 29, fol. 146v, it bears no. 583 and is divided into two folios: 146v - 147r).

<sup>15</sup> Canonistes et civilistes des écoles de Narbonne et de Béziers (1976) In GOURON, André. *La science du droit dans le Midi de la France au Moyen Age*. Variorum reprint CS196. London: Variorum Reprints, 1984.p. 104 (526), n. 3.



by A. Gouron. It refers to a cartulary inventoried in 1900<sup>16</sup>, and in the Lodève archives held by the Hérault departmental archives, the deed is dated 1261<sup>17</sup>, "15 kalendas aprilis"<sup>18</sup>, which refers to the year 1262.

It was during these years and months that Bernard de Languissel met Gui Foucois, the future Clément IV. He was accompanied by a large number of civil servants from the south of France. As early as the first months of his pontificate, Bernard de Languissel was already mentioned: in a letter dated August 1265, it is stated that he had made a report to the Pope (*relatione percepimus*)<sup>19</sup> about what a cardinal-deacon had said about the patrimony of Saint Peter's, particularly with regard to certain problems concerning subsidies that the inhabitants of Rieti were keeping<sup>20</sup>. After that, it was at the end of his first year as pontiff that we find him again. In January 1266<sup>21</sup>, Bernard de Languissel was appointed *auditores* - judge of the causes of the apostolic palace (*causarum palatii*)<sup>22</sup> - along with Bernard de Castanet; they were tasked with settling a dispute between the Benedictine abbey of St-Guilhem-le-Désert (*sancti Guillelmi de Desertis*) and another Benedictine abbey in the diocese of Nîmes (*Nemausensis diocesis*). In this letter, Bernard de Castanet and Bernard de Languissel are both named *magistros et juris civilis professores*.

In May of the same year, he was sent by Clement IV to settle a dispute between Guelph and Ghibelline families and to consolidate the Guelph party, which was favourable to the Pope. This took place in Siena. Two families clashed: the Aldobrandeschi, an illustrious Ghibelline family dating back to the 10th century, and the Piccolomini, a second illustrious Sienese family, robust and formidable merchants who supported the Pope. In 1266, events outside Siena - Frederick II's illegitimate son Manfred attempted to take over his father's succession; Manfred failed and was killed at the Battle of Benevento in February 1266 - led to a wave of tension between the

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<sup>16</sup> MARTIN, Ernest, *Cartulaire de la ville de Lodève dressé d'après des documents inédits pour servir de preuves à l'histoire de la ville de Lodève depuis ses origines jusqu'à la Révolution*, Montpellier, Serre et Roumégous, 1900, p. 66 (<https://archive.org/details/cartulairedelav01martgoog/page/n77/mode/2up>, consulted March 2020).

<sup>17</sup> Archive de l'Hérault, fond des archives communales déposées de Lodève, 142 EDT 1. "Transaction between the bishop and the community of Lodève relating to the disputes between them concerning the rights and immunities of Lodève". (<https://archives-pierresvives.herault.fr/ark:/37279/vta5595d3fd0f69a>).

<sup>18</sup> MARTIN, Ernest, *Cartulaire de la ville de Lodève*. *Op. cit.* p. 66.

<sup>19</sup> Clement IV, no. 931.

<sup>20</sup> ASV, Reg. Vat. 33, fol. 13v.

<sup>21</sup> Clement IV, no. 202.

<sup>22</sup> NÜSKE, G.-F. "Untersuchungen über das Personal der päpstlichen Kanzlei 1254-1304", *Archiv für Diplomatik*, 21, 1975, p. 404.

Guelph and Ghibelline parties within the city and its possessions, undermining the peace that had prevailed since the beginning of the century. As a result, the Piccolomini were expelled from the city. It was at this point that the Pope intervened, sending Bernard de Languissel - then archdeacon of Lanta, in the diocese of Toulouse<sup>23</sup> - to bring a peace document between the two families and between the cities of Siena and Orvieto. In order to be as swift and effective as possible, and because it concerned two families and public life, Bernard de Languissel had the text read out in the *vernacular* on a church square in front of the town council, the captains, the podestà and the inhabitants<sup>24</sup>.

After reminding us that those who stray from the paths of Truth (*a via veritatis erraverint*<sup>25</sup>) are following a tortuous path, since it is the blind who guide the blind (*ceccis ducibus*<sup>26</sup>), the Pope nevertheless explains that he cannot use the usual sanctions, since "it is said that there is no point in spreading a net if the bird sees it"<sup>27</sup>. However, he must act when the public authorities are lacking (*cuius extunc apostolica supplemus auctoritate defectum*). So it was in order to remedy a lack of justice in the city that the Pope acted and sent Bernard de Languissel. The peace proposal therefore began with a fine of 20,000 silver marcs owed to Bernard de Languissel by the commune of Siena for any breach of the commitments stipulated. In addition, the various prohibitions, excommunications and apostolic sentences relating to ghibellines in the city were renewed (*Quo casu pristinas excommunicationis et interdicti sententias innovamus*)<sup>28</sup>. The negotiations lasted, and it was not until 12 August that peace was celebrated in Orvieto cathedral between the two parties and thus between the communes of Siena and Orvieto<sup>29</sup>. At the beginning of September, he was sent to San Gimignano, a town in the Siena district, with the same instructions, to enforce the Pope's decrees<sup>30</sup>.

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<sup>23</sup> Clement IV, no. 203. (LISINI, A., in his "Notizie genealogiche della famiglia Piccolomini", E. Torrini, Siena, 1900.p. 9, makes an error in giving Bernard de Languissel the archdeaconry of the Lateran).

<sup>24</sup> FUMI, Luigi. *Codice diplomatico della città d'Orvieto; documenti e regesti dal secolo 11 al 15, e la Carta del popolo: codice statuario del comune di Orvieto; con illustrazioni e note*. Firenze, G. P. Vieusseux, 188a. p. 252 ("Il venerabile messer Bernardo 'Languiscelli' etc."). Nunzio pontificio alla città di Siena personalmente costituito, nella chiesa di San Cristoforo, in pubblico parlamento, fece leggere in volgare da frate Ambrogio de' Predicatori le lettere del papa al Potestà, Capilano, Consiglio e Comune di Siena").

<sup>25</sup> *Ibid.* Sa. 5.6, for the biblical reprise.

<sup>26</sup> Mat. 15. 14.

<sup>27</sup> Prov. 1,17. (*frustra rete iacitur ante oculos pennatorum*, in the letter).

<sup>28</sup> Clement IV, no. 203. Thumser ed.

<sup>29</sup> LISINI, A.. "Notizie genealogiche della famiglia Piccolomini", E. Torrini, Siena, 1900.p. 9.

(<https://archive.org/details/genealogiadeipi00lisigoog/page/n17/mode/2up/search/languiscelli>).

<sup>30</sup> COPPI, Giovanni Vincenzo. *Annali, memorie ed huomini illustri di Sangimignano*. In *Historiae urbium et regionum Italiae rariores*, vol. 118. Forni, 1695.p. 121.

However, as A. Lisini notes, this peace did not last. This peace did not last: Conradin, the son of Conrad IV and grandson of Frederick II, quickly tried to take back what had been devolved to him by inheritance, but occupied by Charles of Anjou.

*"Al ritorno dei guelfi in Siena le parti si invertirono. Le persecuzioni che dovettero soffrire i ghibellini non furono meno atroci e meno sanguinose di quelle patite dai guelfi, e la guerra civile incominciata in città, per molti anni seguitò a combattersi intorno ai castelli del contado"<sup>31</sup>.*

Thus, the roles were reversed and papal mediation seems not to have been able to curb the political disputes brewing in each city. But Bernard de Languissel had already returned to the curia; in March 1267, we find him assisting the Cardinal Legate of Saint Cecilia in the appraisal of monastery assets in the kingdom of France<sup>32</sup>. So, for the time being, we see him as a simple messenger under the protection of the Pope, who, to emphasise this, names himself directly after him, showing in a literary and syntactic way the connection to be made between his envoy and himself.

The end of 1267 was an important year for Bernard de Languissel. We shall see why. In Rome, a council of *boni homines* took control of the city, fed up with the quarrels between nobles over the Guelphs and Ghibellines. However, this council lacked the clout to establish itself firmly. It first proposed senatorial investiture to Charles of Anjou, following his triumph at Benevento. The Pope objected, having other plans for him: Sicily. Another noble of high lineage was in Italy at the time: Henry of Castile, son of Ferdinand III, King of Castile. He was in Italy to help Charles d'Anjou in his conquest of Sicily, having with him armed men, horsemen and more than comfortable finances (due to his commercial dealings with Genoa and North Africa, where he had gone to serve a dynasty, the Hafsids<sup>33</sup>). However, the two men fell out, as Henry of Castile had lent Charles of Anjou a considerable amount of capital to support his expedition, in exchange for a promise to marry Manfred's daughter.

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<sup>31</sup> *Ibidem* ("When the Guelphs returned to Siena, the parties backed down. The persecutions that the Ghibellines had to endure were no less atrocious and bloody than those suffered by the Guelphs, and the civil war that began in the city continued for many years around the castles in the countryside").

<sup>32</sup> Clement IV, no. 440.

<sup>33</sup> MAIRE VIGUEUR, Jean-Claude. *L'autre Rome: une histoire des Romains à l'époque des communes, XIIe-XIVe siècle*. Paris: Tallandier, 2010. p. 349.

It was not to be, and Henri retained a tenacious hatred for Charles. So, happy to be one step ahead of him, he accepted the council's request when it offered him the title and office of senator of Rome. To take his revenge on Charles of Anjou, Henry of Castile set his sights on the Guelph nobles, supporters of Charles and the Pope, whom he did not spare either, going so far as to install himself "no more and no less than in the papal palace of St Peter's"<sup>34</sup>. None of this pleased the Pope. Suspicious of Frederick II's grandsons, he could not allow his party to be divided, especially when two of the pope's main allies were involved. The Pope therefore tried to mediate and sent Bernard de Languissel to Charles d'Anjou, with a letter proposing peace between the two; he also sent a letter to Henry of Castile to warn him of his approach. In this letter, he describes the sending of a messenger (*nuntium*), his prudent and wise *servant* (by which he means a familiar of my house) Bernard de Languissel, whom he asks to be allowed to pass through on his way to Sicily<sup>35</sup>.

On the same day, the Pope, playing it safe, sent a letter to Simon de Brion, legate, asking him to recover the sum owed to Henry of Castile from the decime levied by Charles of Anjou, so as not to affect the king and his children with a possible serious and scandalous accusation<sup>36</sup>. In return for this, and since Henry of Castile was determined to become Conradin's representative in Rome by provocation, the Pope withdrew from his power cardinal-priests from the main families and the main basilicas of Rome<sup>37</sup>. However, a treaty seemed to be emerging between the two parties as a result of the repayment of sums. However, it was Henry of Castile's provocation that threw a spanner in the works. In a letter dated 20 November 1267, the Pope asked Charles d'Anjou to return his envoy, Bernard de Languissel, to him as soon as possible (*quantocius*), as the deal had not been concluded because the senator of Rome (Henry of Castile) had refused to release the Guelph nobles and barons<sup>38</sup>. As a result, the Pope, with the support of Bernard de Languissel, was unable to achieve the conciliation he had hoped for. Three days later, in a letter to Cardinal Ottobono Fieschi, legate, he gave an uncompromising and rather alarmed summary of the situation in Italy. Despite the fact that Charles of Anjou was

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<sup>34</sup> *Idem*.

<sup>35</sup> Clement IV, no. 404. Thumser ed. "nuntium nostrum miserimus virum prudentem et providum magistrum B(ernardum) Languisselli archidiaconum Lantaresii in ecclesia Tholosana, domesticum nostrum et nostre conscium voluntatis".

<sup>36</sup> Clement IV, no. 405. Thumser ed.

<sup>37</sup> Clement IV, no. 406. Thumser ed.

<sup>38</sup> Clement IV, no. 408. Thumser ed. "Licet autem senator, ut liberaret, quos cepit, a cardinalibus fuerit requisitus, eos tamen noluit liberare, donec videret, quem haberet exitum tractatus, quem nosti".

in Tuscia, with the backing and support of Florence, Pistoia, Lucca, the cities of Siena and Pisa, others were still Ghibelline and resisting. Henry of Castile was a senator in Rome and did everything he could to provoke the Pope and Charles of Anjou. As for Conradin, he triumphed in the north, with the help of Louis of Bavaria, Count of Tyrol, who had come with men on foot. However, they were up against Lombardy, Marche and Treviso, which had remained loyal to the Pope. Sicily was not to be outdone, a revolt having broken out and being led by Henry of Castile's younger brother, Frederick of Castile<sup>39</sup>.

*"Sicut fuerit voluntas in celo, sic fiat"*<sup>40</sup>.

It is with this sentence from the Bible that this letter ends, the ultimate testimony of faith in divine providence, at a time when everything seems to be going wrong. On 26 November, the Pope, who was unable to travel to Rome, asked a rector to make known in St Peter's and the other churches of Rome the sentence of excommunication against Conradin, the communes of Pisa and Siena, and their supporters<sup>41</sup>.

The Pope's last resort, as a temporal monarch, was to propose an alliance between two families to bring together what war or diplomacy had failed to do. This appears to have been the case, in a letter dated 17 December<sup>42</sup>; the archbishop of Tyre was sent with Bernard de Languissel, as judge (*auditis*), to hear the king of Sicily regarding the proposal of marriage made to him. The two envoys had to hear the king's position on the two suitors: Mary, the daughter of James I - the King of Aragon - and, most likely, Matilda, the daughter of the Margrave of Brandenburg.

These two choices may seem surprising, but with James I in particular, the Crown of Aragon asserted itself as the strongest representative of Christian royalty, alongside Louis IX in France. The *Reconquista* gained new momentum under his reign, and the royal army made significant

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<sup>39</sup> Clement IV, no. 409. Thumser ed. "De statu nostro noveris, quod corporis sospitate gaudemus angustiis variis circumsepti. Rex Sicilie diu fuit in Tuscia et adhuc in obsidione Podii Boniti detinetur potestas factus Florentie, Pistorii, Luce et aliarum quarundam terrarum et a nobis paciarius Tuscie constitutus adversantibus eidem Senensibus et Pisanis et pluribus Gibellinis. Cum quibus Romani societatem inire disponunt cum senatore suo H(enrico) regis Castelle filio. Qui Sutrium nobis abstulit et Vetrallam vastavit exterius et in Urbe cepit viros nobiles [...]. Nos, quantum possumus, guerram fugimus Romanorum, sed timemus, ne et nos et regem Sicilie cum eisdem finaliter male concordare possimus. Corradinus est Verone cum Ludovico duce Bavarie et comite Tirolensi et modica militum comitiva, sed habet totam Lombardiam preter Papiam et Marchiam Tervisinam contrarias. Et credimus, quod cum confusione recedet, si Lombardi stabiles perseverant. Pars magna Sicilie rebellavit cum quibusdam exulibus, quorum factus est capitaneus Fredericus regis Castelle filius de Tunicio veniens cum eisdem".

<sup>40</sup> *Idem*. 1 Macc. 3. 60. "Whatever Heaven wills, Heaven will do".

<sup>41</sup> Clement IV, no. 411. Thumser ed.

<sup>42</sup> Clement IV, no. 1314. ASV, Reg. Vat. 33, f. 69v.

advances. It was also in direct competition with the kingdom of Castile, the birthplace of Henry, a senator from Rome. The March of Brandenburg was a central part of the Holy Roman Empire. In the north-east, it borders on Pomerania, the Teutonic state and Poland in the east. To the south and north-west, it borders the Duchy of Brunswick, Saxony and the lands of the Archbishop of Magdeburg. Over the years, it has grown steadily, often through marriage. In the years in question, Otto III - who was a margrave - married Beatrix of Bohemia. He died in 1266, leaving collegiate power to his four sons: John III, Albert III, Otto V and Otto VI. He also left two daughters, Mathilde and Cunégonde. We believe that the letter of 17 December refers to Matilda, who had been married for less than a year to Barnim I, Duke of Pomerania. Cunégonde, on the other hand, had been married since 1264 to Duke Béla of Slavonia, in the eastern part of present-day Croatia.

Both parties were therefore advantageous and could make a significant contribution. However, Charles d'Anjou refused outright. He had already been married, to Beatrice of Provence, who had died in September 1267. However, these marriage proposals came at just the right time: the letter makes this clear, as the proposal is described as a second wedding (*secundas nuptias convolare*)<sup>43</sup>. The pope insisted that these proposals were more than suitable for Charles d'Anjou (*non videmus matrimonium tibi conveniens nisi cum filia carissimi christo fili nostri regis aragonii illustris aut filia marchionis brandeburgensis*)<sup>44</sup>. It seems that the daughter of the King of Aragon was favoured, as the rest of the letter describes the advantages of such a marriage. Be that as it may, the marriage did not take place, as Charles d'Anjou was reluctant to choose and, above all, Mary of Aragon died shortly after the letter was sent. However, the news did not reach Charles until early March 1268, as we know from a letter from the Pope to the King of Sicily, informing him that the King of Aragon had sent a trusted cleric to announce, orally, the death of Mary of Aragon and her burial in Saragossa<sup>45</sup>. Charles, now free, chose to remarry Marguerite of Burgundy in November 1268<sup>46</sup>.

In these years, continuity and the reward for service well rendered seem to be the predominant principles. In fact, after having played a role in the communes, between two of Siena's most

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<sup>43</sup> ASV, Reg. Vat. 33, fol. 69v.

<sup>44</sup> *Idem*.

<sup>45</sup> Clement IV, no. 1329. (partial notice). "venit de Aragonia clericus satis notus nobis nuncios viva voce clare memorie Mariam filiam carissimi in Christo filii nostri regis illustris Aragonensis nature debitum solvisse" In Martène et Durand, *Thesaurus novus anecdotorum*, II, col. 579, n° 610.

<sup>46</sup> PREVITÉ-ORTON, *L'Italia nella seconda metà del XIII secolo*, in "Storia del mondo medievale", vol. V, Garzanti, Milano, 1980, pp. 198-244.

illustrious families, Bernard de Languissel was entrusted with a more important task: smaller in scale than a true legation, his office as nuncio nevertheless sent him no less than to the King of Sicily, Charles of Anjou, and took him to Rome, where Henry of Castile was seated. It was a matter of dispute, which was an opportunity for him to demonstrate his legal knowledge of civil law; the way in which he managed to get out of it reassured the pope, who entrusted him with another legal task in the hearing of the King of Sicily's arguments concerning a future remarriage. In this case, he was not alone and had only an advisory legal role; he was only named once, for the customary address, whereas the Dominican in charge of the case, the archbishop of Tyre, was named several times. Nevertheless, we can see this as a favour and a mark of confidence shown to Bernard de Languissel.

In April 1268, Bernard de Languissel's name was mentioned in a curial letter concerning the city of Siena. Dated the day of the Lord's Supper, Maundy Thursday, this letter was of great importance to the papacy, showing its power in action: there was talk of a victory against the inhabitants and the city. The letter begins by setting out the scope of what it is about:

*"Ad certitudinem presentium et memoriam futurorum"*<sup>47</sup>.

It is an important act, therefore, and one that must be remembered with certainty in the future<sup>48</sup>. A codified phrase, setting the tone of undisguised joy at having fought his enemies with his powers, his weapons: spiritual. It should be remembered that the Pope had the help and support of Charles of Anjou, who was making it his duty to fight the pretenders to the throne of Sicily, especially the grandson of Frederick II, who was in the North trying to establish his authority with the help of barons and knights from the Duke of Bavaria. In order to reach Rome, where Henry of Castile was still a senator and openly allied with Conradin, he had to pass through Lombardy. It was there that Charles of Anjou awaited him with a sizeable contingent.

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<sup>47</sup> Clement IV, no. 694.

<sup>48</sup> On the subject of memory in pontifical letters, see: JAMME, Armand. *Mémoire vive et mémoire morte, Identité et archives pontificales aux XIIIe-XIVe siècles*. In FOSSIER, Arnaud ; REVEST Clémence (dir.). *Ecritures grises, les instruments de travail des administrations (XIIe-XVIIe siècle)*. Paris, Ecole Nationale des Chartes, Ecole Française de Rome, 2019, pp. 375 - 399.

*"tunc contra predictos rebelles rex catholicus movit exercitum et **Senensium districtum vastavit**; [...] in quo de tota Tuscia inclusa erat militum rebellium multitudo, longa obsidione devicit"<sup>49</sup>.*

The destruction of the Sienese contado (*Senensium districtum*) may have had something to do with the pope's joy at seeing one of the strongest rival communes make amends. The letter is a continuation of the affair that had brought Bernard de Languissel to Siena for the first time, to hand over the pope's solution to the dissensions between noble families. The letter mentions a fine of "penam viginti millium marcarum argenti"<sup>50</sup>, the same fine as in the letter of 25 May 1266<sup>51</sup>. Following this letter, the sentences of excommunication and interdict, pronounced and renewed in the previous letter, were withdrawn and absolved (*ecclesie parendo mandatis personas excommunicatas absolvit, et latam in civitatem eandem ac districtum ipsius interdicti sententias relaxavit*). Thus, the pope noted the change of heart of the Sienese and, after absolution, restored the privileges and dispensations of the Apostolic See, which had been suspended (*Extunc autem omnia privilegia, indulgentias et quascunque gratias a sede apostolica per quoscunque Senenses obtentas*).

No doubt to show his gratitude after his various journeys, the Pope, as we can see from the letter of 28 April, granted Bernard de Languissel a vacant prebend by installing him as chancellor of the archbishopric of Narbonne, thus giving him a place in the chapter<sup>52</sup>.

After these events, Bernard de Languissel returned to the curia, where a new chapter in his life began, from the end of April 1268 to the beginning of 1272; as far as we know, there are no documents concerning him during this period. We find him as a notary of the curia in 1272 - 1273<sup>53</sup> (he was probably already a notary under Clement IV)<sup>54</sup>. In any case, we find him with Gregory X, naming him "tunc notario nostro"<sup>55</sup>. It was also during this period that he was

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<sup>49</sup> *Chronicon Marchiae Tarvisinae et Lombardiae, aa. 1207-1270*, a cura di BOTTEGHI, L.A. In *Rerum Italicarum Scriptores* (ser. II), Tomo VIII / III, Città di Castello, Coi tipi della casa editrice S. Lapi, 1914-1916.p. 57.

(<https://archive.org/details/p2rerumitalicarums08card/page/56/mode/2up>).

<sup>50</sup> Clement IV, no. 694.

<sup>51</sup> Clement IV, no. 203. Thumser ed.

<sup>52</sup> Clement IV, no. 622: "ipsi magistro Bernardo de dicte Narbonensis ecclesie canonatu providit, sibique stallo in choro et loco in capitulo assignatis, contulit ei prebendam".

<sup>53</sup> NÜSKE, G.-F. "Untersuchungen über das Personal der päpstlichen Kanzlei 1254-1304", *Archiv für Diplomatik*, 21, 1975, p. 400.

<sup>54</sup> NÜSKE, G.-F. "Untersuchungen über das Personal der päpstlichen Kanzlei 1254-1304", *Archiv für Diplomatik*, 20, 1974, p. 100.

<sup>55</sup> Gregory X, no. 373.



consecrated Archbishop of Arles. The exact date is disputed and difficult to ascertain. In a letter dated 8 January 1273, Gregory X again referred to Bernard de Languissel's predecessor: "Gregorius episcopus, servus servorum Dei, venerabili fratri archiepiscopo Arelatensi"<sup>56</sup>. The year 1273 has long been used<sup>57</sup>. The second Council of Lyon was held in 1274, from 7 May to 17 July; Bernard de Languissel was present at the Council as Archbishop of Arles<sup>58</sup>. Furthermore, in his letter of 13 June 1274, Gregory X reported on the election of the successor to the bishop of Nîmes. One was "de venerabili fratre nostro B[ernardo], Arelatensi archiepiscopo"<sup>59</sup> while the other was "viro P. Gaucelini, Massiliensi preposito,"<sup>60</sup>. The election of Bernard de Languissel as archbishop should therefore be attributed to 1273.

We have said that, as far as we know, there are few traces of his archiepiscopal years. We can, however, confirm a few elements. Following the council, Pope Gregory X sent a letter to all the bishops asking them to do everything possible to prepare for the crusade and to preach it, among other things<sup>61</sup>. After taking part in the second Council of Lyon, Bernard de Languissel convened two synods to implement the Council's canons; one was held in Arles in 1275<sup>62</sup>, the other in Avignon in 1279<sup>63</sup>.

Apart from the ordinary actions of an archbishop from a spiritual point of view, Bernard de Languissel took into account the temporal aspects concerning the Church's lands and prerogatives. For example, in October 1276, "the secular court of Arles"<sup>64</sup> was encroaching on ecclesiastical lands and prerogatives. Bernard de Languissel therefore sent a letter to assert the rights of the Church<sup>65</sup>. In February and March 1276, another temporal affair broke out. Pierre de Lamanon, a knight who had escorted Charles d'Anjou when the latter took possession of

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<sup>56</sup> Gregory X, no. 1014 (Appendix II to the Registers of Gregory X).

<sup>57</sup> See NÜSKE, G.-F.: NÜSKE, G.-F. *Art. Cit.* p. 101.

<sup>58</sup> MOLLAT, Michel, *1274, année charnière : mutations et continuités* (Actes du Colloque international, Lyon et Paris, du 30 septembre au 5 octobre 1974), CNRS, Paris / Lyon, 1977, p. 401.

<sup>59</sup> Gregory X, n° 373. Ed. J. Guiraud.

<sup>60</sup> *Idem.*

<sup>61</sup> Potthast, Regest. Pontif. Roman, no. 20920.

<sup>62</sup> BOISSET, Louis. *Les concils provinciaux français et la réception des décrets du IIe concile de Lyon (1274)*. In: *Revue d'histoire de l'Église de France*, tome 69, n°182, 1983. P. 34. (<https://doi.org/10.3406/rhef.1983.3296>).

<sup>63</sup> *Ibidem...*, p. 42.

<sup>64</sup> ALBANÈS, Joseph Hyacinthe. *Gallia christiana novissima . History of the Archbishoprics, Bishops and Abbeys of France. ARLES*. 1899.p. 506.

<sup>65</sup> *Ibidem*, p. 506-508 (original Arch. Des. B. du Rhône, B 371).

Sicily in 1265, received an estate and quickly became "justicier de la Sicile Ulérieure"<sup>66</sup>. Between his business dealings in Sicily and his possessions in Abruzzo, Pierre de Lamanon returned to Provence to arbitrate a dispute between the inhabitants of Salon-de-Provence and Lamanon.

Inhabitants of Salon-de-Provence attacked the men of the fiefdom of Lamanon: quite a few of them (141 names cited) shouted "À mort! Death to them! God wills it! Long live the Emperor"<sup>67</sup>, and wanted to do battle with the "traitors from Lamanon"<sup>68</sup>, arriving on foot and on horseback, with spears and balistas (!). They were attacking his men because they were in the fiefdom of a lord accompanying Charles d'Anjou and loyal to him. In fact, the origin of this affair is the illegal taking of sheep and ewes by the men of Lamanon (*ceperant oves*)<sup>69</sup>. It would appear that the men of Salon acted on a mandate from Bernard de Languissel (*nam universitas hominum de Sallone congregata fuit per praeconem, de mandato archiepiscopi*)<sup>70</sup>. Once the attack had been carried out, they seized several people and put them in the prison at Salon castle. They were then released for the sum of one hundred pounds, and brought the case before the seneschal of Provence, who sent a judge from Tarascon to investigate (*quod super predictis excessibus diligentem faceret inquisitionem*)<sup>71</sup>. During the investigation, 50 men from the Lamanon estate gave the curate of Salon castle, a certain Guiraud de Languissel (*quorum autorem dicebant Guiraudum de Langussello*)<sup>72</sup>, as the perpetrator of the attack. The latter called on his nephew, Bernard de Languissel, who was on site, to settle the matter. To this end, Bernard de Languissel held a council and swore to the aggrieved inhabitants of Salon that he would attempt conciliation, and that if this did not work, he would appeal to the seneschal of Provence. The conciliation failed. To settle the matter, the Tarascon judge asked Guiraud de Languissel, the vicar of Salon, for 5,000 pounds in compensation; in March 1276, the sum was paid and the matter was closed.

If we have taken the trouble to relate this case, it is because it sheds light on an aspect of Bernard de Languissel's personality, who did not hesitate to side with his family and friends, to defend

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<sup>66</sup> POLLASTRI, Sylvie. *La noblesse provençale dans le royaume de Sicile (1265-1282)*. In: Annales du Midi: revue archéologique, historique et philologique de la France méridionale, Tome 100, N°184, 1988. La noblesse provençale dans le royaume de Sicile. p. 405.

<sup>67</sup> ALBANÈS, Joseph Hyacinthe. *Gallia christiana novissima. op. cit.* p. 509.

<sup>68</sup> *Idem.*

<sup>69</sup> ALBANÈS, Joseph Hyacinthe. *Gallia christiana novissima. op. cit.* p. 508.

<sup>70</sup> ALBANÈS, Joseph Hyacinthe. *Gallia christiana novissima. op. cit.* p. 508.

<sup>71</sup> *Ibid*, p. 509.

<sup>72</sup> *Idem.*

them even if the case was against them and they were at fault, as is the case here. This is all the more astonishing given that he allowed an attack to be made against the men of a lord loyal to Charles d'Anjou, an ally of the Church, whom Bernard de Languissel was already supporting and helping through his work in the curia, and whom he would continue to help. Even if this shouting and violence directed against an ally of Charles d'Anjou was far from the origin of the dispute, there was still a desire to mix political rancour with a particular affair that had more to do with theft than any political claim.

So Bernard de Languissel, even as archbishop or cardinal, always took into account what was happening in his ecclesiastical province. In 1279, another temporal affair illustrates this. In 1278, Bertrand de Baux, lord of Avellin, ceded him lands and the castle of Mourlez (*Moreriis*)<sup>73</sup>. In March 1279, in a letter, he objected to the retrocession of part of the land by Raymond Geofroi (lord of Montauban) to Bertrand de Baux, as the land was held in fief by the abbess of a convent, who herself held it in fief from the archbishop of Arles, Bernard de Languissel. It was not until March 1280 that this transaction was accepted and completed by the abbess of the convent of St-Césaire: three châteaux were ceded, with the agreement of the archbishop, who received in exchange the château of *Cornillon*, in the diocese of Arles, as well as the possessions of an estate near Salon-de-Provence "and the promise to recover the useful rights of his church and the monastery over the châteaux sold"<sup>74</sup>.

Here again, Bernard de Languissel took care to assert and not to harm the prerogatives and the various members of his ecclesiastical province, temporising when necessary to retain as many advantages as possible, as in September 1280, when he united a church to the "episcopal mense of Orange"<sup>75</sup>.

Resuming his ecclesiastical affairs, Bernard de Languissel received a letter from Pope John XXI (1276 - 1277), asking him, as with the crusade, to do everything in his power, this time to help the King of Aragon against the *Saracens*<sup>76</sup>. At the same time, in June 1277, the archbishops of Narbonne and Arles received a letter from the bishop of Valencia (in the kingdom of Aragon) explaining the critical situation and asking for advice and help. This affair lasted two years; It

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<sup>73</sup> *Ibidem*, p. 511.

<sup>74</sup> *Ibidem*, pp. 526-527.

<sup>75</sup> *Idem*.

<sup>76</sup> John XXI, no. 143.

ended in an unusual way, with the two archbishops sending a total of 15,000 pounds, taken from the decime, a sum that the bishop of Valence apparently did not use, since in March 1279<sup>77</sup> the archbishops of Narbonne and Arles asked a priest to go and collect the 15,000 pounds, in order to send them to the hospitallers of Jerusalem and the members of the Order of the Temple (*hospitalis sancti Johannis Jerosolimitanus et militie Templi*)<sup>78</sup>. A letter was sent to the bishop of Valence to inform him of the decision<sup>79</sup>, repeating the terms of the previous letter. In addition to these 15,000 livres, 1,000 livres were withheld from the decime by the bishop of Carcassonne, whom Bernard de Languissel asked in a letter dated June 1280<sup>80</sup> to kindly return this sum for the defence of the Holy Land.

Here we see what we suspected: the archbishop's ability to defend Christianity - a recurring theme in the Church - by spiritual and canonical means as well as temporal and financial means. But these means are not separate from each other, and are often intermingled, as we have seen.

In 1280, we can guess at part of his itinerary at the beginning of the year. He was to consecrate the bishop of Carpentras, Raimond de Mazan. This consecration (the only one preserved for the bishopric of Carpentras in the Middle Ages) is recorded in a manuscript<sup>81</sup>, which gives us some information about Bernard de Languissel.

It was the end of January 1280<sup>82</sup>, and the chapter of Carpentras had to decide who would succeed the deceased bishop. They met and chose three men to make the choice. The choice fell on Raimond de Mazan, chaplain to Pope Clement IV, who had been sent on a diplomatic mission to Castile. Once he had accepted, they went to see the archbishop to obtain his approval and agree a date for the consecration.

*"die ipsa post solis occasum litteras preclarissimi domini principis Salerni  
recepimus, per quas nos multum amicabilem et instanter rogabat quod ad  
eum ad celebrandum cum eo festum Purificationis Beate Marie personaliter  
veniremus. Nos vero considerantes affectionem quam idem dominus*

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<sup>77</sup> Baluze 389, no. 394.

<sup>78</sup> *Idem*.

<sup>79</sup> Baluze 389, no. 395.

<sup>80</sup> Baluze 389, no. 396.

<sup>81</sup> Carpentras, Bib. Inguimbertaine, Ms. 1422 (<https://ccfr.bnf.fr/portailccfr/ark:/06871/004D36C13000>).

<sup>82</sup> We follow the events as succinctly recounted in: CAILLET, Maurice. *Election, confirmation et consécration d'un évêque de Carpentras au XIIIe siècle*, Revue Provence historique, T. 6, Numéro spécial, 1956, pp. 90-107.

*princeps ad nostram in hac parte gerebat personam, quodque super premissis adventis diebus mora nullum periculum inducebat, precibus ejusdem domini principis acquievimus* <sup>83</sup>.

This sentence about receiving a letter from the Prince of Salerno and an invitation to the feast of the purification of the Virgin needs to be looked at more closely to see what details it gives us.

The Prince of Salerno must have been a member of the Angevin entourage, as Salerno was an important place and port in the Kingdom of Sicily. Charles II, Prince of Salerno, was born in 1254 to Charles of Anjou and Beatrice of Provence<sup>84</sup>. The feast of the Purification of the Virgin Mary is an ancient feast added to the feast of the Presentation of Jesus in the Temple on 2 February<sup>85</sup>.

The invitation mentioned may come as a surprise, although Bernard de Languissel was sent to the court of Charles d'Anjou on two occasions, as we have seen, so he may have had relations other than those we can confirm with certainty. These suppositions are confirmed by the fact that the registers of the Angevin chancellery contain traces of letters between Charles d'Anjou and Bernard de Languissel, in which the latter is referred to as "dilecti filii nostri"<sup>86</sup>. This shows that they got on well together, so the invitation came as no surprise. From then on, Bernard de Languissel asked the canons and the new bishop to postpone the meeting until 7 February. The matter being settled, the consecration took place on 24 February in Salon-de-Provence. At the end of his consecration, he paid a homage, albeit in the form of an oath, similar to a homage-lige, in which he promised:

*"Ego Raimundus, Dei gratia. episcopus Carpentoratensis, ab ac hora in antea fidelis ero et obediens Beato Trophimo, Sancteque Arelatensis Ecclesie, et domino meo Bernardo, Dei gratia ejusdem Ecclesie archiepiscopo, ejusque*

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<sup>83</sup> CAILLET, Maurice. *Art. Cit...* ("The archbishop first chose the 1st and 2nd of February (1280), then, just as the canons were leaving, carrying his instructions, B. de Languissel, at nightfall, received a letter from the prince of Salerno inviting him to spend the feast of the Purification of the Virgin with him. Considering the Prince's particular affection for him and judging that there was no danger in doing so, he decided to accept his invitation").

<sup>84</sup> Bartholomaei de Neocastro *Historia Sicula*, aa. 1250-1293, a cura di Giuseppe Paladino In *Rerum Italicarum Scriptores*, Tomo XIII / III, Bologna, Nicola Zanichelli, 1921-1922, XXVI, p. 148.

(<https://archive.org/details/p3rerumitalicarums13card/page/148/mode/2up>).

<sup>85</sup> See the website: <http://millesimo.irht.cnrs.fr/>, where you can search the liturgical calendar by year.

<sup>86</sup> FILANGIERI DI CANDIDA, Riccardo. *I registri della cancelleria angioina*. Bd. 1: 1265-1269, Naples (1950), p. 180. N° 302. See also: FILANGIERI. *I registri della cancelleria angioina*. Bd. 8: 1271-1272, Naples (1957), p. 215. N° 606.

*successoribus canonice intrantibus. **Nec ero in consilio aut consensu, vel in facto ut vitam perdant, aut membrum, aut capiantur mala captione ; consilium quod michi per se, aut per litteras, aut per nuntium credituri sunt ad eorum dampna, me sciente, nulli pandam. Archiepiscopatum Arelatensem et regalia Sancti Trophimi ejusdem Archiepiscopatus et Ecclesie adjuvabo ad retinendum, recuperandum et defendendum contra omnes homines ; vocatus ad synodum veniam, nisi prepeditus fuero canonica prepeditione et tunc sufficienter vitam prout decet ; ipsum dominum archiepiscopum Arelatensem et nuntios ejus ac nuntios Ecclesie Arelatensis, quos certos nuntios esse cognovero, in eundo, stando et redeundo honorifice tractabo et in suis necessitatibus adjuvabo. Possessiones vero ad mensam Episcopatus mei pertinentes non vendam, neque donabo, nec impignorabo, neque de novo infeudabo, vel aliquo modo alienabo, inconsulto archiepiscopo Arelatense. Sic me Deus adjuvet et hec Sancta Dei Evangelia***<sup>87</sup> .

This oath is all the more interesting in that it uses elements of homage-lige to designate the relationship between the bishop and the archbishop. It refers to an oath of fidelity and obedience to his lord Bernard de Languissel, swearing to do nothing against him that might harm his integrity of body, life or reputation. Finally, he swore not to subordinate the *episcopal mense* without his agreement. These elements lead us to believe that the archbishop had greater power over the bishoprics of his province.

In this section, we have deliberately focused on the person of Bernard de Languissel, to show his career path, which is more in line with historical data and the general atmosphere of Christianity, particularly in France and Italy. The rise in power of canonical and, above all, civil jurisprudence meant that people like Bernard de Languissel could be called upon to carry out missions for the papacy that were initially fairly simple and commonplace, such as acting as an emissary. However, thanks to Pope Clement IV, whom Bernard de Languissel knew (a jurist like himself and above all a Frenchman), the latter established himself for a time in the curia,

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<sup>87</sup> Caillet, Maurice. Art. Cit... , p. 107.

where he was called upon to carry out missions to kings and princes, which demonstrated his importance. In return, he received a charge and a prebend for his use. He was also thanked for his archiepiscopal title, which, as we have seen, he looked after with great care. We must now open the most important and imposing chapter of his career: that of his legations, which followed his creation as cardinal, in the service of a growing pontifical monarchy, attempting to temporally control Italy.

## II/ Cardinal-legate in Romagna, in the service of the papacy

Bernard de Languissel's legations began when he was appointed Cardinal-Bishop on 12 April 1281<sup>1</sup> by Martin IV<sup>2</sup>.

The letter in which Bernard de Languissel was informed of his cardinalate's creation is of interest because it is the spiritual and pragmatic matrix of the service that the Pope, through his cardinalate's creation, asks of the new prelate.

For once, the preamble is a passage from the Bible. It's a reference to the book of Exodus, a passage in which Moses alone dispenses justice in God's name, on behalf of the people. His father-in-law comes to see him and tells him that he cannot do this alone.

*"You're going to wear yourself out, and so will the people who are with you. The task is too heavy for you, you cannot do it alone. [...] You will inform the people of the decrees and laws, you will show them the path to follow and the conduct to adopt. You will select from among all the people men of worth, God-fearing, trustworthy and incorruptible, and you will appoint them as officers [...]. They shall judge the people at all times. They shall bring important matters before you, but they shall judge minor matters themselves. Lighten your burden in this way. Let them carry it with you! If you do this, and God orders you to do so, you will be able to stand your ground and, what's more, all these people will return home in peace"<sup>3</sup>.*

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<sup>1</sup> MARTENE, Edmond. in volume II of the *Veterum scriptorum et monumentorum moralium*, col. 1283-1284, gives a copy of the bull raising Bernard de Languissel to the cardinalate. However, as in many of the letters in these volumes by E. Martène, the sources are erroneous or forgotten. In our case, all that is mentioned is the date, in the margin, with the words "ex-ms. Colbertino", referring to the prestigious collection of manuscripts acquired by Jean-Baptiste Colbert and of which he requested an inventory between 1662 and 1273, notably by Jean Doat and Etienne Baluze. It is possible that the manuscript of the letter is now in one or other of the *Doat* or *Baluze* collections of manuscripts at the BNF. On the Colbert collection see: DELISLE, Léopold. *Les manuscrits de Colbert*. In: *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 7<sup>e</sup> année, 1863. pp. 296-304. On the Baluze collection, see: AUVRAY, Lucien. *La Collection Baluze à la Bibliothèque nationale*. In: *Bibliothèque de l'école des chartes*. 1920, vol. 81. pp. 93-174.

<sup>2</sup> PARAVICINI BAGLIANI, Agostino. *I Testamenti Dei Cardinali Del Duecento*. Miscellanea Della Società Romana Di Storia Patria 25. Roma: Presso La Società Alla Biblioteca Vallicelliana, 1980. p. 46.

<sup>3</sup> Exodus. 18, 18 - 23 ("Moysi circa regendam plebem Israeliticam laboranti, Jethro vel socer cognatus ipsius attendens illi supra vires imminere negotium, quod solus portare non posset, salubre consilium describitur



It was for the service and peace of the Church and the health of the pope, to prevent him from becoming exhausted, that Bernard de Languissel was called to the pope. This decision was made because of the archbishop's great merits<sup>4</sup>.

at the same time as another prelate, Benedetto Caetani, the future Boniface VIII<sup>5</sup>. This underlines the fruitful role played by the cardinalate in the choice of popes, giving increasing weight to this administrative and honorary body of the Church. Like all the cardinal-bishops, he was given a bishopric in one of Rome's suburban dioceses, where the most important cardinals in the curia were based. Bernard de Languissel was given the see of Porto-Santa Rufina. This is one of the most important dioceses in terms of protocol, as it is the seat of the superior of the chapter of canons of St Peter's<sup>6</sup>. The suburbicarian diocese of Porto-Santa Rufina (*Portuensis-Sanctae Rufinae*) is made up of two territories, which were joined in the 11th century<sup>7</sup>. Porto, which has a cardinal's title, is close to Ostia, "situated to the south-west of the hexagonal basin of Trajan's port"<sup>8</sup> (*Fossa Traiana*)<sup>9</sup>, and is now partly the site of Rome-Fiumicino airport. Santa Rufina is the former bishopric of Selva Candida, north-west of Rome. The union appears to have given rise to significant privileges, so much so that the registers of Gregory IX include a copy, in the form of a *vidimus*, of the *papyri of Porto*, a collection of ten bulls containing the privileges relating to the union and the creation of the cardinal's title of Porto-Santa Rufina<sup>10</sup>. The title still exists today<sup>11</sup>, and is held by a member of the Sacred

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prestitisse ; proinde, inquirens de omni plebe viros potentes et Deum timentes, in quibus site veritas, et avaritiam oderint" In ALBANÈS, Joseph Hyacinthe. *Gallia christiana novissima. Op. cit.* p. 528).

<sup>4</sup> ALBANÈS, Joseph Hyacinthe. *Gallia christiana novissima. Op. cit.* p. 528: "sane in scrutinio deliberationis hujusmodi, nobis cum gaudio persone tue merita, quibus eam insignivit Altissimus".

<sup>5</sup> <http://cardinals.fiu.edu/consistories-xiii.htm#MartinIV>, this imposing database is a mine of information, the author having compiled and collected everything relating to the cardinals of the Catholic Church.

<sup>6</sup> LOENERTZ, R.-J. "LE Constitutum Constantini et la basilique du latran", *Byzantinische Zeitschrift* 69, 2: 409.

<sup>7</sup> It is worth pointing out here the confusion of many ancient historians concerning the cardinal's title, which, in the letters concerning him, is abbreviated to *portuense (is)*, which inevitably suggests the city of Porto in Portugal. This error is also found on the Wikipedia page, which cites old sources that can be accessed online. Wikipedia goes so far as to confuse the issue that the name *Porto* is hyperlinked to a page on the Portuguese city of *Porto* ([https://fr.wikipedia.org/wiki/Bernard\\_de\\_Languissel](https://fr.wikipedia.org/wiki/Bernard_de_Languissel), consulted in March 2020).

<sup>8</sup> VAN HAEPEREN, Françoise. *Portus. Episcopal Basilica In: Fana, templa, delubra. Corpus dei luoghi di culto dell'Italia antica (FTD) - 6 : Regio I: Ostia, Porto* [online]. Paris : Collège de France, 2019. (<http://books.openedition.org/cdf/6804>).

<sup>9</sup> <https://www.ostiaantica.beniculturali.it/it/aree-archeologiche-e-monumentali/porti-imperiali-di-claudio-e-traiano/>

<sup>10</sup> Gregory IX, n° 3544-3564. For an introduction to his letters see: Auvray, Lucien. *Les registres de Grégoire IX. Tome II* - Paris : A. Fontemoing, 1896.p. 585-586.

<sup>11</sup> In its list of titular cardinals, the website mentions Bernard de Languissel, with a few errors (Bernardus II de languisel). Above all, in its brief presentation, the site reiterates the error in dating the junction of the two territories, *Porto* and *Selva Candida*, placing it under the pontificate of Calixtus II, whereas the *papyri of Porto*

College, assisted by suffragan bishops who are responsible for the administrative, spiritual and financial affairs of the diocese<sup>12</sup>.

It seems that Bernard de Languissel found it difficult to leave his archiepiscopal office, being attached either to the office or to the revenues. Bernard de Languissel went so far as to request the presence of Charles d'Anjou's son, Charles II, Prince of Salernes, to corroborate his claims<sup>13</sup> and even announced his future return to the office of archbishop to keep the position<sup>14</sup> ! In the end, the Pope's chaplain, Bertrand, a priest from the diocese of Arles, was chosen to succeed Bernard de Languissel.

Following his appointment, he was appointed *auditor camerae apostolicae*<sup>15</sup> (and would remain in this position whenever he was not on legation), dealing with the most pressing matters. It was not until 1283 that his legations began in earnest. In his first letter, dated 17 June, Pope Martin IV outlined his legation<sup>16</sup>. The mission he was given was confined to a vast territory, being "partibus plenae legationis officium committit"<sup>17</sup>, in Lombardy and Romagna, but also "Aquilegensi et Gradensi patriarchatus Ravennati Mediolanensi Januensi et Pisano ac Bononiensi Lunensi Ferrariensi Papiensi Placentino et Castellano civites diocesi et provintias necnon Lombardie generaliter totius Romaniole, Tuscie quoque in Imperio constitutas Marchie Tervisine ac Venetiarum partes"<sup>18</sup>. The territory in which the pope empowered his legate was

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date it from the pontificate of Leo IX (cf. LOENERTZ, R.-J. "*LE Constitutum Constantini et la basilique du latran*", *Byzantinische Zeitschrift* 69, 2: 409).

<sup>12</sup> Its provisions were modified by the 1983 Code of Canon Law: CIC, c. 357, § 1: "Cardinals who have received in title a suburbicarian Church or a Church in Rome, after having taken possession of them, shall promote by their council and patronage the good of these dioceses and these Churches, but without possessing any power of government in them and without interfering in any way in what concerns the administration of their goods, the discipline or the service of the Churches". This follows the change made by John XXIII's *Motu Proprio*, "*suburbicariis sedibus*", ([http://www.vatican.va/content/john-xxiii/la/motu\\_proprio/documents/hf\\_j-xxiii\\_motu-proprio\\_19620411\\_suburbicariis-sedibus.html](http://www.vatican.va/content/john-xxiii/la/motu_proprio/documents/hf_j-xxiii_motu-proprio_19620411_suburbicariis-sedibus.html)).

<sup>13</sup> Martin IV, no. 096. Charles II is named in the signing witnesses at the end: "In e. mo. nobili viro C[arolo] principi Salernitano primogenito C[aroli] illustris Siciliae regis, quatinus dictum archiepiscopum ecclesiamque ipsius commendatos habeat".

<sup>14</sup> Martin IV, n° 096. Regeste. "Cum in Arelatensi ecclesia per translationem B[ernardi] archiepiscopi ad Portuensem ecclesiam vacante, petita prius per B. prepositum et R. precentorem a Sede Apostolica licentia, magister Bernardus, canonicus Agathensis in episcopum electus fuisset sed dictus Bernardus omni juri sibi ex hujusmodi electione competenti renuntiasset, eidem Arelatensi ecclesiae Bertrandum, tunc capellandum suum et canonicum Remensem, praeficit in archiepiscopum".

<sup>15</sup> NÜSKE, G.-F. "*Untersuchungen über das Personal der päpstlichen Kanzlei 1254-1304*", *Archiv für Diplomatik*, 20, 1974, p. 101.

<sup>16</sup> Martin IV, n° 472°. (curial letter). ASV, Reg. Vat. 41, f. 173v, no. 24.

<sup>17</sup> Martin IV, n° 472a, analysis.

<sup>18</sup> ASV, Reg. Vat. 41, f. 174r.

marked out in many respects, so as to preserve its memory. The tasks assigned to the new legate are concentrated on around ten folios, and seem to correspond to a specific format. There is a general letter setting out the guidelines, followed by additions, all of which are dated the same day.

It begins with a rather strong divine invocation, in which God Almighty (*Celestis pater omnipotens*) is seen as judging unworthy what he sees on his domain and, raising his eyes to heaven, asks for the vigilance of the Church's pastoral councils to bring peace back to his Church lands<sup>19</sup>. The letter of address is rather vague from the point of view of political action; it is primarily a question of justifying the legation's mission. It is more a question of pastoral care, of actions to be taken to bring back the faith. It's all about the people of Romagna (*populus romaniolae*). It is therefore more of a programmatic letter. The additions give political and pragmatic details. But what is most surprising is the large number of provisions concerning Bernard de Languissel as legate, his powers and prerogatives. The first power given to him is the most impressive: it concerns his abilities and his place in the ecclesiastical hierarchy. Listing all the different hierarchical orders present in his legation territories, the pope gave Bernard de Languissel precedence over all of them:

*"Cum te ad Aquilegensi et Gradensi patriarchatus Ravennati Mediolanensi Januensi et Pisano ac Bononiensi Lunensi Ferrariensi Papiensi Placentino et Castellano civites diocesi et provincias necnon Lombardie generaliter totius Romaniolae, Tuscie quoque in Imperio constitutas Marchie Tervisine ac Venetiarum partes **tibi commissio inibi plene legationis officio pro urgentibus et arduis** negotiis duxerimus destinandum puniendi prout vidimus expedire venerabilis fratres nostros patriarchas archiepiscopos et episcopos ac monasteriorum et prioratum Cisterciensi, Cluniacensi, Premostratensi Camaldulensi, Vallisumbrose, sancti Benedicti, sancti Augustensi et aliorum ordinum abbates priores et quoslibet alios*

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<sup>19</sup> ASV, Reg. Vat. 41, f. 173v, no. 24. "Celestis pater omnipotens statuit nos, licet inmeritos, in apostolatus specula ut, levantes oculos in circuitu, simus speculatores in domo Ejus et gregem dominicum studeamus vigilantia custodire ac circa eum pastorem gerentes officium vigiles ponamus excubias ne leo rugiens qui circuit querens quem devoret gregem ipsum diripiat vel dispergat, sicque non inmerito remotas provincias et loca propinqua sub orthodoxe cultu fidei constituta mentis indagine perlustramus".

*quarumlibet ecclesiarum domorum et monasteriorum tam exemptorum quam non exemptorum prelatos constitutus capitula sine collegia necnon domorum militie Templi, hospitalis sancti johannis Jerosolimitani sancte militie Theotonicorum et Calatravensi **preceptores magistros et fratres ac quascumque personnas ecclesiasticas tue Legationis cuicumque conditionis seu dignitatis existant** "20 .*

The Pope therefore gave some of his power to his legate, over both the secular and regular clergy. He was asked to deal with urgent and difficult negotiations (*urgentibus et arduis*). In order to bring these negotiations to a successful conclusion, the pope grants every largesse with regard to ecclesiastical sentences in order to remove any obstacles that may be put in his way<sup>21</sup>, both for himself and for those in his family, i.e. his relatives and collaborators. He can also confirm and extend sentences against the populations of cities hostile to the Pope; in fact, mention is made of the sentences issued by Pope Innocent IV<sup>22</sup>, which are still in force in some cities! If he can issue ecclesiastical sentences, he can also absolve them, an immense power that of being able to bring back to the Church, in a way that is as much spiritual as, principally, canonical, those who have strayed from it through their actions<sup>23</sup>. The second important aspect was the economic affairs of the clergy. Bernard de Languissel could therefore use this financial power to seat people close to him, to review the problems raised by successions, elections of priors and bishops, all in a cathedral, giving him a position of power. He could also deal with disputes between the regular and secular clergy over benefices. This authority is quite broad

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<sup>20</sup> ASV, Reg. Vat. 41, f. 174r.

<sup>21</sup> ASV, Reg. Vat. 41, f. 174v. "Cum te etc. usquem destinemus nos volentes summotis impedimentis quibuslibet negotia huiusmodi felicem consequantur effectum exercendi censuram ecclesiasticam in omnes illos qua in eundo stando aut redeundo circa te".

<sup>22</sup> ASV, Reg. Vat. 41, f. 174v. "Innocentii papae predecessori nostri super hoc editam excommunicationis sententiam".

<sup>23</sup> ASV, Reg. Vat. 41, f. 175r. "Ad audientiam nostram pervenit quod in terris tue legationis nonnulli per iudices a sede apostolica delegatos et subdelegatos ab eis sunt excommunicationis sententiis innodati a quibus comode non possunt absolui pro eo quod aliqui iudicum ipsorum quibus in hoc alii non succedunt viam sunt universe carnis ingressi quorundam vero copia de facili haberi non potest aliquorum etiam iurisdictio expiravit Nos itaque in hoc tuam volentes honorare personam et per honorem tibi exhibitum excommunicatis huiusmodi providere absolvendi tales juxta formam ecclesie per te vel per alium aut alios ab huiusmodi excommunicationum sententiis prius ab eis satisfactione impensa super hiis pro quibus in eos huiusmodi sententie sunt prolata fraternitati tue liberam concedimus auctoritate presentium facultatem. Datum ut supra."

and, apart from vacant prebends reserved for the pope's decision, can enable him to build up a patrimony and allies in the legation territories<sup>24</sup>.

A particular provision, concerning the mendicant orders, whose political use by the popes we have seen, gave Bernard de Languissel the power to retain, to take for himself, under his obedience these two religious orders in order to make them opportune servants for his negotiations, and, remarkably, the pope allowed these two orders to take horses to follow the legate<sup>25</sup>.

In addition to his ecclesiastical faculties, he also had temporal powers, which were very similar, such as the possibility of sentences, suspensions and changes in administration. The provisions are scattered and will be clarified according to the events of the legation. All these prerogatives were important at the beginning of Bernard de Languissel's legation. On several occasions, the Pope spoke of the authority conferred and the need to follow the provisions of these letters *de verbo ad verbum*, i.e. without omitting the slightest word.

The last two folios describe Bernard de Languissel's first legation in Romagna, and more specifically in Bologna, between June 1283 and December 1284.

Romagna - and Bologna in particular - was an important place in those years. It all began a few years earlier. In 1277, Pope Nicholas III sent a legate to bring Romagna back into the papal camp, allowing it to become part of the provinces of the Church, which until then had been part of the Empire. However, this was the end of the *great interregnum*, which lasted from the death of Frederick II in 1250 until the election of Rudolf I of Habsburg as King of the Romans. Rudolf I<sup>26</sup> was not well received by the papacy; having always supported Frederick II, Pope Gregory X was slow to recognise him, for good reason. On the death of Frederick II, the Pope wanted to put an end once and for all to the Hohenstaufen dynasty, which was doing him so much harm. He therefore decided to influence the German prince-electors, one of the most important of

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<sup>24</sup> ASV, Reg. Vat. 41, f. 175r. "de beneficiis ecclesiasticis prebendis personatibus et dignitatibus cum cura vel sine cura videlicet uni in ecclesia una tantum si vacat ibidem ad presens vel quamprimum ad id obtulerit se facultas et faciendi personas easdem singulas videlicet in singulis ecclesiis in quibus eis provisum extiterint si collegiate fuerint in canonicos seu clericos recipi et in fratres".

<sup>25</sup> ASV, Reg. Vat. 41, f. 176v. "fraternitati tue assumendi et retinendi ad tua obsequia et sub tua obedientia quotiescumque et quoscumque volueris de fratribus predicatorum et minorum ordinum tue legationem ac mittendi illos vel alios ex eisdem ordinibus quos idoneos esse cognoveris quandocumque et ubicumque viderit oportunitate committendi; [...] eisdem in super fratribus dandi propter hoc licentiam equitandi".

<sup>26</sup> On Rudolf I and the events we are interested in, see: REDLICH, Oswald: *Rudolf von Habsburg. Das deutsche Reich nach dem Untergang des alten Kaisertums*. Innsbruck, 1903, pp. 133-203, 385-429. For an update on the research see: KRIEGER, Karl-Friedrich: *Rudolf von Habsburg*. Wissenschaftliche Buchgesellschaft, Darmstadt, 2003.

whom was the archbishop of Mainz (a position that would be coveted in order to place a member of one camp or the other, giving rise to a dispute). The Pope therefore proposed a suitor from outside imperial territory: Alfonso X of Castile, a loyal defender of the Church who led the *Reconquista* of Spain with brio; the prince-electors proposed Richard of Cornwall, brother of Isabella of England, Frederick II's third wife (married in 1235). Neither of the two contenders appealed and a double election took place, in a sort of competition to seduce the other camp. However, it was yet another suitor who was chosen as the middle ground: Rudolf of Habsburg. Despite his close ties with Frederick II, he was the Count of Habsburg, a family that was close to the Church and defended it. It was a kind of compromise, but above all a way of not allowing a foreigner on the imperial throne.

In 1274, the Romagna Ghibellines had a new leader in Guido de Montefeltro.

*"onde i Ghibellini di Romagna colli usciti di Bologna feciono loro capitano di guerra Guido conte di Montefeltro, savio e sottile d'ingegno di guerra più che niuno che fosse al suo tempo"<sup>27</sup>.*

Guido was a curious man, from a noble family, who took the title of Count of Urbino in the middle of the 15th century. He was to end his life as a Franciscan monk in the convent of Ancona. Guido was first podestrat of Urbino between 1255 and 1260, and pursued a pro-imperial policy, placing himself under the protection of Manfred, the son of Frederick II. As a result of these convictions, he was appointed *imperial vicar* by Manfred<sup>28</sup>. After the defeat at Benevento and the death of Manfred, he was one of the people summoned by Ludwig of Bavaria in 1266 to put the imperial party in order. We then find him in Rome, as vicar to the senator of Rome, Henry of Castile, an important position that demonstrated his desire to make progress in the Ghibelline party. Clement IV excommunicated him, along with Conradin, on 5 April 1268, demonstrating his closeness to the imperial power so detested by the papacy<sup>29</sup>. From then on, the Papacy kept a close eye on Guido, and spoke of him in fairly clear terms. Thus, Clement IV openly mocked him when, in a letter to Charles of Anjou, he described him as :

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<sup>27</sup> VILLANI, Giovanni - *Nuova Cronica*, VIII, 44. Turin edition (Letteratura italiana Einaudi), Parma, Fondazione Pietro Bembo/Guanda, 1993, p. 395. "Thus, the Ghibellines of Romagna of Bologna made Guido the Count of Montefeltro their captain of war, wise and subtle of warlike genius more than anyone else of his time".

<sup>28</sup> "MONTEFELTRO, Guido di, Tommaso di Carpegna Falconieri - Dizionario Biografico degli Italiani - Volume 76 (2012). ([http://www.treccani.it/enciclopedia/guido-di-montefeltro\\_%28Dizionario-Biografico%29/](http://www.treccani.it/enciclopedia/guido-di-montefeltro_%28Dizionario-Biografico%29/)).

<sup>29</sup> Clement IV, no. 690.

*"Guidone de Monte Feltrano, qui Urbis vicarius extitit inurbanus"<sup>30</sup> .*

Nicholas III, according to Giovanni Villani in his *Cronica*, treated him in this way when he explained why Nicholas III sent a legate to Rome and Romagna:

*"ciò fece per trarre la signoria di mano al conte Guidodi Montefeltro, il quale tirannescamente la si tenea e signoreggiava"<sup>31</sup> .*

Always defending the imperial camp, he and the Ghibelline cities of Romagna welcomed the election of Rudolf of Habsburg as King of the Romans. In 1273, Bologna rose up and expelled the Guelphs, as did the towns of Faenza and Forlì. Guido found himself at the head of a contingent of Guelphs from these towns, and won a major political and moral victory over Malatesta of Verrucchio, leader of the Guelph contingent from Romagna, Lombardy and the Marche<sup>32</sup> . Seeing the military victory uncertain and fluctuating, Pope Nicholas III decided to use diplomacy with Rudolph I, and succeeded in having the loyalty oaths of the various cities of Romagna to the Holy Roman Empire annulled. The Pope won the political victory, and by the end of 1278, Romagna was papal territory. Guido then drew closer to the Pope and, in September 1278, accepted Clement IV's offer of absolution from excommunication<sup>33</sup> .

All this held together for a while, until the death of Pope Nicholas III in August 1280, when his nephew, the Count of Romagna, was appointed to oversee this new papal territory. Guido turned against the Pope and regained the leadership of the Ghibelline camp. Martin IV excommunicated him a second time in March 1282<sup>34</sup> and assembled a papal army under the command of Jean d'Eppe. The vast majority of this pontifical army was made up of French mercenaries, including Jean d'Eppe. The confrontation took place at Forlì in May 1282, a terrible confrontation that Dante wrote about:

*"O anima che se' là giù nascosta, / Romagna tua non è, e non fu mai,*

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<sup>30</sup> Clement IV, no. 1423.

<sup>31</sup> VILLANI, Giovanni - *Nuova Cronica*, VIII, 54: "He did this to wrest the lordship from the hands of Count Guidodi Montefeltro, who held and ruled it tyrannically".

<sup>32</sup> VILLANI, Giovanni - *Nuova Cronica*, VIII, 44.

<sup>33</sup> Nicolas III, n° 345. L[atino] Ostiensi et Velletrensi episcopo, apostolice sedis legato, mandat quatinus Guidonem comitem de Montefeltro et adherentes ipsi ab excommunicatione absolvat".

<sup>34</sup> Martin IV, no. 266: "Contra Guidonem de Montefeltro, stipendiarios atque capitaneum, consilium et universitatem partis Lambertatorum de Bononia et alios complices ejus tam in Tuscia quam in diversis aliis partibus Romaniola contra ecclesiam rebellantes processus habitos promulgat".

*sanza guerra ne' cuor de' suoi tiranni; / ma'n palese nessuna or vi lasciai.*

*[...] La terra che fé già la lunga prova / e di Franceschi sanguinoso mucchio,*

*sotto le branche verdi si ritrova* <sup>35</sup>.

Bernard de Languissel began his mission against this backdrop of harsh confrontations that favoured the pro-imperial camp. He had to balance the balance of power by using a more subtle weapon - diplomacy and politics - to bring some of his opponent's supporters back into his camp, without violence.

In view of the events that immediately preceded his dispatch, the task was bound to be a complex one: it would be a long-term diplomacy requiring a variety of methods to achieve political success. As with any legation, substantial funds were needed to act as the Pope's "right-hand man". This anthropomorphic association of legates with the pope's body has often been emphasised and studied<sup>36</sup> and is crucial to understanding the prestige of legates sent wherever necessity dictated. As a political arm of the pope, his legation had to have the prestige and magnificence of the pope's body. For example, in a letter dated 5 July 1283, the Pope promised the merchants of the Apostolic Chamber that he would reimburse them for the loan made by Bernard de Languissel of "one thousand trecentas libras Turonen"<sup>37</sup> ! This considerable sum should be seen in the context of the considerable amount of work required by the Pope in order to put an end once and for all to the regions of Romagna and Lombardy, which were so quick to oppose the Apostolic See.

To give himself the best chance of success, Martin IV even decided to appoint a *rector* alongside the legate already appointed (Bernard de Languissel), who would be responsible for the policy

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<sup>35</sup> Dante, *Inferno*, XXVII, 36-38, 43-45. ("Ame qui par ce fond t'en vas cachée, / ta Romagne n'est point, et ne fut onques / sans guerre dans le cœur de ses tyrans; / à découvert je n'en laissai none. / [...] La ville qui soutient longue détresse / et de Français fait sanglante montjoie / ore est soumise aux griffes de sinople." In Dante Alighieri, and André Pézard. *Œuvres complètes*. Paris: Gallimard, 2014. p. 1055-1056).

<sup>36</sup> See in particular the admirable summary by PARAVICINI BAGLIANI, Agostino: *Il corpo del papa*. Biblioteca di cultura storica 204. Torino: Einaudi, 1994 (trans. Catherine Dalarum. *Le corps du pape*. Paris: Éditions du Seuil, 1997).

<sup>37</sup> Martin IV, n° 287 In Martinus, and RUDOLPH, Gerald. *Das Kammerregister Papst Martins IV: Reg. Vat. 42*. *Littera antiqua* 14. Città del Vaticano: Scuola Vaticana di Paleografia, Diplomatica e Archivistica, 2007. (Now noted Martin IV, no... . Ed. Rudolph).



of pacification and monopolisation. During the legation, this rector was responsible for the temporal side of the desired territories; he had to keep enemies at bay, and once - as the Pope hoped - the legation had succeeded, the rector became the temporal ruler, replacing the podestates or other counts appointed by the Empire. In our case, it was the commander of the papal army, John of Eppe, who was appointed rector of the Romagna region<sup>38</sup>, and in particular rector of the city of Urbino - the birthplace and home of Guido de Montefeltro's family, who was responsible for all the Ghibelline unrest, which he centralised and channelled in order to unify and consolidate.

For Urbino, as legate, Bernard de Languissel was also appointed, with full legation, responsible for the inhabitants and his diocese, having to deal with spiritual sentences concerning the opponents of the Church<sup>39</sup>, as well as members of the Church, for example the prohibition on saying masses or any other religious services, particularly concerning the Mendicant Orders<sup>40</sup>. To this end, and in order to unify the political proposals, the Pope gave precise instructions for changing the statutes of the city of Urbino, in order to make it a place favourable to the Church and also to get rid of the opponents<sup>41</sup>.

The Pope took great care to separate the two objectives, spiritual and temporal. In a letter dated 13 September 1283, he asked Guillaume Durand, another temporal rector, along with Jean d'Eppe, not to intervene in spiritual disputes or even those concerning the Church's rights over these territories, asking him to hand them over to the curia<sup>42</sup>. These papal demands ended up having some unusual consequences. For example, the legate received confirmation of his

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<sup>38</sup> ASV, Reg. Vat. 41, f. 177v. "Licet civitas et diocesis Urbinatem de provincia Romaniole minime censeantur etc. ut supra. Usque corrigantur tibi in eisdem civitate et diocesi rectorie officium auctoritate presentium committentes nobilitati tue per apostolica scripta precipiendo mandamus quatinus premissum officium sicut in dicta Romaniole provincia"

<sup>39</sup> ASV, Reg. Vat. 41, f. 177v. "Licet civitas et diocesis Urbinates de provincia Romaniole ad quam commisso tibi ibidem et in certis aliis provinciis et locis plene legationis officio destinamus minime censeantur quia tamen eadem civitas et diocesis seu cives et incole ipsarum dudum adversus Romanam Ecclesiam reddiderunt".

<sup>40</sup> Martin IV, no. 354. Ed. Rudolph. "Intimante nobis tua prudentia circumspecta didicimus, quod Predicatorum et Minorum ordinum fratres et quidam alii religiosi civitatis Urbini privilegia sedis apostolice asserunt se habere, ut certis festivitatibus possint divina officia publice celebrare tempore interdicti".

<sup>41</sup> Martin IV, no. 302. Ed. Rudolph (this letter is striking for the precision of the articles, or even the parts or words of the articles, of the Articles of Association to be amended in order to change their scope. See Appendix II).

<sup>42</sup> Martin IV, no. 317. Ed. Rudolph. "Nolumus autem, quod de causis ius et dominium ecclesie Romane tangentibus seu de privilegiis ecclesiis cathedralibus et aliis monasteriis, capitulis, conventibus aliisque locis ecclesiasticis, religiosis vel secularibus, civitatibus, communibus, castris, villis vel locis aut personis quibuslibet singularibus ab apostolica sede seu Roman. imperatoribus vel regibus Roman. in speciali vel generali concessis te aliquatenus intromittas, sed eas penitus ad sedem remittas eandem, prout iustum fuerit, auctore Domino terminandas".

request that the mendicant orders of Urbino<sup>43</sup> should once again be forbidden to hold masses and services, and that the offending religious should be expelled and punished. From a temporal point of view too, the disputes came to nothing, and the Pope forbade and refused to lift the sanctions<sup>44</sup>.

To achieve this, the Pope also relied on the pontifical army that had been set up, made up of mercenaries who stayed as long as they were needed and paid. For example, in a letter dated November 1283, Martin IV asked Bernard de Languissel to increase the pay of French mercenaries<sup>45</sup>, to keep them present in the region<sup>46</sup>, demonstrating the instability that reigned. Two letters from<sup>47</sup> show the worrying precariousness of the pontifical army's mercenaries, due to supply problems caused by the war, which reduced the income the cities received from their *contado*. It was therefore up to the Apostolic Chamber, through Bernard de Languissel, to pay for the food, pay and horses needed by the army. Martin IV also sent letters to the various podestates of Urbino's neighbouring towns, recommending that they support the papal army with logistical support, particularly food, or military support by attacking Urbino in their turn and on their side, in order to weaken it. The aim was therefore to support the papal army, or at least not to intervene on either side<sup>48</sup>.

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<sup>43</sup> Martin IV, no. 354. Ed. Rudolph. "Intimante nobis tua prudentia circumspecta didicimus, quod Predicatorum et Minorum ordinum fratres et quidam alii religiosi civitatis Urbini2 privilegia sedis apostolice asserunt se habere, ut certis festivitibus possint divina officia publica celebrare tempore interdicti".

<sup>44</sup> Martin IV, no. 355 - 356 - 357. Rudolph ed.

<sup>45</sup> Martin IV, no. 348. Ed. Rudolph. "Nuper ad audientiam nostram pervenit, quod gallici stipendiarii, qui ad nostrum et ecclesie Romane servitium in commissa tibi provincia inmorantur, de stipendiis, que ab hominibus provincie predictae recipiunt, propter imminentem victualium caristiam non possunt commode sustentari".

<sup>46</sup> Martin IV, no. 363. Ed. Rudolph. Letter confirming the payment of the French mercenaries and asking the holders of these letters to send them to Bernard de Languissel.

<sup>47</sup> Martin IV, no. 404 - 405. Ed. Rudolph. "Intellecto dudum, quod stipendiarii gallici, qui ad nostrum et ecclesie Romane servitium in commissa tibi provincia inmorantur, de stipendiis, que ab hominibus provincie predictae recipiunt, propter victualium caristiam non poterant commode sustentari, tibi nostris sub certa forma dedimus litteris in mandatis, ut eisdem stipendiariis de consilio et assensu venerabilis fratris nostri . . . episcopi Portuen., apostolice sedis legati, ampliora stipendia, sicut viderea expediens, usque ad nostre voluntatis beneplacitum faceres exhiberi".

<sup>48</sup> Martin IV, n° 326 - 327 - 328. Ed. Rudolph (326) "vigorose continuare studeas eidem capitaneo favorabiliter et viriliter assistendo, quod in brevi Domino tribuente ipsorum rebellium conculcata superbia tibi et aliis devotis ecclesie partium earundem commodum et tranquillitas optate pacis proveniat et nichilominus tua devotio exinde de bonis in melius valeat comendari". (327) "ut ad requisitionem prefati capitanei dictis Urbinatibus guerram faciant ac ei et genti sue victualia subministrent necnon in presidio armatorum ac aliis favorabiliter et viriliter assistere Studeant". (328) "Cum itaque dilectus filius nobilis vir Guido de Monteforti, exercitus, quem habet apostolica sedes in illis partibus, capitaneus generalis, ad opprimendam tantam ipsorum Urbinatum proterviam de nostro mandato potenter et viriliter se accingat, nos eius in hac parte sollicitudinem commendantes universitatem vestram rogamus et hortamur attente per apostolica vobis scripta mandante".

Another city mentioned in the letters is Forlì, the scene of a battle between Ghibelline forces and the Papal army. Once the battle was over, politics took over and completed what weapons had failed to achieve. As in the case of Urbino, Martin IV sent recommendations to Bernard de Languissel regarding the election of the podestà, who should be given priority in the city's administrative posts, who should be excluded, what property should be taken over for the patrimony of Saint Peter's and what should be left to the pope's loyal supporters<sup>49</sup>.

All these elements are in line with the Pope's policy, which he expressed in his letter to Bernard de Languissel on his legation, "Celestis pater omnipotens", namely to restore peace by pastoral means and to present a more favourable face in the eyes of God, who looks with a fatherly, but all-powerful eye on the earth, his creation, and his kingdom, the patrimony of Saint Peter. This is also and above all the request made by Martin IV in another letter, dated 17 June 1283, with the same emphasis as the first, except that it is more maternal and more suggestive of the merciful side. The words used are more evocative and striking. The Pope speaks of the Church's affection for her children, even if they are far away, like a mother who does not deny her children the *mother's breast*, who has a great affection for them, and who suffers when one of them refuses to be part of the family. This maternal vocabulary of nursing and affection is there to exaggerate the Church's kindness towards her enemies, showing a face that is not military and powerful but maternal and merciful.

*"Romana mater Ecclesia pietatis ubertate fecunda et minime misericordia non oblita sic erga filios materne dilectionis effundit et dilatat affectum quod studio materno revocans oberrantes ab invio illos ad gratie sue gremium non spernit admittere qui deceptiva suggestionem delusi ab illius unitate recedere vel etiam provocare molestiis aut iniuriis afficere presumpserunt decet enim*

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<sup>49</sup> Martin IV, no. 350, Ed. Rudolph. "Tua nobis fraternitas intimavit, quod, cum Forolivienses fuerint hactenus iurisdictione, honore, districtu, privilegiis, feudis et omni libertate auctoritate nostra privati, non permittuntur potestatem nec solitos officiales eligere nec generale consilium neque modum habere regiminis consuetum, set . . . comes Romaniolae ipsis de rectore providit, qui per officiales suos de mandato et ordinatione tua et eiusdem comitis regit illos. Unde, cum hoc gravissima videantur eisdem, sepe sepius supplicarunt, ut ad statum pristinum restaurarentur, presertim cum multi non fuerint culpabiles ex eisdem, set bona sua omnia relinquentes ecclesie Romane nuntiis paruerunt vivam guerram hostibus faciendo et sustinendo etiam patienter civitatis fortelicias dirui et foncas complanari, propter quod videtur, ut asseres, fidelibus et devotis pro statu provincie meliori ad eam in devotione et obedientia ecclesie conservandam, ut eisdem Forolovien. ad sue consolationis remedium, quod solito more consilium et officiales communis habere valeant, de spetiali concedere gratia curaremus".

*ut clementi benignitate circa singulos affluat qui praeminet omnibus plenitudine potestatis* <sup>50</sup>.

This type of preamble is found 70 times in the letters of 13th-century popes. Its powerful maternal rhetoric serves to accentuate the provisions that follow. Above all, it contrasts enormously with the paternal, even paternalistic, powerful and devastating allure. However, faced with incessant military setbacks, the precariousness of taking charge of the papal army and the economic, religious and human repercussions of the Romagna campaign, the Pope decided to change strategy by favouring political legations in the very heart of the cities, in order to transform them in depth, avoiding - it was the hope of the apostolic see - future setbacks and political proximity, even without conviction.

In this case, the letter bearing this preamble, which is particularly accommodating, concerns Bologna and its *contado*. It concerns the power given to Bernard de Languissel to absolve and lift bans on all persons and the city of Bologna. However, the city would not accept the pope's requests concerning the raising of funds for the pontifical army, as well as changes to the statutes concerning the Ghibellines, the Guelphs. These changes were obviously a consequence of the political unrest in Romagna, which gave the popes many problems. In this area, Martin IV appears to have pursued a fairly aggressive fiscal and military policy, using the resources of the Apostolic Chamber to compensate for the mistakes made by the communes<sup>51</sup>, in return for which he levied taxes on the communes to pay himself back. The municipal commission registers for 1284 bear witness to the discussions<sup>52</sup> held to counter or attempt to get out of the excommunication, as well as to escape this fiscal policy to some extent in order to maintain a semblance of public autonomy in the management of the communes. Unsurprisingly, it was not the spiritual aspect that worried the members of the committees, but the legal and public aspect, which could have economic consequences that the council feared.

*"L'interdetto pontificio è fonte di grandi preoccupazioni per le autorità comunali, ed è chiaramente un momento in cui la città fa appello a tutte le*

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<sup>50</sup> Martin IV. No. 472hh.

<sup>51</sup> VASINA, Augusto. *I Romagnoli fra autonomie cittadine e accentramento papale nell'età di Dante*, Firenze, Leo S. Olschki, 1965, pp. 164-165. "la conquista de Forlì e degli ultimi centri di resistenza ghibellina certo non aveva dissipato nell'animo dei Romagnoli la sfavorevole impressione di un governo papale rigidamente fiscale et militare; probabilmente anzi l'aveva accresciuta".

<sup>52</sup> ASB, Governo, Riformazioni e Provvidizioni, Serie cartacea, Registro 2, 38r - 46r.

*risorse, in primo luogo giuridiche, che possiede L'atteggiamento analogo assunto dalle due città prova che la scomunica viene percepita come una sanzione legale, che può comportare conseguenze gravi e temute per i diritti comunali*"<sup>53</sup>.

The council therefore decided to call in *sapientes iuris*, civil or decretal lawyers, as Bologna was renowned for its university and law faculties. The *sapientes iuris* had to defend communal rights against anyone wishing to infringe them, whether another commune, a private individual or the Church. In this case, the choice of Bernard de Languissel, "juris civilis professori", is noteworthy.

In fact, apart from ecclesiastical rulings, the town's registers mention papal demands on the town and disputes with the Empire, i.e. those concerning the Guelphs and Ghibellines. For example, the first meeting between the *sapientes iuris* and Bernard de Languissel took place in August 1284 and concerned the building of a wall, apparently a fortification<sup>54</sup>. The council therefore looked not at the legality of the request, but at whether it was the commune that was legally required to carry out the work.

*"super facto ecclesie quod habeantur sapientes iuris et deffendatur ius communis **super facto muri si ius habet, et si ius non habet** dicere debeant et postea proponantur ea que dixerunt in Consilio Populi et secundum quod videbitur Populo in hoc fiat*"<sup>55</sup>.

The question seems to have divided the council, as it was not until 6 September 1284 that an answer was given, which also did not satisfy Bernard de Languissel, who then asked for a people's council (*Consilio Populi*) to be held, which he would attend. The number of *sapientes iuris* rose from 80 to 140.

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<sup>53</sup> MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo: Siena, Perugia e Bologna, tre governi a confronto*. 1. ed. Ius nostrum [Ser. 1] 34. Roma: Viella, 2006.p. 273 ("The papal interdict is a source of great concern for the municipal authorities, and it is clear that this is a time when the city calls on all the resources, mainly legal, that it possesses. The similar attitude adopted by the two cities proves that excommunication is perceived as a legal sanction, which can have serious and dreaded consequences for municipal rights).

<sup>54</sup> ASB, Governo, Riformagioni e provvigioni, Serie cartacea, Registro 2, 19v. In MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo... op. cit.* p. 273.

<sup>55</sup> ASB, Governo, Riformagioni e provvigioni, Serie cartacea, Registro 2, 20r. In MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo... Op. Cit.*p. 273.

*"L'emergenza politica consente evidentemente lo stravolgimento del Consiglio degli Anziani"<sup>56</sup>.*

A certain feverishness was felt and it was Bernard de Languissel who, on 12 October, having received no response, and faced with the council's procrastination, demanded, requested and summoned the commune's authorities: "il podestà, il capitano e gli Anziani di Bologna"<sup>57</sup>. Once again, these authorities were unable to act alone before the legate, given the importance of the issues raised and the person facing them. They therefore once again requested the presence and assistance of the council of elders and *sapientes iuris*. So it was a delegation of at least 74 people who went to the legate to ask him for clarification and in what form they should reply to the cardinal-legate, and therefore to the pope.

Little by little, we see a political distinction being made between the people, who do not want to allow themselves to be dictated to by the Pope, even if it means receiving invective and spiritual sentences, and the council of elders and especially the *sapientes iuris*, who, identifying with the highest parts of society, order them to accept the Papal concessions and demands so as not to burden the economy, which is already in a very precarious state following the events of 1280-1284<sup>58</sup>.

*"A partire da questa seduta diventa più esplicito il problema che in quest'epoca si era legato alla scomunica, ossia la contrapposizione dei sapienti al Consiglio del Popolo. Tre interventi particolarmente significativi illustrano quanto i sapientes cerchino di rendersi indipendenti dagli altri Consigli e di gestire in proprio la vicenda: Iacopus Balduini (doctor legum) propone di chiedere al Consiglio del Popolo che la questione venga ufficialmente delegata ai 200 sapienti; Basacomater de Basacomatribus (doctor legum) invita i sapientes a valutare i vantaggi che possono loro derivare da una situazione del genere; e, più espressamente di tutti, Iulianus Vertutis chiede che "in magnates (!), milites, doctores legum et in aliis divitibus remaneat dictum negotium". **L'identificazione dello strato più alto***

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<sup>56</sup> MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo...* Op. Cit. p. 274.

<sup>57</sup> *Idem*.

<sup>58</sup> ASB, Governo, Riformagioni e provvigioni, Serie cartacea, Registro 2, 35r. In MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo...* p. 275.

***degli esperti di diritto con il ceto aristocratico della società bolognese non poteva essere più esplicita. Dalle sedute successive, emerge con chiarezza la distanza di vedute politiche tra sapientes e Popolo, e il problema diventa duplice: uscire dalla scomunica e fare accettare al Consiglio del Popolo i passi che, secondo i sapientes, devono essere compiuti per raggiungere questo scopo***<sup>59</sup>.

This procrastination lasted until 25 October! From that point onwards, a unified commission was finally sent to settle the conditions under which the bans and excommunication could be lifted.

The council then held a discussion to decide who should be sent with which proposals to the legate. As Sara Menzinger notes in the government register for the year 1284, this is the most comprehensive discussion to have been transcribed. It contains no fewer than 13 contributions, each proposing a different solution<sup>60</sup>. Once again, it was the *sapientes iuris* who won the day and were appointed to transform the wishes of the town council into legal arguments and proposals. They therefore called upon "octo sapientes iuris **tam canonice quam civilis** de sapientioribus civitatis Bononie"<sup>61</sup>. They drew up a document summarising the wishes expressed by the council of "200 wise men". But more than that, the document was a precise

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<sup>59</sup> From this session onwards, the problem that had been linked to excommunication in recent months, namely the opposition of the wise men to the People's Council, became more explicit. Three particularly significant speeches illustrate the way in which the Wise Men attempted to make themselves independent of the other Councils and deal with the matter on their own: Iacopus Balduini (*doctor legum*) proposed asking the People's Council to officially delegate the matter to the 200 Wise Men; Basacomater de Basacomatribus (*doctor legum*) invited the Wise Men to assess the advantages they could gain from such a situation; and, more expressly, Iulianus Vertutis asked that "*in magnates (!), milites, doctores legum et in aliis divitibus remaneat dictum negotium*". The identification of the highest layer of legal experts with the aristocratic class of Bolognese society could not have been more explicit. As early as the following sessions, the distance between the political views of the *sapientes* and the People became clear, and the problem became twofold: to get out of the excommunication and to get the People's Council to accept the measures that, according to the *sapientes*, had to be taken to achieve this objective".

<sup>60</sup> MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo...* Op. Cit.p. 276, n. 175: "Si tratta della discussione in assoluto più articolata del registro del 1284, perché sono verbalizzati 13 interventi, nei vengono prospettate soluzioni differenti riguardo la composizione che avrebbe dovuto avere l'ambasciata".

<sup>61</sup> ASB, Governo, Riformazioni e Provvisgioni, Serie cartacea, Registro 2, 38r-40r. In MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo...* Op. Cit.p. 325.

guide, a *consilium*, in the full sense of the word, enabling the legal steps to be taken to get the city out of the throes of excommunication<sup>62</sup>.

This legal council reviews the elements that led to the excommunication, starting with the temporal elements. According to them, it was the appropriation of land belonging to the municipality of Medicina, located to the east of Bologna, that was at stake. These lands had been appropriated by the podestate of Bologna, on behalf of the commune, in order to exercise his full power<sup>63</sup>. These reforms, carried out in the name of the Commune, must be revoked by the Council of Elders<sup>64</sup>. This first point clearly shows that we are dealing with the legal assessment of the public and economic consequences of spiritual sentences, giving them a special character. In fact, excommunication as a spiritual sentence is more effective in the ecclesiastical sphere, as a means of maintaining intellectual and above all dogmatic unity, in order to solidify the foundations of the faith, whereas in the temporal sphere, these sentences have more of an economic impact, by prohibiting trade and relationships. This ostracised the guilty parties, depriving them of their means of subsistence and forcing them to deal with papal envoys in order to regain their good graces and trade with other economic players who were either on the papal side or who were careful not to take any overt political stance, in order to protect themselves from the sentences.

The second proposal made by the legal advisors is all the more interesting in that it confirms the gap that was widening between the nobility and the people of the commune in those years: the council, which was nonetheless made up of *doctor legum* and *doctor decretorum*, saw themselves - as we have shown - as belonging to the upper echelons of the commune, joining the nobility, due to the importance of the service they rendered to the commune, a legal service for economic survival; this clearly shows that the fault for the excommunication lies with the podestate and the captain of the people, who wanted to have more, without any request or confirmation from the people. It was therefore up to them to go on embassy to the legate, to make amends and return the "ill-gotten" goods. In this way, the people were the victims of their public lords, who, moreover, took advantage of the public apparatus to restore order to matters

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<sup>62</sup> "spiegano le mosse necessarie a Bologna per uscire dalla scomunica" In MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo...* p. 276.

<sup>63</sup> ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 40v-42r. "in ipsa nomine Communis Bononie iurisdictionem plenissimam exercere".

<sup>64</sup> *Idem*. "revocari debeant et tolli totaliter auctoritate Consilii ducentorum sapientum asumptorum per antianos et consules ex vigore dicte reformationis Populi Bononie".



of their own free will<sup>65</sup>. Thus, they should have returned the disputed land to the Church, without harming the people of the commune and its economy. To follow this up, the legate was asked to lift the sentences of excommunication and all bans on the commune, the elders, the council and the people, so that the people would no longer be harmed<sup>66</sup>. Finally, to confirm the peace that had been restored, the council asked to return to the commune, to show once again its attachment to the Church, the link that had been restored and the peace that had been confirmed, for the good of the commune, the Church and the people. These three legal entities are therefore at the heart of the council's deliberations. The commune, seen as the place where people lived, but above all as the place where the economy was developed; the Church, seen as a means of obtaining favours and establishing its authority through a strong bond with it, which was contractualised by a lasting, written and celebrated peace, once again giving free rein to trade and business; and finally, the people, the origin and purpose of these deliberations. It is worth noting the vagueness that governs the use of the term "people"; it is not specified who the people are, but they are what must be defended against their very lords, podestates and captains, who must nevertheless be at their service<sup>67</sup>.

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<sup>65</sup> ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 40v-42r. In MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo*. Op. Cit., p. 327. "Item quod ad dominum Cardinalem ire debeant dominus potestas et dominus capitaneus et specialiter ex eo quia speciales processus videntur esse facti contra eos per dictum dominum Cardinalem, et debeant associari secundum quod videbitur eis et antianis et consulibus; et quod per predictos dominos et ambaxatores exponantur omnia et singula coram ipso domino Cardinali ad reconcillationem presentis negotii et per que placari possit animus et intentio dicti domini Cardinalis [...] ita quod Commune et Populus Bononie redeat in antiquam et consuetam gratiam et benevolentiam eiusdem. Et quod inter cetera coram eo proponatur quod Commune et Populus Bononie revocaverunt reformationes factas de presenti mense octubri super facto Medicine in totum et perinde dictas reformationes habeant et intelligant ac si facte non essent, et quod predictam revocationem predicti domini secum portare debeant".

<sup>66</sup> *Idem*. "Item quod placeat predicto domino Cardinali revocare omnes sententias excommunicationis et interdicti et quoscumque alios processus factos contra dominos potestatem capitaneum et eorum famillias, antianos et consules et contra Commune et Populum civitatis Bononie et generaliter omnes et singulos processus factos per eum predictis de causis et omnes iniurie sive violentie que diceretur esse facte per Commune vel Populum Bononie remittantur per dominum Cardinalem ita quod Comuni Bononie per predictam violentiam vel iniuriam in aliquo non preiudicetur".

<sup>67</sup> ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 40v-42r. In MENZINGER, Sara. *Giuristi e politica nei comuni di Popolo*. Op. Cit., p. 327: "Item quod rogetur dicto domino Cardinali quod eidem placeat redire ad civitatem Bononie ad hoc ut manifeste appareat Commune Bononie redivisse in gratiam domini Cardinali et romane ecclesiae et reconcillationem de predictis factam. Item quod cum de absolutione excommunicationis dominorum potestatis et capitanei et aliorum tractetur ad presens, consulunt dicti sapientes quod dictis dominis potestati capitaneo et ambaxatoribus ac sindaco et notario ituris Ymolam ad dominum Cardinalem provideatur de avere Communis Bononie per dominos antianos et consules ad eorum voluntatem et merum arbitrium. Super facto vero ambaxatorum destinandorum ad Curiam romanam providerunt ad presens supersederi debere et quod suo loco et tempore tractatus haberi debeat cum domino Cardinali et eius consilio ac etiam auxilio impetrato tunc predicta fiat ambaxiata. Item quod fiat et constituatur syndicus per Commune

These provisions were approved and sent to the papal councillor, who approved them. On 31 October, Bernard de Languissel sent a reply that was read before the council, "Consilio lecta fuit forma sindicatus data per dominum legatum"<sup>68</sup>. It provides a brief explanation of the embassy to the legate. A notary was sent to Bernard de Languissel to express the city's proposals with a single heart (*dicti Communis coram reverenda*<sup>69</sup>). This notary came and expressed the commune's requests with humility and devotion (*occasione petendi ab eo humiliter et devoto*<sup>70</sup>).

Once again, legal science was at work, and it was not even the council that had drafted the conditions that linked the legate's proposals, but rather the professors who were members of the *studium* of the law faculty at the University of Bologna, revealing the growing importance and urgency of finding a way out of the crisis. This *studium* approved the legate's requests and urged the members of the council to accept them, while acknowledging a few protests, especially regarding the rights to Medicina's lands, which the commune wanted to complete its expansion<sup>71</sup>. Apart from this clarification in the form of a protest, the commune accepted the legate's provisions, and in particular undertook to pay the "necessary deposit" to lift the excommunications.

However, this did not settle the matter once and for all, as on 8 December the podestate called a meeting of the People's Council and read out the resolutions that had been passed and sent to the legate. The People's Council protested that the document was too technical in legal terms and was astonished at the concessions made to expansion, through the taking of possession of Medicina's lands. The People's Council therefore asked, along with the podestate, for a careful legal review of the legate's requests and proposals, a review that lasted until the last council of 1284, on 29 December. The main criticism of the reform presented was the annulment of the

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Bononie, per Consilium VIIIc et Populi et etiam per Consilium Populi, qui syndicus vadat Ymolam et petat Commune Bononie extrahi de excommunicatione domino Legato ".

<sup>68</sup> ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 42v. In MENZINGER, Sara. Giuristi e politica nei comuni di Popolo. *Op. cit.*, p. 277.

<sup>69</sup> ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 45v-46r. In MENZINGER, Sara. Giuristi e politica nei comuni di Popolo. *Op. cit.*, p. 328.

<sup>70</sup> *Ibid.*

<sup>71</sup> ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 45v-46r. In MENZINGER, Sara. Giuristi e politica nei comuni di Popolo. *Op. Cit.*, p. 329, "non intendo renuntiare iuri si quod habet Commune Bononie in terra Medicine".

claims to the Medicina lands, which seemed to be in the spirit of the commune, which explains the postponements and trial and error that the registers show us<sup>72</sup> .

The register bears no trace of the legate accepting the requests and lifting the censures and sentences. However, we can assume that this was the case, since in 1286, Guillaume Durant, rector of Romagna, appointed by Martin IV and reappointed by Honorius IV, elected in April 1285, asked the Pope to revoke the absolution of the sentences of excommunication, on the grounds that Bologna had not ceased to indecently occupy the lands of Medicina, which it had not ceased to claim for itself<sup>73</sup> .

Aside from the excommunication affair with Bologna, the other major issue was Urbino's relentless resistance to the Pope. Despite all the prohibitions, the Pope and his legate were unable to bring the city to heel. The papal army was in a state of disrepair, and the letters ordering logistical and military aid to the neighbouring cities were not followed up with sufficient effect to change the situation. Martin IV seemed more preoccupied by this affair than anything else, and in early 1285 he even requested that, if the city of Urbino gave in, the agreement could not be signed and concluded by the legate without the express confirmation of the Sovereign Pontiff<sup>74</sup> ! Bernard de Languissel was thus limited, for the first time, in the broad faculties and powers that Martin IV himself had given him. In reality, this is a secret clause that gives a legal indication for the addressee alone, giving him the indication that the preceding letter will be valid and lawful only if, and only if, the secret clause is respected<sup>75</sup> .

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<sup>72</sup> ASB, Governo, Riformagioni e Provvisgioni, Serie cartacea, Registro 2, 52v. In MENZINGER, Sara. Giuristi e politica nei comuni di Popolo. *Op. Cit.*, p. 279: "Dominus potestas fecit congregari sapientes iuris quorum nomina inferius sunt descripta super providendo verba reformationis [...] que incipiunt "salvo iure etc." si preiudicant iura Communis Bononie nec ne, quod habet in terra Medicine".

<sup>73</sup> Honorius IV, no. 301. "Guillelmo Duranti, rectori Romaniolae, mandat quatinus commune Bononiense, quod terram Medecine, ad jus ecclesie Romane pertinentem, occupaverat ibique jurisdictionem exercere presumpserat, ab excommunicationis sententia absolvat; decernens preterea ut quotiens commune Bononiense predictam terram occupaverit, potestas et capitaneus et quivis officialis dicte civitatis excommunicationis vinculo sint innodati".

<sup>74</sup> Martin IV, no. 606. Ed. Rudolph. "Tenor cedulae in prefatis litteris intercluse. Ceterum scire te volumus, quod negotium Urbinatum adeo nobis cordi existit, quod, quantumcumque se dicant libere velle ad ecclesie ac nostra mandata redire, volumus, quod nobis tractatum habitum cum eisdem cum omnibus circumstantiis oportunis studeas intimare nec ad consumationem eius procedas, nisi prius super hiis tibi nostrum beneplacitum exprimamus".

<sup>75</sup> Martinus, and RUDOLPH, Gerald. *Das Kammerregister Papst Martins IV: Reg. Vat. 42*. Littera antiqua 14. Città del Vaticano: Scuola Vaticana di Paleografia, Diplomatica e Archivistica, 2007. p. XXVI. XXVI: "Nach Nr. 606 wird ein Brief mit den Worten eingeleitet: "Tenor cedulae in prefatis litteris intercluse". Auch hier handelt es sich also um eine "littera clausa", was sich durch ihren geheimen Inhalt erklärt, der nur für den Adressaten bestimmt ist".

The resolution seems not to have worked, as the commune of Urbino must have expressed reservations, since in a letter dated 11 March 1285, the Pope ordered several neighbouring towns, or even towns in the contado of Urbino (Jesi, Fano, Senigallia, Cagli, Pesaro, Fossombrone), to raise men and join the army raised by the legate, Bernard de Languissel, to fight the latter. He also stipulated that the men raised should be able to come with the appropriate weaponry<sup>76</sup>. This request was made by the legate (*suas litteras intimavit*) and shows the legate's impatience with the repeated misfortunes of the pontifical army that had previously been put in place, made up mainly of French mercenaries, who were quite poorly off. But it was above all the legate's impatience with Urbino's stubborn resistance that prompted his request.

This time the efforts seemed to have been successful. Urbino submitted, perhaps as a result of Bernard de Languissel's numerous efforts, but above all because Guido de Montefeltro accepted the Pope's insistence and the beginnings of a change of heart on the part of the Ghibellines, who were increasingly isolated in Romagna, which had been the main focus of Martin IV's pontificate. On his death, Honorius IV became pope and received the submission of the Count of Montefeltro, as well as that of Urbino, from his contado. The Pope asked Guido de Montefeltro to leave two of his sons to the Pope, which he agreed to do<sup>77</sup>. Urbino was one of the cities that surrendered and returned to reverence for the Church in a diplomatic and political manner. Other cities were less fortunate, such as Forlì, which, after resisting and being the scene of a Ghibelline victory, was defeated. However, Jean d'Eppe did not take kindly to this. "He took other towns by storm, starting with Forlì, whose walls were razed to the ground."<sup>78</sup>

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<sup>76</sup> Martin IV, no. 608. Ed. Rudolph. "quatinus provide attendentes, quod, si dictorum rebellium fuerit edomata superbia et malitia conculcata, vobis et aliis fidelibus ipsarum partium proculdubio pacis comodum procuratur, sic vos potenter et viriliter accingatis ad dictum exercitum decenter muniti equis et armis predicto termino accessuri, quod vestro et aliorum fidelium studio operante ipsorum hostium in brevi".

<sup>77</sup> VILLANI, Giovanni. *Nueva cronica*, VIII, 108. "Negli anni di Cristo MCCLXXXV, essendo papa Onorio quarto de' Savelli di Roma, il conte Guido da Montefeltro, il quale più tempo avea tenuta occupata la provincia di Romagna, sì come tiranno contro alla Chiesa di Roma in parte ghibellina, ove grandissimo spargimento di sangue era fatto, come in parte è fatta menzione adietro, e innumerabile spoglio di moneta per la Chiesa di Roma, e per gli Fiorentini e Bolognesi in servizio della Chiesa, e già perduta per lo detto conte da Montefeltro la città di Faenza e quella di Cervia, e rendute alle comandamenta della Chiesa, il detto conte Guido con patti ordinati venne a' comandamenti del detto papa, He lost them, and sent them to the confines of Piedmont, and took two of his children as guests, made all of Romagna part of the sacred Church, and sent the father for Count Guglielmo Durante of Proenza".

<sup>78</sup> RUNCIMAN, Steven. *Les vèpres siciliennes: une histoire du monde méditerranéen à la fin du XIIIe siècle*. Paris: Belles lettres, 2008. p. 230.

At the end of this focus on the legation in Romagna, and specifically in Bologna and Urbino, we see a contrasting political face of the papacy. The temporal claims it made were based on an understanding of the universal power that the Church had wielded for nearly five centuries. However, it was this same temporal desire for a patrimony to be transformed into a kingdom that was to be the turning point. The devastating political effectiveness of papal diplomacy in these years, thanks to the primarily economic means at its disposal, should be compared with the almost mathematical oscillations of military action. These were more the result of the audacity of a well-trained leader and seasoned, fit mercenaries than of a long-term vision of the usefulness of war in politics, as Machiavelli would formulate it a few centuries later.

It was this element of a kingdom's policy that the Papacy failed to put into perspective and set against its prodigious diplomatic strength, and therein lay the problem. The trials and tribulations of the military campaigns of the Papal army, led by noblemen of noble values who had a precise idea of war and had experienced it, but who were unable to find the solid constitution and hierarchy of a royal army. The culmination of these problems was, of course, the episode at Forlì and Urbino. In Forlì, the Papal army was surprised and driven out of an area it had only just begun to control. Above all, in Urbino, where the army, tired of war, was unable to reconsolidate in the face of an *apathetic* political landscape, where no podestà or even captain of the people was able to invest anyone from his city or commune to help the papal army, even though diplomacy had made it possible to resume and consolidate new alliances with the Apostolic See, stronger and deeper - with the use of changes to statutes, sometimes minimal, but always legally precise. So it wasn't diplomacy that broke down, but politics and the pontifical desire for a kingdom.

The territory of this dream kingdom could no longer withstand these torments. Money itself did nothing to help, as the Papacy had spent considerable sums to alleviate the army's problems with pay, supplies and logistics. It was only the audacity and temerity of diplomacy that achieved what weapons could not: the unconditional surrender and humble return, like the

prodigal son<sup>79</sup>, to the *maternal womb (gremium)*<sup>80</sup> of the Church. So it was only thanks to Bernard de Languissel's vigorous, patient and docile legation that a number of cities were brought to their knees and returned to the Church. This is the sense and understanding of the inhabitants and wise men of Bologna, who, even after more than five months of indecision and procrastination that seem to us like legal *dotage*, recognised the authority of the legate, the Pope's right-hand man, and came to him with *humility and devotion* to bring the communal decisions. It is also because, even beyond the spiritual aspect, the Commune of Bologna, like all communes, fears the harmful consequences of ecclesiastical sentences and sanctions on the economy. Like the modern embargo feared and dreaded by every country in dispute, spiritual sanctions, paradoxically at their origin, have more effect on the temporal administration of a city than on its spiritual administration. This demonstrates the *oligarchic* power of the Church and its financial heritage. Beyond this, and more ardently, it is the effectiveness of the control over the spiritual and temporal goods of the Church that needs to be emphasised. It is this control that enables the Church to assert its authority and territorial autonomy when temporal policy does not follow its wishes. It is therefore an important part of the legation's work, more underground and less grandiloquent, that we need to explore in the last years of Bernard de Languissel's legation.

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<sup>79</sup> Luke, 15, 21-24. "The son said to him, "Father, I have sinned against heaven and against you. I am no longer worthy to be called your son." But the father said to his servants, "Quickly, bring the best garment to clothe him in, put a ring on his finger and sandals on his feet, go and get the fatted calf, kill it, let us eat and feast, for my son whom I see was dead, and he has come back to life; he was lost, and he has been found." And they began to feast".

<sup>80</sup> This is the meaning of Martin IV's letter to Bernard de Languissel on the subject of Bologna. "Romana mater Ecclesia pietatis ubertate fecunda et minime misericordie non oblita sic erga filios materne dilectionis effundit et dilatat affectum quod studio materno revocans oberrantes ab invio illos ad gratie sue gremium non spernit admittere" *see above*.



### III/ The last years of service.

*"Item, eodem millesimo, rex Karolus de Neapoli ivit Burdegalas, credens committere bellum cum Petro rege Aragonie et cum centum ex utraque parte militibus, sicut ambo reges iuramento firmaverant. Sed predictum prelium minime factum fuit, quia rex Aragonie vitavit illud. Debebat autem fieri bellum predictum occasione Sicilie, quam intraverat Petrus rex Aragonie, et occupaverat eam cum exercitu suo, siquidem papa Nicholaus III dederat eam sibi in odium regis Karuli cum consensu aliquorum cardinalium qui tunc erant in curia, et ipse Petrus rex Aragonie ex alia parte credebat se aliquid in ea iuris habere, quia Manfredi principis gener fuerat. Karulus vero frater regis Francie habuerat eam prius datam sibi ab Urbano papa quarto, eo quod contra Manfredum filium Friderici imperatoris depositi Ecclesie dedisset succursum "<sup>1</sup> .*

With great acuity, Salimbene de Adam sketches the beginnings of a portrait of the events that took place in Sicily at the end of the 13th century. After successively defeating Manfred at Benevento in 1266 and Conradin at Tagliacozzo in 1268, Charles of Anjou rightly believed himself to be the victor over the Hohenstaufen family, the victor and sole master of Sicily and the kingdom attached to it. However, as Salimbene notes, confusion arose when Peter III of Aragon (1239-1285) claimed the crown of the kingdom of Sicily, justifying his marriage to Constance of Hohenstaufen (1248-1302), Manfred's daughter.

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<sup>1</sup> ADAM, salimbene de, *Cronica*, a cura di G. Scalia, Turnhout, Brepols, 1998-1999 (Corpus Christianorum. Continuatio Mediaevalis 125-125A).p. 757. ("In the same year, King Charles went from Naples to Bordeaux, thinking of fighting Peter, King of Aragon, with a hundred knights on each side, as the two kings had sworn to do. But the battle did not take place because the King of Aragon evaded it. This battle should have taken place because of Sicily, which King Peter of Aragon had entered with his army and occupied; Pope Nicholas III had given it to him out of hatred for King Charles, with the consent of some cardinals who were then in the Curia; for his part, Peter the King of Aragon believed himself to have rights over this country because he had been Prince Manfred's son-in-law. Charles, the brother of the King of France, had previously received Sicily from Pope Urban IV because he had helped the Church against Manfred, the son of the deposed Emperor Frederick" In ADAM, Salimbene de. *Chronicle*. Traduction, introduction et notes sous la direction de Gisèle Besson et Michèle Brossard-Dandré d'après l'édition du texte latin de Giuseppe Scalia ; préface de Jean-Claude Schmitt, Paris, Honoré Champion, 2016,p. 923).



Indeed, this request was justified, but Charles of Anjou, always with the help of the popes, had managed to keep Sicily for himself. The Papacy wanted to keep it that way at all costs, in order to have an ally and above all to avoid unrest in the south of Italy, concentrating on the north and its agitated communes. However, in 1282, the famous *Sicilian Vespers took place*, undermining Angevin authority in Sicily and showing the lack of consideration with which Charles d'Anjou ran his kingdom. These events were not viewed favourably by the papacy. It therefore decided to help Charles d'Anjou. The Papacy stated that "the war against Peter, the Sicilian rebels and anyone who came to their aid would be considered a crusade and that the participants would benefit from the privileges granted to those who fought the infidels in the Holy Land"<sup>2</sup>. This was an acknowledgement of the importance the Papacy attached to this problem of succession and revolt. However, this was of little use; in fact, Peter III of Aragon embarked on a stealthy expedition to take control of this territory. He succeeded, so much so that, "On 30 August, while Charles of Anjou was attempting to retake Messina, Peter III landed at Trapani with his army. Five days later, he was proclaimed King of Sicily in Palermo"<sup>3</sup>.

In the turmoil that these events were to engender, there is one that interests our study: the case of Venice. In this case, it was purely economic interests that came into play.

Michael Palaeologus, the Byzantine emperor, did not look kindly on Charles d'Anjou's expansion into his territory and the way in which he was monopolising part of the economic flow through the advantages he derived from his geographical position on the Mediterranean waterways and his trade with the shores of Africa and the Near East. The Byzantine emperor therefore supported the Sicilian revolt, for which he was sanctioned by Pope Martin IV<sup>4</sup>. At the same time, another person was condemned by the Pope for his attachment to the Aragonese camp: Conrad of Antioch, who was close to Conradin and one of his "main supporters, [...] Count of Alba, Celano, Loreto and Abruzzo"<sup>5</sup>. The pope's letter condemning him links his actions in the *Vespers* affair to his actions and misdeeds in Conradin's time<sup>6</sup>.

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<sup>2</sup> RUNCIMAN, Steven. *Les vèpres siciliennes: une histoire du monde méditerranéen à la fin du XIIIe siècle*. Paris: Belles lettres, 2008. p. 229.

<sup>3</sup> THERY, Julien. *Les Vèpres Siciliennes*, in *Trente nuits qui ont fait l'histoire*, Paris: Belin, 2014, p. 101.

<sup>4</sup> Martin IV, no. 269.

<sup>5</sup> JORDAN, Edouard. *Un diplôme inédit de Conradin*. In: *Mélanges d'archéologie et d'histoire*, volume 14, 1894. p. 451. ([www.persee.fr/doc/mefr\\_0223-4874\\_1894\\_num\\_14\\_1\\_6802](http://www.persee.fr/doc/mefr_0223-4874_1894_num_14_1_6802)).

<sup>6</sup> Martin IV, no. 277. "Dudum nobilis vir Conradus de Antiochia, sicut ipsius habet confessio, testibus et testimonio publice scripture firmata, graviter Romanam Ecclesiam et carissimum in Christo filium nostrum Carolum Sicilie

All these people followed the King of Aragon, Peter III. So when the latter was excommunicated and sentences were passed, the pope included both Peter III of Aragon and his allies, even those who had merely supported him with their words<sup>7</sup>. Martin IV condemned the Venetian dignitaries ("duci Venetorum et Venetis"<sup>8</sup>) from trading, as they had always resented the growing role of the Kingdom of Sicily in the maritime economy. This sentence was all the harsher because it was the result of a dark affair. To help Charles d'Anjou in his war, his crusade against Peter III of Aragon and the Sicilian insurgents, the Pope had asked Venice to charter ships to transport troops, ships and crews paid for by the Pope, who had then collected a large quantity of donations from all or almost all the Western kingdoms<sup>9</sup>. However, Venice refused to "hire out any more galleys"<sup>10</sup>, and Martin IV was obliged to ask Bernard de Languissel to build up the reserves and crews for 50 ships himself<sup>11</sup>, in April 1284. In this way, Giovanni Dandolo, "Venetorum ducis, inobedientie filii", compromised himself and drew down the papal wrath upon himself, which did not prevent the pope, faced with the complications brought about by this change of heart, from accepting that the crews could be made up of

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regem illustrem offendit, ejusdem Ecclesie inhibitionibus, comminationibus aliisque processibus omnino contemptis, adherendo quondam Conradino nepoti dudum Frederici, olim Romanorum imperatoris, et veniendo cum ipso ad prelium contra regem eundem, in quo idem Conradus de Antiochia captus fuit per gentem regis ejusdem et sic morti expositus, quod nisi felicitis recordationis Clemens papa quartus, predecessor noster, prefatum regem rogavisset instantissime pro ipsius vita salvanda, idem Conradus decapitationis periculum subiisset".

<sup>7</sup> Martin IV, no. 571. "Excitate in insula Sicilie turbationis audacia, cui Panormitanorum effrenata temeritas, quin potius efferata crudelitas, patens et horrendum dedit initium, quamque reliquorum Siculorum generalis rebellio, quasi e vestigio revelata una cum illis, prosecuta est hactenus et adhuc pertinacia obstinata prosequitur, in apostolice sedis deducta notitiam nos, ad obstandum multiplicium malorum initiis que, non absque gravibus periculis animarum et corporum, turbatio eadem in sui exordio minabatur et, **proh dolor!** in continuatione presentat".

<sup>8</sup> *Ibidem.* ", tot excommunicationum sententiis innodatis, universis et singulis Christifidelibus, et specialiter duci Venetorum et Venetis, potestatibus, capitaneis, consiliariis Januensis, Pisane, Anconitane, omniumque maritimarum civitatum, castrorum et locorum, necnon et universitatibus eorumdem et singulis de ipsis universitatibus interdiximus commercium omne spontaneum".

<sup>9</sup> Martin IV, no. 434-452. Ed. Rudolph. In these letters, the account gives no less than 56,000 livres and 30,000 marcs of silver! Including £22,300 from a Siennese company.

<sup>10</sup> RUNCIMAN, Steven. *The Sicilian Vespers. Op. cit.* p. 230.

<sup>11</sup> Martin IV, no. 459. Ed. Rudolph. "Venetorum ducis, inobedientie filii, et quorundam sibi faventium malitia faciente millea galee conducatis pro dilecto filio, nobili viro Carolo, principe Salernitan., possunt haberi Venetiis, quamvis venerabilem fratrem nostrum B. Portuen., apostolice sedis legatum, illuc propter hoc specialiter duxerimus destinandum, sicut dilectus filius, nobilis vir Johannes de Genvilla, quem idem princeps cum nonnullis aliis suis nuntiis ad civitatem Venitiarum pro certis galeis conducendis inibi destinavit, nobis in nostra pridem constitutus presentia retulit oraculo vive vocis. Quia vero prefatus Johannes asseruit, quod in partibus illis homines ydonei et experti ad armandum viginti galeas poterant inveniri, nos ad promotionem negotii solliciti intendentes eidem legato tunc Venetiis existenti quinque milia unciarum auri, cum fuisset nobis ab eodem principe humiliter supplicatum, ut longe maiorem summam pecunie pro galeis mitteremus eisdem, per certos socios mercatorum camere nostre transmisimus convertenda per eum in stipendia hominum predictorum".

inhabitants of the city of Veneto. In a letter dated 21 August 1284, Martin IV authorised Bernard de Languissel to do just that<sup>12</sup>, in order to help Charles of Salerno, son of Charles of Anjou and a friend of Bernard de Languissel (it was he, it will be recalled, who had invited him to spend the feast of the Purification of the Virgin in Salerno<sup>13</sup>). Above all, the letter mentions a new expenditure of money in favour of the house of Anjou<sup>14</sup>, money that came from the same Siennese who had already made a substantial financial contribution (one cannot help but see in this a deliberate desire on the part of the Siennese to regain papal affection, giving them a new importance and control over maritime transport, once the Pope's affection had been regained and Venice condemned).

In addition to the sentences, sanctions and prohibitions affecting Venice, Salimbene de Adam wanted to show us that the pope was in the right and that heaven, i.e. God himself, was on his side as well as that of the Angevin house. In one part of his *cronica*, he demonstrates that the pope is master of the elements and of time, aided by God who supports him through the intermediary of nature, which is unleashed against the impious faithful who dare to turn away from him and break their oath:

***"Et tunc in Venetiis facte sunt inundationes magne maris et fluctuum, quales non fuerunt, ut dicunt antiqui, ex quo civitas illa fundata fuit, que fundata est super aquas, usque ad dies nostros. Et submerse sunt naves, et necati sunt homines, et mercationes que in solariis domorum non er[ant] penitus sunt destructe. Simile infortunium fuit in civita[te] Clugina, que est in lacunis maris, ubi fit sal. Et dicebat [car]dinalis Romane curie dominus Bernardus legatus, qui in Bononia habit[a]bat, quod ideo accidit hoc infortunium Venetis, quia excommunica[ti] erant ab eo, pro eo quod contra***

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<sup>12</sup> Martin IV, no. 505. Ed. Rudolph. "pro defensione ac regni custodia fecimus mutuari, quinque milia unciari auri expendenda de mandato tuo apud Venetias pro stipendiariis peditibus conducendis ad muniendum quasdam galeas et quedam alia vasa marina, que dictus princeps contra rebelles sículos preparari fecerat".

<sup>13</sup> Cf. p. 129-130.

<sup>14</sup> Martin IV, no. 505. Ed. Rudolph. "de mandato nostro tibi fuerint assignata ac de dicta quantitate quinque milium unciarum tria milia sexcentos quinquaginta Floren. auri per dilectum filium Thuram Bonamiki de societate Bonaventure Bernardini et filiorum Bonsignoris de Senis, mercatorem, nostre camere feceris assignari, nos pro cautela tua in testimonium solutionis huiusmodi presentes litteras bulla nostra munitas tibi duximus concedendas".

*Petrum Aragónum regi Karu[lo] succursum dare nolebant, cum de voluntate Martini pape proc[ederet]*"<sup>15</sup> .

"What the Pope wants, God wants", we might say, in the light of this account. It refers to the confidence with which the Pope and his allies viewed this *crusade* against Peter III of Aragon. Charles d'Anjou suffered several setbacks, particularly at sea, where, despite the financial and human efforts of the Papacy, he was unable to hold his positions and garrisons all around the Mediterranean. He then sent his son, Charles of Salerno, with ships equipped and prepared by Bernard de Languissel, to regain the advantage and above all to relieve the garrisons on the shores of Africa, the Near East and Malta, a strategic island, crossroads and resting place during sea crossings. The expedition was a disaster, almost all the ships were destroyed and the Aragonese fleet could proudly return to Sicily and head for Naples to establish garrisons.<sup>16</sup>

In 1285, the two opponents were unable to continue for much longer, firstly for financial reasons and secondly following the death of Peter III of Aragon in November. Charles of Anjou, for his part, died in January, leaving his son to succeed him, albeit with the limitation that he still held only the peninsular part, thus named the Kingdom of Naples. Sicily and part of southern Italy remained in the hands of the House of Aragon. The son of Peter III of Aragon, James II (1285-1295), was crowned King of Sicily in November 1285. To counterbalance this, just before, in September, Pope Honorius IV sent a letter in which he made provisions concerning the kingdom of Sicily, taking care to keep the definition of this kingdom vague. In effect, he was attempting conciliation, after the failures of both parties and the swallowing up by the Papacy of an immense part of its resources, mainly financial.

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<sup>15</sup> ADAM, salimbene de. *Cronica*, a cura di G. Scalia, Turnhout, Brepols, 1998-1999 (Corpus Christianorum. Continuatio Mediaevalis 125-125A).p. 799. ("There were then in Venice heavy floods caused by the sea and by the rivers, such as, according to the ancients, there had never been until our days, since the foundation of the city which was built on the waters. Ships were swallowed up, men were killed, and goods that were not upstairs in the houses were completely destroyed. The same misfortune struck the city of Chioggia, which lies in the lagoons of the sea where salt is made. Monsignor Bernard, cardinal of the Roman Curia and legate, who lived in Bologna, said that this misfortune befell the Venetians because they had been excommunicated by him for not having wanted to help King Charles against Peter of Aragon, when this was what Pope Martin wanted" In ADAM, salimbene de. *Chronicle*. Traduction, introduction et notes sous la direction de Gisèle Besson et Michèle Brossard-Dandré d'après l'édition du texte latin de Giuseppe Scalia ; préface de Jean-Claude Schmitt, Paris, Honoré Champion, 2016,p. 968).

<sup>16</sup> Bartholomaei de Neocastro. *Historia Sicula*, a cura di Giuseppe Paladino In *Rerum Italicarum Scriptores*, Tomo XIII/III, Bologna, Nicola Zanichelli, 1921-1922, XXVI,p. 55-57. "Cap. LXXVI. *De galeis Provincialium captis apud Maltam*". (<https://archive.org/details/p3rerumitalicarums13card/page/56/mode/2up>).

*"Justitia et pax complexe sunt se ita societate indissolubili sociate"*<sup>17</sup>.

This is the exordium of this letter, in the form of the constitution *Ad perpetuam rei memoriam*. The importance of this letter is decisive in our study of the attempts to establish a pontifical monarchy. Aragon can claim this title mainly for its *Reconquista*, its fight to safeguard a territory. Anjou can also boast this title, Charles d'Anjou being the brother of Louis IX, the *Most Christian King*. However, the Church could not even command obedience and respect in the political arena. As a result, 1285 ended in a failure that would not be felt and understood until many years later. It was only the coronation of Charles d'Anjou's son, Charles II, in May 1289 that gave the Pope power over Sicily and the House of Anjou once again in temporal terms. "The King of Sicily had to recognise the suzerainty of the Pope and submit as a faithful vassal to all the prescriptions laid down by the Pontiff"<sup>18</sup>. The coronation took place in Rieti, in accordance with the ceremonial, and Bernard de Languissel, along with three other cardinals and Pope Nicholas IV, waited for Charles II inside the church<sup>19</sup>. Bernard de Languissel, in his capacity as Cardinal of Porto, said the oration that opened the Mass of coronation *Deus inenarrabilis auctor mundi*<sup>20</sup>, which, surprisingly, was an oration used in the imperial consecration as it came from a Frankish prayer<sup>21</sup>.

Despite this, the days of grand and impressive legations are over. The Papacy, having committed more of its own money than anyone else, had to get back on its feet. Bernard de Languissel therefore returned to more humble tasks relating solely to ecclesiastical government, such as disputes concerning the election of priors and bishops<sup>22</sup>, and he was also cited in cases concerning the designation of beneficiaries of vacant prebends and provisions<sup>23</sup>. He was still legate, however, and continued to be involved, albeit from a distance, in Lombardy and

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<sup>17</sup> Honorius IV, no. 096.

<sup>18</sup> LABANDE Léon-Honoré. *Jacques Cagéstan's Roman ceremonial. The historical data it contains*. In: Bibliothèque de l'école des chartes. 1893, volume 54. P. 71.

<sup>19</sup> *Ibidem*, p. 72 ("ante introitum chori, ubi episcopi Ostiensis, Portuensis et Tusculanensis vice Albanensis susceperunt eum").

<sup>20</sup> "Deus inenarrabilis auctor mundi, conditor generis humani, gubernator imperii, confirmator regni, qui ex utero fidelis amici tui patriarchæ nostri Abrahæ præelegisti regem sæculi prosuturum, tu præsentem Regem hunc N. cum exercitu suo per intercessionem omnium Sanctorum uberi benedictione locupleta [...]". In GODEFROY, Théodore. *Le cérémonial françois*, S. et G. Cramoisy, Paris, 1649, t.1, p. 60).

<sup>21</sup> Folz Robert. On a controversial text. Le rituel du sacre impérial dit Cencius II. In: *Cahiers de civilisation médiévale*, 3e année (n°11), Juillet-septembre 1960. p. 289.

<sup>22</sup> Honorius IV, n° 09 - 140 - 252 - 321 - 605. Nicholas IV, n° 027 - 037 - 051.

<sup>23</sup> Honorius IV, no. 659 - 700 - 727.

especially Romagna. Thus, as early as July 1285, taking note of the pleas of the bishops of Siena and Arezzo, Bernard de Languissel supported the request for an apostolic suspension concerning the bans on the inhabitants of Arezzo<sup>24</sup>.

In the part of Romagna that occupied him during his legation, Urbino and Bologna, he was always kept informed of matters relating to these areas.

In August 1288, under the pontificate of Nicholas IV, the bishops of Imola and Faenza asked the pope to absolve the inhabitants of Bologna from the ecclesiastical censures and legal prohibitions concerning the Medicina lands they coveted, arguing that the inhabitants, captains, elders and members of the council had followed the requests for peace made by the papacy in the person of Bernard de Languissel, and that the time had come to take back these rights<sup>25</sup>. The matter, as we have seen, is not the simplest, and above all this type of concession was not made without taking into account what was being lost. In this case, these lands, like others belonging to the privileged patrimony of Saint Peter, were a precious asset at a time when the Church's finances were just recovering from the *crusade* against Peter III of Aragon. As a result, the affair dragged on and in March 1289, a new letter on the subject of the same dispute was sent, again to the same bishops of Imola and Faenza, which was less exhaustive about the reasons given by the inhabitants, wise men and captains of Bologna. On the other hand, it was more explicit on the papal side, warning of new ecclesiastical sentences and a new excommunication against all those who attacked Medicina's lands<sup>26</sup>.

Apart from that, Bernard de Languissel returned to his former offices as *auditor* to the Apostolic Chamber. Finally, we need to take a closer look at one aspect of Bernard de Languissel's life: his cardinalate. In fact, he was papal legate in Romagna, Veneto and Lombardy, travelled extensively and spent countless hours in the service of the papacy. However, he had a cardinal's see and therefore personal affairs and a bishopric to run.

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<sup>24</sup> Honorius IV, n° 562: "Interdicta in civitatem Aretinam per Aretinum et Senensem episcopos promulgata usque ad terminum festivitatis Omnium Sanctorum suspendit".

<sup>25</sup> Nicolas IV, n° 616. "statuerunt quod ipse potestas in terra Medicine, que ad jus et proprietatem ejusdem ecclesie pertinere dinoscitur, et in cujus possessione vel quasi pacifica tunc predicta ecclesia existerat, potestatis officium dicti communis nomine per certi temporis spatium exercet, quodque tempore ipso finito, potestas et officiales alii per dictum commune inibi ponerentur, qui terram ipsam ejusdem communis nomine gubernarent, ac ex tunc predicta terra sub jurisdictione omnimoda et protectione communis existeret memorati. Unde venerabilis frater noster B[ernardus], episcopus Portuensis, tunc in illis partibus legationis fungens officio".

<sup>26</sup> Nicolas IV, no. 715: "Novam excommunicationis sententiam in cives Bononienses qui quid contra terram Medicinae attemptarint".

This kind of investigation is rarely successful, unless manuscripts containing letters not recorded in the popes' registers are found. But it is possible, based on the content of certain papal letters, to sketch a portrait of his episcopal occupations.

In 1287, a case concerning reforms requested because of serious faults between two eremitical orders, tells us that this was done by order of Bernard de Languissel, who himself had asked the various complainants to come and explain themselves, through the intermediary of a cleric from Béziers, canonist and chaplain to the pope, Béranger Frédo<sup>27</sup>.

This character's life in the service of the Church was one of the most conventional, accumulating titles, provisions, prebends ...

*"Cardinal Bernard de Languissel, who seems to have been Béranger Frédo's patron, died in 1291. The situation of our canonist was then very brilliant. He held the following benefices, offices and hopes: archdeaconry of Corbières, prebend in Narbonne, office of sous-chantre and canonry in the cathedral church of Béziers, two other canonries in the dioceses of Béziers and Maguelone, and a canonry in expectation in the church of Amiens. At the same time, he enjoyed several pensions and tithes"<sup>28</sup>.*

Another person known to us from the letters is Bernard de Bruyère, who we only know to be "capellano venerabilis fratris nostri B[ernardi], episcopi Portuensis"<sup>29</sup>. The last name mentioned in the letters is that of Raymond de Vadabla, a priest from the diocese of Agde, and "capellanus et familiari"<sup>30</sup>, which enabled him to have a vacant prebend, once again through the intermediary of Bernard de Languissel. Let us say straight away that these are the only names we can cite, as they stand, as familiars in the service of Bernard de Languissel. Others are known to us but for a different reason, they are members of his family.

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<sup>27</sup> Honorius IV, n° 729. "dilecto filio magistro Berengario Freduli, succentori ecclesie Biterrensis, capellano nostro, per litteras suas injunxit ut personaliter accedens ad locum; [...] **tunc de ipsius legati familia existente**".

<sup>28</sup> VIOLLET, Paul. *Béranger Frédo*. In Langlois, Charles-Victor. *Literary History of France*. Suite du XIVe siècle. Tome 34. AIBL, Paris, 1915.p. 67. (<https://gallica.bnf.fr/ark:/12148/bpt6k6270109p/f91.item>).

<sup>29</sup> Nicolas IV, no. 1376.

<sup>30</sup> Nicholas IV, no. 3434. "Raymundo de Vadabla, canonico ecclesie Agathensis, consideratione B[ernardi], episcopi Portuensis, cujus hic capellanus et familiaris est".

One of these was Bernard de Languissel, who, in a letter dated April 1287, was appointed to fill a vacancy in the diocese of Aix-en-Provence, where he was a priest as well as the Pope's chaplain, and a first cousin of Bernard de Languissel, legate. It was on the latter's favour that he was granted this office<sup>31</sup>.

It is remarkable that these names are given to us in letters granting benefits from the last years of Bernard de Languissel's life. We are not saying that he felt his death was coming, but that, considering his services to the papacy and his age, he wanted to thank his close collaborators in a way that was quite common.

The only document we have that refers explicitly to the cardinal's see is a letter dated November 1286, concerning the care to be given to the Church of Saint Praxedes<sup>32</sup>, which the Pope gave to Bernard de Languissel to direct, in addition to Porto and Santa Rufina. The aim is to obtain help in organising the episcopal part of the cardinal's title, in terms of both day-to-day management and training, in order to keep this church healthy and free from faults<sup>33</sup>. This type of document can be understood above all by the extended absences of the local bishop, the cardinal, who was busy with his legation. Once again, this is an honorary title.

In essence, this is all the information we have on the administration and composition of Bernard de Languissel's cardinalate. This meagre information, apart from confirming the scant documentation we have, reveals the objectives of cardinal titles: a prestigious honorary title, giving certain benefits to thank a person and encourage him to do more and more in the service of the papacy.

Bernard de Languissel died on 19 September 1290 in Orvieto, where the pope and the curia resided. He was buried in front of the main altar, in the Franciscan church, Saint Francis of

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<sup>31</sup> Nicolas IV, no. 812: "Petitio dilecti filii **Bernardi de Laguscello**, capellani nostri, canonici ecclesie Aquensis, nobis exhibita continebat quod nos dudum, personam suam, meritorum suorum obtentu, et contemplatione venerabilis fratris **nostri B[ernardi], episcopi Portuensis**, cujus idem capellanus **consobrinus** existit, prerogativa favoris et gratie prosequentes".

<sup>32</sup> B[ernardo], episcopo Portuensi, ecclesie Sancte Praxedis de Urbe, que titulus cardinalatus existit, curam et regimen committit, donec ordinata fuerit de proprio cardinali. In eundem modum abbati et capitulo ecclesie Sancte Praxedis de Urbe mandat quatinus eidem episcopo intendere studeant".

<sup>33</sup> ASV, Reg. Vat. 43, no. 45, fol. 209. "Officii nostri debitum exigit ut de statu ecclesie sancte praxedis de Urbe qui titulus Cardinalatus existit benigne Sollicitudinis studio cogitemus ut Rectoris providi fulta presidio preservetur a noxiis Et spiritalibus ac temporalibus profici sit incrementis de tua itaque circumspectione provida et providentia circumspecta plenam in domino fiduciam obtinentes ac volentes ut ecclesia eadem auxilio gaudeat defensoris fraternitati tue curam et regimen".



Orvieto<sup>34</sup> ; this is a notable exception (as only two cardinals, including Bernard de Languissel, had the privilege of being buried in the Franciscan chapter house). Another singularity is Bernard de Languissel's will. Unlike other 13th-century cardinals, his will was nuncupative, i.e. made orally before witnesses. The witnesses were Bertrand and André de Languissel, Bernard's brothers and bishops of Avignon and Nîmes respectively<sup>35</sup> . In addition to this, the will was not made before an apostolic notary - which would have been the most obvious, sitting in the curia - but before a notary public, *Pietro drogollus di Arles*. Until the 18th century, the notarial original of the dictated will was in the archives of the Abbey of the Benedictine nuns of St-Sauveur-de-la-font<sup>36</sup> . However, the cartulary and other archives have disappeared and the will has therefore been lost for the time being<sup>37</sup> .

*Apostolice sedis legato*. So that's what Bernard de Languissel, cardinal and papal legate, did.

Between his training as a *juris civilis* and his death, he spent many years in the service of the papacy. His training in civil law was part of the university boom in civil law in the thirteenth century, when legal science was taking off to build the French monarchy. The fact that the future Clement IV was also a jurist was undoubtedly behind his accession to the curia. But then, it was his talent that enabled him to attain the title of Cardinal-Bishop of Porto-Santa Rufina. From the few documents we have been able to study, it is clear that he had a particular way of handling the affairs assigned to him. During his time at the archbishopric of Arles, we were able to study, in particular, the confirmation, election and oath of loyalty of the future bishop of Carpentras, whose rather singular oath of loyalty shows the care he took over the affairs of his province.

In his early days in the curia, he held the usual posts of *auditor* and notary, positions in which he proved himself competent and appreciated, and it wasn't long before Pope Martin IV created him a cardinal, giving him the letters appointing him legate of the apostolic see in Lombardy

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<sup>34</sup> MORVAN, Haude. *la politique funéraire des frères prêcheurs et mineurs au XIIIe siècle : réflexions autour des sources normatives*. Rivista di storia della Chiesa in Italia, Vita e Pensiero, 2014, 68 (1), p. 31.

<sup>35</sup> PARAVICINI BAGLIANI, Agostino. *I Testamenti Dei Cardinali Del Duecento*. Miscellanea Della Società Romana Di Storia Patria 25. Roma: Presso La Società Alla Biblioteca Vallicelliana, 1980. p. 47.

<sup>36</sup> *Idem*.

<sup>37</sup> "As for the cartulary of the monastery of Saint-Sauveur-de-la-Font cited by E. Germer-Durand under the heading of the Archives du Gard in his list of manuscript sources (p. XXXII), I have not been able to find a match for it in the current collection of this establishment. In particular, it seems difficult to find one of the two lièves de cens from the 14th and 15th centuries (Arch. dép. Gard, H 676 et 677): there is therefore a problem here" In Venturini, Alain. "Les cartulaires des anciens évêchés D'Uzès et de Nîmes". Le Blévec, Daniel. Les Cartulaires méridionaux. Paris: Publications de l'École nationale des chartes, 2006, n. 36.

and Romagna as a welcome gift. He was already familiar with these territories, having had the opportunity, as a simple chaplain to Clement IV, to perform a number of services for the latter. He therefore had a good knowledge of political intrigues, and was particularly familiar with the son of Charles of Anjou, between the imperial and papal parties.

His great legation in Romagna, in Bologna, is a model of its kind, and, thanks to the documentation at our disposal, we have been able to follow the actions of both parties precisely, and to detect their origin and scope. As we have already shown, Bologna was more reluctant to accept the economic consequences for the city than the spiritual effect of the apostolic sentences. His activities gave him the opportunity to become involved in the complex history of this communal Italy, of this Italy, a territory that he travelled through often, for a long time, with the desire to serve the papacy, which wanted to be triumphant, but which was drowning in its own contradictions and desires too great to be feasible. Yet it was these desires that were the driving force behind the many actions of Bernard de Languissel and many others. Bernard de Languissel is an undeniable example of the ambitions that forged the Roman Catholic Church.



*"Ambition is an immoderate desire for glory"<sup>1</sup>.*

### Part Three: Papacy and power

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<sup>1</sup> SPINOZA, Baruch de. *Ethics*, Definitions of the Affections, LXIV. In Spinoza, Benedictus de, and Charles Appuhn. Works 3: Ethics. Paris: Flammarion, 2002.p. 213.



*"Huiusmodi ergo regni ministerium, ut a terrenis spiritualia essent discreta, non terrenis regibus sed sacerdotibus est commissum, et precipue summo sacerdoti successori Petri, Christi vicario Romano Pontifici, cui omnes reges populi Christiani oportet esse subiectos sicut ipsi Domino Ihesu Christo. Sic enim, ut dictum est, ei ad quem finis ultimi cura pertinet, subdi debent illi ad quos pertinet cura antecedentium finium, et eius imperio dirigi" <sup>1</sup>.*

Between 1270 and 1273, here is the political testimony of the Angelic Doctor, Thomas Aquinas, in his treatise on kingship to the King of Cyprus. This is a position of balance between temporal and spiritual power. Temporal power is legitimate when the king is a Christian, but as his ultimate goal is beatitude and paradise, he is ultimately subject to the power of those with spiritual authority, i.e. the Church and particularly the Pope, *Christi vicario*. This is a balanced position, since Thomas Aquinas does not see the two sides, temporal and spiritual, as totally distinct and separate, but as unified by the Christian spiritual regime, and yet also distinct in their function towards the same goal.

Taking up a contrast from Saint Augustine, accentuated by the study of Aristotle, he gives temporal power a natural and rational order that should be emphasised. Nonetheless, this order is integrated into a greater spiritual whole, just as the natural is integrated into the supernatural. In this way, the conclusions of Saint Augustine and Saint Thomas Aquinas are comparable: nature is perfected by grace<sup>2</sup>. This balanced position was part of a theological production that led, through Marsilio of Padua, William of Occam and John the Teutonic, to an intense ecclesiological debate during and after the Great Schism (1378-1417). The aim was to reduce papal power and give more power to the councils, especially as regards the possibility of

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<sup>1</sup> Thomas Aquinas, *De regno ad Regem Cypri*, II, 3, §9 ("The ministry of this kingdom, therefore, so that the spiritual may be distinct from the earthly, is not entrusted to the kings of the earth, but to the priests, and it belongs principally to the High Priest, successor of Peter, vicar of Christ, the Roman Pontiff, to whom all the kings of the Christian people must be subject, as to our Lord Jesus Christ himself. For, as has been said, to him who is in charge of the last end must be submitted those who are in charge of the antecedent ends; and it is by his command that they are directed" In Thomas Aquinas. *La royauté: au roi de Chypre*, ed. Delphine Carron, and Véronique Decaix, Paris, Vrin, 2017.p. 223).

<sup>2</sup> Thomas Aquinas. *Royalty, op. cit.*, p. 69.

judging the pope. This movement, known as conciliarism, gave the power of the pope alone to the members of the Sacred College, especially when they met in council.

*"The Fathers place the Pope in a sort of guardianship role and determine the issues on which they will rule, with the Pope not acting alone"<sup>3</sup>.*

To reach this point, we had to wait patiently for several centuries, but it was above all in the thirteenth century that the power of the popes emerged and came to the fore. The key to this philosophical dilemma is the *auctoritas-potestas* confrontation. This ideological pairing is defined as the form of political action, with *auctoritas* designating the way in which coercion is used to establish one's political aims and *potestas* being the means and power of executing the political will<sup>4</sup>. Once again, this is a reference to the Roman Empire. The Christian surplus and coating will be that of the idea of sin, which will make the world the place where it frolics, even in the person of the most Christian of kings. This requires the assistance of the sacred, which removes a part of beings to keep them "spotless for the Lord" according to the biblical expression<sup>5</sup>, which draws a parallel between full and complete wisdom and purity of spirit, in resemblance to divine activity<sup>6</sup>. The other similarity with divine activity is the hierarchy from which the Church derives. Certain apocryphal or pseudepigraphal texts of primitive Christianity draw a parallel between celestial hierarchy (the place of angels, their role) and ecclesiastical hierarchy. *Celestial Hierarchy and Ecclesiastical Hierarchy* are, moreover, two titles of works by the pseudo-Denys the Areopagite, whom the Middle Ages believed to be the Saint Denis celebrated in France. His two writings are undoubtedly inspired by the early ecumenical councils and above all by Neoplatonic thought, especially Proclus and Plotinus. The blend of these thoughts provides an ancient philosophical and therefore rational justification for the internal life of the Church. The hierarchical vision of pseudo-Denys is ascensional and, as a Plotinian legacy, expresses the circularity that makes it possible to aim for God.

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<sup>3</sup> BASDEVANT-GAUDEMET, Brigitte. *History of Canon Law and the Institutions of the Latin Church: 15th-20th Century*. Corpus. Histoire du droit. Paris: Economica, 2014.p. 23.

<sup>4</sup> ULLMANN, Walter. *The Growth of Papal Government in the Middle Ages: A Study in the Ideological Relation of Clerical to Lay Power*. London: Routledge, 2010.p.21. ("Auctoritas is the faculty of shaping things creatively and in a binding manner, whilst potestas is the power to execute what the auctoritas has laid down").

<sup>5</sup> Eph. 5.27, consecrating the Church without stain: "He wanted to present it to himself, this Church, resplendent, without spot or wrinkle or any such thing; he wanted it holy and immaculate". See also Phil. 2.15.-1Tm. 6.14.-Jk. 1.27.-1Peter. 1.19.-2Peter. 3.14.-Ap. 14.5.

<sup>6</sup> Wis. 7.26. "She is the radiance of eternal light, the spotless mirror of God's activity, the image of his goodness.

*"Thus, since the hierarchical order implies that some are purified and others purify, that some are illuminated and others illuminate, that some are perfected and others accomplish perfective initiation, each will imitate God in the way that is appropriate to his function"<sup>7</sup>.*

The popes, without necessarily knowing the entire thinking of pseudo-Denys, often recognised the "pyramidal" architecture<sup>8</sup> of the Church. Pope Eugene III, in a letter to the Archbishop of York, wrote:

*"celestis ordinis catholica ecclesia est constituta in terris; sicut enim celestium spirituum alii sunt superiores absque elatione et propensius secreta diuina rimantur, alii inferiores sine inuidia et mandatis superiorum letantur et humiliter obsecuntur, ita in ecclesia catholica alii patriarche sive primates, alii archiepiscopi siue metropolitani, alii episcopi statuuntur"<sup>9</sup>.*

This powerful image of celestial hierarchy is not isolated and shows the power of ancient thought used by the Church. This rationality was borrowed from Saint Augustine, who brought "the Greek logos to the Christian logos"<sup>10</sup>. Christian logos is the understanding of origin as God. As understood in Antiquity, the origin is unknown, unchanging and timeless. Sophocles' Antigone is a striking example of this. Constantly taken up and commented on by philosophers over the centuries, it is, for Hegel, the image of the confrontation between divine law and human law.

*"It's not today, or yesterday, but it's always been there.*

*Let him see, and no one knows when he appeared"<sup>11</sup>.*

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<sup>7</sup> DENYS the Areopagite, Pseudo. *The celestial hierarchy*. ed. trans. René Roques, Gunther Heil, and Maurice de Gandillac, Sources chrétiennes 58bis. Paris, Éd. du Cerf, 2007.p.90.

<sup>8</sup> BENSON Robert, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton, NJ, 1968), p. 378.

<sup>9</sup>Papsturkunden in England, ed. W. HOLTZMANN (Berlin, 1936), p. 231, no. 66 ("The Catholic Church is built on earth in the image of the heavenly order. For just as some heavenly spirits are superior, others are inferior and rejoice in the order of their superiors and humbly obey them, so in the Catholic Church some are established as patriarchs or primates, others as archbishops or metropolitans, others as bishops" In Robert Benson, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton, NJ, 1968), pp. 68).

<sup>10</sup> CASSIRER, Ernst. *Le mythe de l'État*, Bertrand Vergely, and Charles William Hendel, Gallimard, Tel, Paris, 2020.p.114.

<sup>11</sup> Sophocles, Antigone, v. 456-457 In HEGEL, Georg Wilhelm Friedrich, and Jean-Pierre Lefebvre. *Phenomenology of Spirit*. GF 1493. Paris: Flammarion, 2012.p. 376.



For Christianity, the origin must be unique and personal, since the celestial hierarchy is dominated and organised by the *logos*, the Word. This diction gives rise to the Law. The Christian Law presupposes a being capable of legislating<sup>12</sup>. This way of looking at the birth of the Law gives it a universal and irrefragable character. It is in this sense that the *Decretals* of Gratian must be understood, as well as, to a lesser extent since they are not legal texts, the *Dictatus papae* and the *Donation* of Constantine. These are irrefutable laws that cannot be disputed as to their veracity. The dogmas of the Church are of this order and contribute to the investment of *auctoritas*. Saint Anselm speaks of them by attributing to them an "incontestable, unshakeable and irrefutable" character<sup>13</sup>.

The *auctoritas* is thus conquered by the Law and the Word of Christianity. It consecrates the priestly reign of the Middle Ages. The kingdoms of Christendom derived their power and legitimacy from their consecration by the Pope, who thus gave a priestly character to their kingships. Emperors and kings never tire of reminding popes that they have received the anointing that also consecrates priests. Thus, in a back-and-forth between the temporal and the spiritual, the king is anointed to become a Christian king, solely by the grace received from the divine anointing<sup>14</sup>. Royalty would then use priestly symbols and vocabulary to sanctify and elevate the vision of the royal office<sup>15</sup>.

*"In contrast to the earlier "liturgical" kingship, the "divine right" kingship of the late Middle Ages was modelled on the Father in heaven rather than the Son on the altar, and centred on a philosophy of law rather than on the physiology - still ancient - of the two-natured Mediator"*<sup>16</sup>.

The change had been consummated and was destined to last in the kingship of divine right. As E. Kantorowicz notes, Frederick II made use of this and staged his decrees, judgements and victories within an imperial and religious vision<sup>17</sup>. It is also remarkable that the Papacy and the

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<sup>12</sup> CASSIRER, Ernst. *Op. Cit.* p. 117.

<sup>13</sup> Saint Anselm of Canterbury, *Pourquoi un Dieu-homme*, Paris, Editions du Cerf, 1988 (trans. M. Corbin), *Oeuvres complètes*, vol. 3, Liv. 1, chap. 1, p. 303. In Cassirer, Ernst. *Op. Cit.* p. 137.

<sup>14</sup> KANTOROWICZ, Ernst. *Les deux corps du roi: essai sur la théologie politique au Moyen Age*, trans. Jean-Philippe Genet, and Nicole Genet, Gallimard, Folio Histoire, Paris, 2019.p.80.

<sup>15</sup> See : KANTOROWICZ, Ernst. *Op. Cit.* Chap. III. *La royauté fondée sur le Christ*, pp. 75-125. See also <http://www.chartes.psl.eu/fr/positions-these/dieu-roi-france>, Ecole des Chartes thesis on the subject, especially on the reign of Philip the Fair.

<sup>16</sup> KANTOROWICZ, Ernst. *The King's Two Bodies. Op. Cit.* p. 139.

<sup>17</sup> KANTOROWICZ, Ernst. *The King's Two Bodies. Op. Cit.* p. 146. Note 41-42.p. 644-645.

Western monarchies rubbed shoulders in an uninterrupted ballet of theological and philosophical games of skill over the concept of kingship.

While the Pope abandoned Christ-based kingship for a time to promote law-based kingship, in complete asymmetry with the Byzantine Empire, which still claimed ecclesiastical primacy because of the continuity of the Roman Empire in the East<sup>18</sup>, the Western monarchies took Christ-based kingship into their own hands and used it to elevate their status, first within the kingdom and then outside it; This kingship gave them a certain *auctoritas*, coming as it did from the Bible and the words of Christ, while at the same time blending with a Roman imperial background. The papacy then realised that these prerogatives were porous and needed to be improved. In fact, at some point, certain papal texts became both pontifical justification and royal and secular justification, as in the case of Pope Innocent III's sermon on the consecration of the pontiff:

*"Et ideo ministerium mihi vindico, dominium non usurpo: illius primi et praecipui praedecessoris exemplo, qui ait: "Non quasi dominantes in clero sed forma facti gregis ex animo (I Petr. V);" ejus quoque, qui dixit: "Ministri Christi sunt (ut minus sapiens dicam), plus ego (II Cor. XI)." Grandis honor, quia sum super familiam constitutus: sed grave onus, quia totius sum servus familiae. "Sapientibus et insipientibus debitor sum (Rom. I)." "<sup>19</sup>.*

These words illustrate the Pope's paternalistic view of the faithful, first and foremost kings. However, they could just as easily be the fruit of an imperial or royal chronicle, as the king was increasingly seen, through his coronation and the symbols attached to it, as a priest-king<sup>20</sup>.

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<sup>18</sup> KANTOROWICZ, Ernst. *The King's Two Bodies. Op. Cit.* p. 126.

<sup>19</sup> Patrologia Latina, vol. 217, col. 655D. SERMO II. IN CONSECRATIONE PONTIFICIS MAXIMI ("I therefore claim this ministry for myself, but I do not come to usurp dominion: by the example of that first and chief predecessor who said: "[Do not be] as dominating the clergy, but rather be a spiritual example to your flock (1 Peter 5)" and also [by the example] of him who said: "Are they the ministers of Christ? (I speak as a wise man at least). I am more (2 Cor. 11)". The greater the honour, for I am placed above the family, but the heavier the duty, for I am the servant of the whole family: "I serve both the wise and the foolish" (Rom. 1)". In Shannon M.O. Williamson, Pseudo-Dionysius, Gilbert of Limerick and Innocent III: Order, Power and Constitutional Construction In BENSON, Robert Louis, and Robert Charles Figueira, eds. *Plenitude of power: the doctrines and exercise of authority in the Middle Ages: essays in memory of Robert Louis Benson. Church, faith, and culture in the Medieval West.* Aldershot, England ; Burlington, VT: Ashgate, 2006.

<sup>20</sup> See in particular chapter III § 1 on priestly royalty in BLOCH Marc, *Les rois thaumaturges, Étude sur le caractère surnaturel attribué à la puissance royale particulièrement en France et en Angleterre.* Paris: Librairie Armand Colin, 1961, pp. 185-215.

How could these royal desires be countered and the pontifical power kept unified, if not by giving the Church a title and a particular *potestas*? March Bloch, in his paragraph on priestly royalty, gives Pope Gregory VII's reply to the emperors, telling them "that, not being able to cast out demons, they should consider themselves quite inferior to exorcists"<sup>21</sup>. The *auctoritas* was shared by those who had received the visible signs of the coronation, but the *potestas*, the power to act that flowed from it, was reserved for the popes. The *Decretals* go further and emphasise that the priests themselves have the *potestas*, to be able to act in the sacraments, while the pope has the "fullness of power"<sup>22</sup>. Rivalry thus took on a new dimension. Priests were invested with a *potestas* linked to the sacraments, and this was established with the exaltation of the priest in the Mass, his being becoming *imago Christi*, underlining the very ancient dynamic between the One-good (Christ) and those who follow him and convert to return to him. However, royalty does the same thing; having no priest, it has to find out to whom this power, the fullness of which it possesses, should devolve. Frederick II, in the prologue to the *Liber Augustalis*, and Roger II of Sicily, in the prologue to his *Assizes*, both speak of those who carry out divine providence, the "priests of law"<sup>23</sup>. Civil jurists, taking up and commenting on the *Digest*, adopted the sacred formulas of the jurisdictional role and implemented them in a Christian world to balance the two powers. These re-uses were strongly criticised by Renaissance jurists such as Guillaume Budé, who mocked the civilists for confusing "the *sacerdotes* and *pontifices* of ancient Rome with the priests and bishops of their own time"<sup>24</sup>. The king and emperor were thus forced to leave part of the royal prerogative of *juris dictio* to legal scientists, both civil and canonical, with the law making and breaking reigns, lineages and popes.

*Raro princeps iurista invenitur*" - this is the modern idea of a king who is no longer supposed to remove knowledge of certain trials from his courts in

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<sup>21</sup> BLOCH Marc, *Op. Cit.* p. 186.

<sup>22</sup> Commentary on the decretals of Huguccio of Pisa at the end of the twelfth century in Kantorowicz, Ernst. *Op. Cit.* p. 137.

<sup>23</sup> F. Brandileone, *Il diritto Romano nelle leggi Normane e sve del regno di Sicilia*, Turin, 1884, p.94; KANTOROWICZ, Ernst. *Les deux corps du roi. Op. Cit.* p. 166.

<sup>24</sup> KANTOROWICZ, Ernst. *The King's Two Bodies. Op. Cit.* p. 170 ("similis est ignorantia Accursii vel saeculi potius Accursiani - quae hac aetate ridicula est - in lege ultima infra de mortuo inferendo [D.11.8.5.1], ubi pontificum Ulpianus meminit, de collegio pontificum loquens, a quo ius pontificium apud antiquos dictum, quod Accursius ad nostros pontifices retulit" G. Budé, *Annotationes*, ed. 1546, p. 30. In KISCH, Guido. *Gestalten Und Probleme Aus Humanismus Und Jurisprudenz: Neue Studien Und Texte*. Berlin: De Gruyter, 1969.p. 45).

*order to judge them himself, and this idea has its origins in that world of scientific doctrine of law that emerged in the twelfth century. The new conception of law, which has so often been (rightly) asserted as a support for royal absolutism, imposed in this case certain restrictions on royal arbitrariness by preventing the king from actually sitting as supreme judge. Roman law also had the effect of restricting the king in other respects"*<sup>25</sup> .

The absolutisation of royal power then involved a curious combination of the sacralisation of the insignia and words of the royal administration, particularly in terms of the fight against enemies (the famous and vivid example of the trial of the Templars is a case in point<sup>26</sup> ) and a fine professional secularisation of the jurists, who became indispensable for the proper expression of the law and the shaping of the kingdom's justice according to the royal will. The second, more profound and new consequence was the introduction of a people's law. In order not to cede an inch of ground, the emperor and his jurists were to make a political commentary on the notion of *imperium* in the Roman Empire. This imperium was held by the Roman people to designate an emperor, and was then left in the hands of the princes. With the people relinquishing their power, the canonists (on the papal side) argued that the imperium was merely a loan of power to the princes, in a way that was not irreversible. Thus, the people, under pressure, could reject the prince and regain their imperium. "The prince thus becomes the employee of the sovereign people, since supreme power is supposed to reside always and indefeasibly in the sovereign people of Rome"<sup>27</sup> . This idea leads to another, ecclesial one: that of the rise in power of the people of the faithful, who really hold the power, since it is the faithful who are in question when the pope and the ecclesiastical hierarchy speak of the Church. These views, which were still germinating in the thinking of 14th century theologians, would lead to many changes once the Great Schism had passed.

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<sup>25</sup> KANTOROWICZ Ernst. *Medieval kingship under the impact of a scientific conception of law*. In: Politix, vol. 8, n°32, Fourth Quarter 1995. Le pouvoir des légistes. P. 11. ([https://www.persee.fr/doc/polix\\_0295-2319\\_1995\\_num\\_8\\_32\\_2087](https://www.persee.fr/doc/polix_0295-2319_1995_num_8_32_2087)).

<sup>26</sup> See, in particular, THERY Julien, "Une hérésie d'État. Philippe le Bel, le procès des "perfides templiers" et la pontificalisation de la royauté française", *Médiévales* [On line], 60 | Spring 2011, pp. 171-177. (<http://journals.openedition.org/medievales/6222>).

<sup>27</sup> KANTOROWICZ Ernst. *Art. cit.* p. 12.

*"For Ockham, the Church is "the universality of the faithful". Admittedly, he did not yet use the notion of "popular sovereignty" and he did not make the General Council the keystone of his ecclesiology. But he did recognise its functions as legislator and judge. His doctrines were used and developed by the theorists of conciliarism at Constance and Basel"<sup>28</sup> .*

This effect of secularisation has a striking corollary in the lexical usage of the Church. The incipient independence of the monarchies and the secular sphere forced the Papacy to take action that was mastered and finalised in Boniface VIII's bull *unam sanctam* of November 1302. This pope and this bull encapsulated the doctrines and desires of the Church in the Middle Ages, and ushered in the period of the Avignon papacy, the Great Schism and the conciliar reform. As J. Coste notes: "a man who felt the faith of the Middle Ages dying within him, while at the same time bringing to a climax the theory of power that was its most obsolete legacy"<sup>29</sup> . The bull itself is best known for its outrageous epilogue calling for the submission of every human being to the Roman Pontiff, but it is the beginning that interests us.

*"sponso in canticis proclamante, " Una est columba mea perfecta mea, una est matris sue, electa genitricis sue" que unum **corpus mysticum** representat, cujus corporis capud Christus, Christi vero Deus"<sup>30</sup> .*

The mystical body we are talking about here represents a considerable sociological change. Following in the footsteps of Saint Paul<sup>31</sup> , the Church is no longer the body of Christ, a name then used in sacramental language, leading to the introduction of the feast of the *corpus Christi*<sup>32</sup> . The Church becomes a mystical body, not from a spiritual or even theological perspective, but

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<sup>28</sup> GAUDEMET, Jean. "L'élaboration du droit canonique en Occident du XIe au XVe siècle", in *À cheval entre Histoire et Droit*, Mélanges Poudret, (collected by Eva Maier, Antoine Rochat and Denis Tappy), Lausanne, 1999, p. 233.

<sup>29</sup> COSTE, Jean. *Boniface VIII on trial. Articles d'accusation et dépositions des témoins (1303-1311)*. Roma, Fondazione Camillo Caetani, Ecole Française de Rome, L'Erma Di Bretschneider, 1995, p. 10-18.

<sup>30</sup> Letter no. 5382; Potthast, Regest. Pontif. Roman, 25189; Extravagantes, I, VIII, 1 ("as the Bridegroom proclaims in the hymn: 'Unique is my dove, my perfect one, unique for her mother, marvellous for the one who brought her into the world' (Ct. 6.9), who represents a single mystical body, whose head is Christ, and Christ's head is God"). (It should be noted that this bull concerning the primacy of the Roman Pontiff is frequently put forward by the Society of Saint Pius X to criticise the heresy of Vatican II (142 search results on their site [laportelatine.org](http://laportelatine.org))).

<sup>31</sup> 1 Co. 12. 12-27.

<sup>32</sup> See STRITTMATTER, Anselm. *Traditio*, vol. 5, 1947, pp. 396-398. JSTOR, [www.jstor.org/stable/27830162](http://www.jstor.org/stable/27830162). Accessed 21 Apr. 2020.

it becomes a mystical body "in its institutional and ecclesiological aspects"<sup>33</sup> . The institution, the curial administration, the bishoprics, the Sacred College ... all become a mystical body and acquire a sanctified dignity. This sacralisation also concerns the faithful, who are part and parcel of the mystical body of the Church. This gives rise to a new ecclesiological vision in which the pope is king in a particular kingdom, the Church, which is itself made up of beings (the faithful) obeying a king or father, the pope<sup>34</sup> .

*"Unde et ecclesia comparatur congregationi hominum politicae et papa est quasi rex in regno propter plenitudinem potestatis"*<sup>35</sup> .

Once again, in the intertwined web of power in the Middle Ages, the Pope used the secular vocabulary of royal government to assert his power over the temporal Church. Kings and emperors did the same, exploiting the ecclesiastical vocabulary, especially as it became more spiritualised and mysticised; this ecclesiastical vocabulary was used to sacralise their being and their monarchical function, in areas where administration took over and jurists and notaries were called knights or nobles. Acts were no longer guaranteed by the person of the sovereign; royal action had to be consolidated by a vast flow of writings that "produced above all a 'constant flow of authority' that materialised and presented the relationship between the administered and the administering power"<sup>36</sup> .

For the time being, we have seen the evolution of concepts of power between the temporal and the spiritual. However, it is remarkable to note the "chase" between these powers. The pendulum swings back and forth, as one side acquires a new vocabulary to perfect its hold, the other takes over the vocabulary of its adversary, who has been left in the background, to appropriate the good omens it has seen developed against it. The rediscovery of Aristotle played a major role in this transformation. The political thought of the Greek philosopher was to articulate both temporal and spiritual power. Surprisingly, it was above all theologians who were quick to comment on Aristotle, particularly as his work was recompiled by Guillaume de

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<sup>33</sup> KANTOROWICZ, Ernst. *The King's Two Bodies. Op. Cit.* p. 239.

<sup>34</sup> See Luca da Penne, *Commentaria*. 11, 58, 7, n.8, p.563. referring to Thomas Aquinas, *Summa Theo.* III pars, Q. 115 art. 1-3. ([http://digitale.beic.it/primo\\_library/libweb/action/dlDisplay.do?vid=BEIC&docId=39bei\\_digitoool15819103](http://digitale.beic.it/primo_library/libweb/action/dlDisplay.do?vid=BEIC&docId=39bei_digitoool15819103)).

<sup>35</sup> *Ibidem* ("The Church is therefore comparable to a political assembly of men, and the pope is like a king in his kingdom because of the fullness of his power" In Kantorowicz, Ernst. *The King's Two Bodies. Op. Cit.* p. 246).

<sup>36</sup> FOSSIER, Arnaud, Johann PETITJEAN, and Clémence Revest. *Écritures grises: les instruments de travail des administrations (XIIe-XVIIe siècle)*, École nationale des chartes, Paris, 2019.p. 24.

Moerbeke<sup>37</sup>, a Dominican and Archbishop of Corinth. There were so many commentaries on the *Politics*<sup>38</sup> that a literary genre was born: that of the treatise on ideal government, "designating a type of literary production in which the writer sets himself the task of telling the ruler what he should do"<sup>39</sup>. This leads to an inescapable conclusion: the pope and the king are merely guarantors of man's natural power to come together in community to form a city. Their person is not the origin and end of the political and communitarian process. The independence of *scientists* from the administration is one of the consequences and one of the proofs of this; what makes law in the kingdom and in the Church is the juridical writing and its acts, jurisprudence bringing the law to life. Once again, Antiquity lent support to these discourses. Marsilio of Padua, rector of the University of Paris, with the help of a professor from the same university, published a treatise entitled *Defensor pacis*, which was supposed to highlight the Pope's political combinations in his desire for universal power. Drawing blithely on the Bible and, above all, on ancient thought, the treatise gives an insight into the idea of the power of the faithful as the only one capable of advancing the Church, while being subordinate to the State. The Bible serves as a subversive authority capable of countering the Church. Ancient thinkers are there to highlight the power of secular thought and its possible equivalence of authority with ecclesial references<sup>40</sup>. Unable to let this pass, Pope John XXII, in his bull *Licet iuxta doctrinam*, condemned this outrageous thinking, which levelled pontifical power by placing it at the level of the priest, the bishop, with no possibility of overriding<sup>41</sup>. An inflexion occurred in the fact that the Pope asked theologians and jurists to respond with the weapons of Marsilio of Padua: the Bible and ancient authors. "It was perhaps the first time that a pope had taken the trouble to discuss at length, in an official document, the ideas he was censoring. This precaution already shows the importance attached to this work and the extent to which its influence was feared"<sup>42</sup>

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<sup>37</sup> PATTIN, A. "Pour La Biographie De Guillaume De Moerbeke O.P. ETUDE A L'OCCASION DU 700 E ANNIVERSAIRE DE SA MORT." *Angelicum* 66, no. 3 (1989): 390-402. Accessed April 21, 2020. [www.jstor.org/stable/44615264](http://www.jstor.org/stable/44615264).

<sup>38</sup> In particular, the concept of political community: "It is clear that all communities aim at a certain good, and that, above all, it is the supreme good of all that is aimed at by the community that is the most eminent of all and contains all the others. Now this is what we call the city, i.e. the political community" Aristotle, *Politics* I, 1, 1252a3-7 In *The Politics*, trans. P. Pellegrin, Paris, GF-Flammarion, 1993, p. 103.

<sup>39</sup> Thomas Aquinas. *La royauté: au roi de Chypre*, ed. Delphine Carron, Véronique Decaix, Paris, Vrin, 2017, p. 19.

<sup>40</sup> See : Marsilius of Padua. "Introduction." Introduction. In *Marsilius of Padua: The Defender of the Peace*, edited by Annabel Brett, xi-xxxvi. Cambridge Texts in the History of Political Thought. Cambridge: Cambridge University Press, 2005.

<sup>41</sup> DUMEIGE Gervais, *Textes doctrinaux du magistère de l'Église sur la foi catholique*, Paris, l'Orante, 1993, p. 250.

<sup>42</sup> MARTIN Victor. *How the doctrine of the superiority of the Council over the Pope was formed* (continued). In: *Revue des Sciences Religieuses*, tome 17, fascicule 3, 1937. P. 272. ([www.persee.fr/doc/rscir\\_0035-2217\\_1937\\_num\\_17\\_3\\_1730](http://www.persee.fr/doc/rscir_0035-2217_1937_num_17_3_1730)).

. To corroborate this, the pontifical theologians and jurists felt all the closer to theological thought, more apt to resemble the metaphysical height.

Neoplatonism was used in the same way as Stoicism: Stoicism as a prefiguration of Christian wisdom, and Neoplatonism as a prefiguration and metaphysical elaboration of a way of thinking about the One. Neoplatonism, a doctrine developed from the third century onwards, is divided between a Roman school, whose most admirable representative is Plotinus, and a Greek school, led by Philo of Alexandria and Plutarch. These two schools were prosperous and prolific in disciples; Proclus (412-485), a Neoplatonist philosopher of the school of Athens, was one of them. In his *Eléments de théologie (Elements of Theology)*, he attempted to combine metaphysics and logic, mixing the Euclidean method with Neoplatonic thought on the One. In response to Pope John XXII's request, several authors produced treatises that included Proclus's hypotheses and arguments, the conclusions and proofs of which were used by the pope in his bull. The first hypothesis used to refute Marsilio is as follows: since the Church is a multitude of beings, a political community, the well-ordered multitude is reduced to a single<sup>43</sup> ; power can therefore no longer be held by the faithful. To counter the royal temporal ambitions and their claim, theologians used Proclus, the reduction of the multitude to the one, and Aristotle's *Metaphysics* to explain that the multitude gives rise to beings that are similar to others of different kinds, but of which it is certain that there is always one above them to judge and serve as a reference point<sup>44</sup> . This first must have a divine origin and depend solely on it; it must also be of a greater nobility, in order to be able to respect the dignity of its origin. In the *Determinatio Compendiosa de Iurisdictione Imperii*<sup>45</sup> , probably by the Dominican Tolomeo of Lucca, he manages the feat of combining passages from Aristotle's *Metaphysics*, Saint Augustine's *De*

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<sup>43</sup>Guillelmus Cremonensis O.S. A., Tractatus cuius titulus Reprobatio errorum. (Corpus Scriptorum Augustinianorum, IV) Rome 1977, p. 68 ("Secundum Proclum omnis multitudo bene ordinata reducitur ad unum. Sed Ecclesia Christi est quaedam multitudo et bene ordinata. [...] Ergo oportet, quod habeat aliquod unum, ad quod reducatur").

<sup>44</sup> Glossa ad Extravagantes communes, lib. V, tit. IX, Basel: Proben 1511, fol. 35v; Basel UB:N.n.V. 12, No. 4. ("Oportet igitur quod multitudo hominum reducatur ad unum, et in genere hominum sit reperire unum hominem primum, qui sit supremus in illo genere, qui sit mensura et regula omnium aliorum et hominum: huiusmodi autem est romanus pontifex, qui est inter homines supremus, existens mensura et regula directiva omnium aliorum, cui plene omnes catholici sunt subiecti [...] tunc omnes nationes orbis terrarum huic unico capiti subijcentur et obediuntur"). Aristotle, *Metaphysics*, trans. M-P. Duminil and A. Jaulin, Paris, GF-Flammarion, 2008. ("In this sense, then, the one is the measure of all things because we acquire knowledge of the things of which the substance is made, by dividing them either according to quantity or according to form. And the one is indivisible for this reason that the first in each thing is indivisible") Met. X (iota), 1053a15-25.p.323.

<sup>45</sup> See : WILHELM KÖLMEL. *REGIMEN CHRISTIANUM, weg und ergebnisse des gewaltenverhältnisses und des gewaltenverständnisses*, (8. bis 14. Jahrhundert), Walter de Gruyter & co. Berlin, 1970. pp. 276-291.



*Trinitate* and Proclus's *Elements of Theology*, without any misunderstanding. All this to justify the precedence of divine power in politics, the Roman pontiff being the only one at the origin of the Christian community who could unite divine wisdom and social nobility<sup>46</sup>. To finish with Proclus, and to complete this ascent to the One, the defenders of the papacy take the most metaphysical, even mystical element (Neoplatonism having been seen and understood as a thought leading to the unspeakable, later taken up by the Rhenish mystics).

*"A term equally present in all the terms of a series can only illuminate them all if it is not in one of them, nor in all of them, but before all of them"*<sup>47</sup>.

The Pope and his power is first and foremost. The conclusion was inevitable and grandiloquent; it is based on a philosophy of the One, of the soul and of the perpetual questioning of human action in order to conform to the action of the One-good. The dissimilarity lies in the fact that its authors deliberately used a metaphysical philosophy to talk about political power; this deviation from Neoplatonic metaphysics is curious and immediately raises questions about the possibility of action and, secondly, about the veracity of the proposed statements. To answer these questions, we need to understand this use of metaphysics as a necessary presupposition for politics, since the philosophy of the One opens up an immense field of reflection within which political thought can flourish. To put it in the words of E. Kant :

*"In fact, it is not so that we can make them the object of our speculation [...], but so that practical principles can at least be accepted as possible, principles which, if they did not find before them such a space for the expectation and*

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<sup>46</sup> ("Hanc eandem rationem tradit beatus Augustinus in III. de Trinitate, ubi ordinem motoris et mobilis ponens incipit ab infimocorpore, puta terra, per subtiliora et virtuosiora dicit grossiora moveri, gradatim ascendens secundum ordinem elementorum usque ad supremum corpus et ulterius ad Spiritus rationales, per quos dicit corpora superiora moveri, spiritus vero rationales inferiores per superiores, sed omnes spiritus rationales creatos per spiritum rationalem increatum, qui est Deus, in quo consistit tota ratio motus sicut in principali movente immobili, in quo est omne ens, motus et vita [...]. Et hunc ordinem Plato posuit secundum nobilitatem et gradum entis, ut patet ex propositionibus Proculi et ex libro de Causis. [...]. Quam conclusionem etiam a phylosopho habere possumus in XII. Prime philosophie, ubi primam causam, que Deus est, comparat ad totum Universum sicut ducem ad exercitum" *Determinatio Compendiosa de Iurisdictione Imperii*, Ed. M. Krammer, MGH, *Fontes iuris Germanici antiqui in usum scholarum separatim editi*, Hannover/Leipzig 1909, p. 39-40. (<https://www.dmgh.de/mgh fontes iuris 1/index.htm#page/38/mode/2up>)).

<sup>47</sup> BRÉHIER Émile, *Histoire de la philosophie, Tome I. Antiquity and the Middle Ages*. Librairie Félix Alcan, Paris, 1928, p. 324.

*hope that are necessary for them, would not be able to reach that universality which reason absolutely needs for its moral end*"<sup>48</sup>.

In addition to the various forms of ancient rhetoric, the two opposing forces made skilful use of biblical references. Biblical references were a powerful force, because of the sanctity attached to them. The party of the princes made particular use of the Gospels and the kingship of Christ discussed at his trial, particularly in Saint John, developing the interrogation and showing a humble Christ detached from earthly kingships<sup>49</sup>.

In addition to the humility of Christ, some of the preambles to royal acts are constructed as replicas of the preambles to the apostolic chancellery, with an abundance of biblical references which, however, are not simply an accumulation but a rhetorical construction. One preamble in particular is particularly representative. It concerns a solemn act on the creation of the Studium de droit civil in Orléans in 1312<sup>50</sup>. This preamble has the particularity of combining biblical quotations with the subjects of royalty, knowledge and law.

The king is the one who acts like a king and "enacts(s) what is just"<sup>51</sup>, and this justice should enable us to reign forever<sup>52</sup>. But this justice must and can only be used by those who know this science. Otherwise, it is like a "sealed spring"<sup>53</sup>. This exaltation of the science of law in a royal preamble is accompanied by a celebration of the faculties "of arts and theology of the University of Paris, which, founded by kings and protected by popes, are elevated to the rank of guardians of the Ark of the Covenant and universal source of human knowledge"<sup>54</sup>.

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<sup>48</sup> KANT Emmanuel, *Prolegomena to All Future Metaphysics*, trans. Louis Guillemit, intro. Jules Vuillemin, Bibliothèque des textes philosophiques, Vrin, Paris, 2012. §60 (Ak. IV, 363), p.179-180.

<sup>49</sup> John 18, 36: "Jesus said, 'My kingship is not of this world; if my kingship were of this world, I would have guards who would have fought so that I would not be handed over to the Jews. In fact, my kingship is not from here'".

<sup>50</sup> Bréquigny, Oudard de. Laurière, Eusèbe de et al. *Ordonnances des rois de la troisième race...* Paris, 1723 - 1849, t. I, p. 501.

<sup>51</sup> Prov. 8, 15.

<sup>52</sup> Rom. 5:21: "Therefore, just as sin established its reign of death, so grace must establish its reign by making righteousness unto eternal life through Jesus Christ our Lord.

<sup>53</sup> Cant. 4, 12.

<sup>54</sup> GREVIN, Benoît. BARRET, Sébastien. *Regalis excellentia: Les préambules des actes des rois de France au XIVe siècle (1300-1380)*. Paris, École nationale des chartes, 2015.p. 225. ("Nos, progenitorum nostrorum sequentes vestigia, fidem catholicam per quam in Domino Jesu Christo, qui via, veritas est et vita (Jo. 14, 6), vivimus ex toto corde faventes, in Domino regnamus in Domino (cf Rom. 5, 21) cui nos et regnum nostrum agnoscimus, viribus totis sectantes, pacem libenter amplectimur quam nobis dédit Dominus et Redemptor ac in suo Novo Testamento reliquit (Jo. 14, 27), qua mediante fides stabilitur catholica, servatur justitia necnon instituitur disciplina, per quam scientia ad Dei fideique notitiam, ut vivamus ad sectandum justiciam (cf. Rom 9, 30-31 ; I Tim 6, 11 ; II Tim. 2, 22), ut salvemur ad bonos mores ut Domino placeamus et gratiam ejus sine qua non

Paradoxically, the papal camp chose passages from the Old Testament to show that the most ancient kingdoms could not be above God and his representatives.

In the glossed Bible (a kind of manual of biblical exegesis for students and monks, in use from the eleventh century until the end of the thirteenth century, rendered obsolete by Thomas Aquinas and his *catena aurea* and above all by its immense volume, which was almost impossible to copy faithfully<sup>55</sup>), two passages are characteristic of papal pretensions. The first, chronologically, is the book of Deuteronomy, which sets out the sequence of rules derived from the Ten Commandments. One of them concerns the human desire to choose a king<sup>56</sup>. The ordinary gloss gives as a commentary a passage from Saint Augustine's *Questions on Deuteronomy*, in which he tells us that this desire is not good, and that ultimately God takes pleasure in agreeing to the wishes of men without it being in accordance with Him.

*"Queri potest cur populus Deo displicuit cum regem desideravit, cum hic inveniatur esse permissus. Sed intelligendum est merito non fuisse secundum voluntatem Dei, qui hoc fieri non precipit, sed desiderantibus permisit. Veruntamen precepit ne fieret alienus, sed frater ex eodem populo indigena,*

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possumus consequamur, instrui- mur ab eis qui nos a tantis donis possent retrahere coercendo. Est ergo necessaria disciplina doctrine, nam anime rudis hominis scientia boni et mali (Gen. 2, 9) per eam imprimitur, que docet prudentiam atque sapientiam per quam reges régnant et potentes scribunt justiciam et legum conditores justa decernunt (Pro. 8, 15), et ideo repellentur a Domino merito qui repellunt scientiam (Os. 4, 6). Labia sacerdotum a Domino jubentur custodire scientiam (Mal 2, 7), populus etiam qui non habet scientiam captivus ducitur, ut Scripture testantur (cf. Hos. 9). Hinc progenitores nostri Parisius studium théologie principale, liberalium etiam artium, que sunt prepara- tiones ad illam, privilegiis pluribus munierunt et per sedem Apostolicam muniri curarunt. Hoc enim studium fidei catholice lumen stabiliens, id ut area federis testamenti conservât, ortus vere conclusus sua germina, fons signatus (Cant. 4, 12) scientie Dei (cf. IVEds. 14, 47?) fluentis per universum orbem emittens. Eapropter hoc studium fovere peramplius stabilire proponimus, Domino prestante".

<sup>55</sup> MORARD Martin, "Un projet-frère de la " Bible en ses traditions " : le projet " Glossae.net " et les gloses médiévales de la Bible latine " in Lettre aux contributeurs et amis de la Bible en ses Traditions. Une Bible annotée en ligne pour le XXIe siècle, n° 4, January 2013, p. 2-5. (<https://big.hypotheses.org/557>, March 2020).

<sup>56</sup> Dt. 17. 14-16, 18-20. "When you come into the land which the Lord your God is giving you, when you have taken possession of it and are living in it, if you say, 'I want to make a king over me like all the nations around me', you must make a king over you chosen by the Lord your God; you must take a king from among your brothers to make him king over you; you must not make a foreign king for yourself who is not one of your brothers [...] When he comes to his royal throne, he must write a copy of this Law for himself in a book in the presence of the Levite priests. [When he ascends to his royal throne, he will write a copy of this Law for himself in a book in the presence of the Levite priests. It will remain with him. He shall read it all the days of his life, so that he may learn to fear the Lord his God by keeping and putting into practice all the words of this Law and all its decrees".

*non alienigena. Quia autem ait : Non poteris, intelligendum est : non debetis*

"<sup>57</sup> .

The gloss thus expresses God's choice: to have a *king of his people, a brother, instead of a man chosen from among the nations*, that is, for a theologian defending the papacy, a king of the ecclesiastical people: the pope.

The second passage is even more interesting: it is the only passage in the Bible where God himself proposes himself as king to his people, in the First Book of Samuel (known in the Middle Ages as the first book of kings). At the end of his life, King Samuel decided to give his kingdom to his two sons. They did not follow in his footsteps and "deviated from the law"<sup>58</sup> . So the people asked for another king; God offered, with Samuel as his messenger, but he refused, asking: "No! We need a king! Our king will govern us, lead us and fight with us"<sup>59</sup> . Samuel finally complied, promising a king in accordance with the wishes of the people. The gloss gives few comments for this chapter, only a few for the following lines:

*"The Lord answered him, '**Listen to the voice of the people in everything they say to you. They do not reject you, they reject me: they do not want me to reign over them. As they have done from the day I brought them up out of Egypt until now, abandoning me to serve other gods, so they are doing to you. Now therefore, listen to their voice, but warn them solemnly and make known to them the rights of the king who will reign over them**'"*<sup>60</sup> .

The gloss begins by referring to the Gospel of Luke,

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<sup>57</sup> MORARD Martin (dir.), "Glossa ordinaria cum Biblia latina, <07. Deuteronomium\*> - Capitulum 17" , Glossae Scripturae Sacrae-electronicae (Gloss-e), Institut de recherche et d'histoire des textes (IRHT-CNRS), 2016. ([http://www.glosse.irht.cnrs.fr/php/editions\\_chapitre.php?livre=../sources/editions/..../sources/editions/GLOSS-liber07.xml&chapitre=0](http://www.glosse.irht.cnrs.fr/php/editions_chapitre.php?livre=../sources/editions/..../sources/editions/GLOSS-liber07.xml&chapitre=0)). Accessed 22/04/2020. ("One may ask how the people displeased God when they expressed the desire to have a king, since here they are allowed to have one. The foregoing shows us precisely that such a desire was not in accordance with God's will: for God does not command his people to have a king, he merely condescends to their desire. He nevertheless wanted this king to be, not a foreigner, but a brother, a man drawn from among his people, instead of a man taken from among the nations. As for this expression: "Thou shalt not", it means: "Thou shalt not". In M. l'abbé POGNON, Oeuvres complètes de Saint Augustin, Tome Quatrième, Bar-Le-Duc, 1866, p. 539).

<sup>58</sup> 1S. 8. 3.

<sup>59</sup> 1S. 8. 19-20.

<sup>60</sup> 1S. 8. 6-9.

*"Qui vos spernit me spernit"<sup>61</sup> .*

This may express a trait common to the defence of the apostolic see and its claims: whoever rejects the pope and his will rejects Christ and God, an appalling spiritual accusation which the Church will use coercive means to show the active power of this axiom. The gloss continues and specifies the type of warning given by Samuel at God's command.

*"id est testimonium da illis, exactionem et dominationem"<sup>62</sup> .*

Above all, it is a question of witness. Samuel, having understood the consequences of being a man and a king, had to bear witness to the excesses of power: abuses, banishments and domination over the people. The fear engendered by these examples, this testimony should be able to make people give up. However, the people still wanted a king to help them win the war. If the gloss is not very prolix, it is because this text requires so little commentary. God himself, through the mouth of the prophet and king Samuel, gives a striking example of the evils of human kingship:

*"These will be the rights of the king who is to reign over you. **He will take your sons** and put them in his chariots and on his horses, and they will run before his chariot. He will use them as officers of thousands and as officers of fifty men; **he will make them plough and harvest for his profit**, make his weapons of war and the parts of his chariots. He will **take your daughters to prepare his perfumes, to cook for him and to bake for him**. He will take the best of your fields, vineyards and olive groves and give them to his servants. **From your crops and vineyards he will take a tithe**, to give to his dignitaries and his servants. He will take the best of your servants and your maids and your young men and your donkeys **and make them work for him**. He will tithe your flocks, and **you will become his slaves**. On **that day you will cry out for the king you have chosen**, but on that day the Lord will not answer you"<sup>63</sup> .*

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<sup>61</sup> Lk. 10. 16. "He who rejects you rejects me".

<sup>62</sup> Glossa ordinaria (1Rg. 8), in: Glossae Scripturae Sacrae electronicae, ed. Martin Morard, IRHT-CNRS, 2016-2018. Accessed on 22/04/2020. ([http://gloss-e.irht.cnrs.fr/php/editions\\_chapitre.php?livre=../sources/editions/GLOSS-liber12.xml&chapitre=12\\_8](http://gloss-e.irht.cnrs.fr/php/editions_chapitre.php?livre=../sources/editions/GLOSS-liber12.xml&chapitre=12_8)). ("i.e. gives testimony of this, exactions and dominations").

<sup>63</sup> 1S. 8. 11-18.

In a ferocious vision, earthly royalty is denigrated to make room only for God, the only one capable of providing for man's desires and life, whether in war, family life or the economy. Samuel shows in negative all that God can do. The rest of the Book of Samuel gives a human explanation through the confrontation of the two great kings Saul and David, one evil, the other good. The sharp contrasts that the Bible presents bear witness to human desires, their versatility and ambivalence.

Our efforts do not stop here. Once again, these arguments are abstract in nature and can, depending on how carefully and skilfully they are handled, serve the king as well as the pope. The papacy has reached an impasse, as has the royalty. They constantly find themselves having to gradually find new, more decisive arguments, or, conversely, propose new legal canons restricting old canons in order to weaken the opposing arguments; an example is Innocent III, responding to the Church of Greece on the question of consecration. Clarifying a point of law, the Pope made a clear and precise distinction - depending on the place where the anointing of the Holy Chrism took place - to define who had precedence and the greatest dignity, in a sort of accounting physiognomy of the coronation. This decree was reproduced in the *Decretals of Gregory IX* and became a canon. The justification is very pragmatic and underlines the rise of the hierocratic vision of the papacy.

*"In capite vero pontificis sacramentalis est delibulio conservata, qui personam capitis in pontificali officio repraesentat. Refert autem inter pontificis et principis unctionem ; quia caput pontificis chrismate consecratur, brachium vero principis oleo delinitur, ut ostendatur quanta sit differentia inter auctoritatem pontificis et principis potestatem".<sup>64</sup>*

It seems, however, that the pontifical attempt ultimately failed to make itself heard beyond the imperial circle<sup>65</sup>, with the Pope taking advantage of the importance of the imperial coronation to experiment with changes dictated by politics: changing the altar during the ceremony to a

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<sup>64</sup> X,I, 15, Corpus Iuris Canonici, v. 2, E. Friedberg & A.L. Richter (Graz, 1955; 1995).p. 132-133. ("On the heads of bishops, however, sacramental lustration has been preserved because, in his [episcopal] office, he, the bishop, represents the person of the Head [i.e. of Christ]. There is a difference between the anointing of the Prince and that of the Bishop: for the head of the Bishop is *consecrated* with chrism, while the arm of the Prince is anointed with oil. This shows just how immense the difference is between the authority of the bishop and the power of the Prince" In Kantorowicz, Ernst. The King's Two Bodies. *Op. Cit.*p. 364).

<sup>65</sup> EICHMANN Eduard, *Die Kaiserkrönung im Abendland: ein Beitrag zur Geistesgeschichte des Mittelalters*, Band. 1, Fränk. Gesellschaftsdruckerei Echter-Verlag, Würzburg, 1942, pp. 253-265.

smaller, less significant side altar, changing the *Ordo*, resulting in the deletion of texts that overemphasised the priestly nature of the coronation, etc.<sup>66</sup>

Ultimately, in the face of all these setbacks to the will to power, it was not the emperor, the king or the pope who gained the upper hand. It was in fact the people who asserted themselves, standing up for themselves through their knowledge of law and administration, standing up for themselves through their intellectual development as an entity, even if the people as a political reality aware of their power was not yet in people's minds. The people and the written word are the two expressions that run through and underlie this development. In the glosses of the Bible quoted, the people are those who ask for a king, who demand a strong man to lead them, even if it means giving him everything they are and have without reserve; it is also the people who have the last word, even over God, the patient father, allegorised by Samuel in his old age as well as by Moses in Deuteronomy or by Job. The people also patiently become equal members of the *corpus mysticum* of the Church, a political and community body. A political body, but also an institutional body, whose muscles are refined by the jurists and members of the administration, constituting the blood that truly runs through the whole body, irrigating it from the soles of the feet upwards. The blood that brings *Decretals*, Bulls and Papal letters to the faithful through priests and bishops whose dignity increases. Blood that irrigated the pope and cardinals all the way to their heads, to put decisions in order, to look for loopholes, to find solutions to heretical actions as well as to the problems posed by the king and emperor, who extracted themselves from the pontifical monarchy to better take on its finery with a view to inspiring a high sense of secular sanctity in the royalty. Together, all these elements played a unique score in which royalty and papacy mixed and danced, crossing and copying each other. But it was all in vain: neither could retain and administer as before. By the 14th and 15th centuries, conciliarism was on the rise and the Pope was no more than a politician with no power other than that given by the faithful and the Sacred College. And yet, from an

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<sup>66</sup> *Ibidem*.p. 227-228. "Nachdem also 1155 eine Feier nach Ordo C [XIV] aus liturgischen, politischen und zeitlichen Gründen unmöglich geworden war, hat man für das Wesentliche auf B [X] zurückgegriffen und die Erinnerung an das Königspriestertum möglichst ausgelöscht.[...] Die politische Absicht, die mit dem Altarwechsel gefördert werden soll, geht dahin, den Unterschied zwischen Papst und Kaiser noch weiter zu Gunsten des Ersteren zu betonen, die Salbung noch weiter abzuschwächen, indem man sie an einen Nebentalar rückt". ("After a celebration according to Ordo C [XIV] became impossible in 1155 for liturgical, political and temporal reasons, B [X] was used for the most part and the memory of the royal priesthood was erased as far as possible [...] The political intention of the change of altar is to further emphasise the difference between the Pope and the Emperor in favour of the former, to further weaken the anointing by placing it on a side altar").

ecclesiological point of view, few took the measure of these changes. The glosses we have mentioned, specifically in the First Book of Samuel concerning the choice of king, the misdeeds of a king chosen solely by the desire of men and his status as a tyrant, would not be exploited to the full until the sixteenth century, during the Protestant reformation<sup>67</sup>, in the writings of *monarchomaniac* authors, "most often considered to be the Protestant response to the massacres of 1572: the "impotent sword" would be succeeded by the "avenging pen"<sup>68</sup>.

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<sup>67</sup> For example: CALVIN, Jean. *Institution de la religion chrestienne*, IV, XX, 26 ; ed. by Jean-Daniel Benoit, Paris : Vrin, 1960, IV, p. 531-532 : " Certes les Rois ne pouvayent faire cela justement, lesquels par la Loy estayent instruits à garder toute tempérance et sobriété (Deut. 17, 16 ss.). But Samuel called down power on the people, even though it was necessary for them to obey it, and it was not lawful to resist it. It is as if he had said: The greed of the kings will do all these outrages, which it will not be up to you to repress, but only you will remain to listen to their commands and obey them.

<sup>68</sup> MELLET, Paul-Alexis. *"Les traités monarchomaques : confusion des temps, résistance armée et monarchie parfaite, 1560-1600"*, Travaux d'Humanisme et Renaissance, Librairie Droz, 2007. pp. 227-251.





## II/ Understanding hierocratic ambition

In his essay *The Sacred*, Rudolph Otto attempts to understand the rational and non-rational elements *in the idea of the divine*<sup>1</sup>. Two elements stand out in his analysis: the *numinous* and the *tremendum*. The numinous, a word he himself coined, corresponds to the will and its link with divine power. The second, *tremendum*, is the frightening psychological aspect that man experiences in the face of divine power. What interests us most is the finality that Rudolph Otto finds in his elements. The non-rational, which is found in psychological attachment to the sacred, has as its purpose attachment, producing domination over the *psyche* of the believer.

Domination is thus produced by the disturbing, frightening effect on the psyche. This domination, however, is not only the result of psychological attachment, but is reflected and becomes apparent in all the strata of what makes man, particularly in society. So sociology speaks to us of domination, not from a psychological point of view, but of the effects of the will and desire for domination on social structuring.

It is therefore possible to find two directions in the conception of the political bond: cooperation or domination<sup>2</sup>.

As Aristotle has already shown, cooperation is the cooperation of rational beings to form a community, along with the political community. Cooperation therefore has "an emancipatory function: [it] is the instrument of the pacification and rationalisation of existence"<sup>3</sup>. But cooperation can also be understood as part, paradoxically, of domination. This is how it is understood by Max Weber. In part of his work *Economy and Society*, later known as the *Sociology of Domination*, Max Weber attempts to structure and reveal the underpinnings of social domination, and to do so he explains and defines a word that will have great influence, namely *bureaucracy*.

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<sup>1</sup> OTTO, Rudolf, and André Jundt. *The sacred: the non-rational element in the idea of the divine and its relation to the rational*. Paris: Payot, 2015.

<sup>2</sup> P. Ricoeur, " Rawls John, 1921, Théorie de la justice, 1971 " In CHATELET, François, éd. Dictionnaire des œuvres politiques. Quadrige 329. Paris: PUF, 2001. p. 915.

<sup>3</sup> POREE, Jérôme, Paul Ricoeur, and Gilbert Vincent, eds. *Paul Ricoeur: la pensée en dialogue*. Philosophica. Rennes: Presses Univ. de Rennes, 2010. p. 198.

For him, bureaucracy is not a negative element or a pejorative term, as it is often used. It corresponds to the structure of domination:

*"It is **the permanent organisation of cooperation** between numerous individuals, each of whom performs a specialised function. The bureaucrat exercises a profession separate from family life, **detached**, one might say, **from his own personality**".* <sup>4</sup>

Bureaucracy is therefore the way in which an organisation, which is fairly extensive, functions in order to achieve effective domination. This domination begins from within, where the *civil servant* is nothing more than a depersonalised, anonymous executor.

*"This impersonality is essential to the nature of bureaucracy, where **theoretically everyone must know the laws and act according to the abstract commands of strict regulations**. Finally, the bureaucracy ensures that all those who work within it are paid according to the rules, which requires it to have resources of its own"*<sup>5</sup>.

Bureaucracy thus becomes the first visible form of "legal domination"<sup>6</sup>, with clearly defined characteristics.

In the first place, the people who cooperate are assigned to precise tasks defined by the *departments* to which they belong, obeying specific regulations, making it possible to compartmentalise the *departments* in order to increase their power, but above all to limit the domination of the person doing the work: by compartmentalising and multiplying the *departments*, there is only one person capable of dominating, the person who coordinates all these departments.

Secondly, and much more visibly, legal domination grants protection to members of the bureaucracy, commensurate with the service they provide. Max Weber gives the example of

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<sup>4</sup> Max Weber. *La sociologie de la religion* In ARON, Raymond. *Les étapes de la pensée sociologique: Montesquieu, Comte, Marx, Tocqueville, Durkheim, Pareto, Weber*. New ed. Collection Tel 8. Paris: Gallimard, 1996.p. 533.

<sup>5</sup> *Idem*.

<sup>6</sup> FREUND, Julien. *Sociologie de Max Weber*. Paris: Presses Universitaires de France, 1983. p. 205.

state civil servants, who are "civil servants for life"<sup>7</sup>. They are protected and enjoy benefits and protection commensurate with their rank and function.

Thirdly, there is a hierarchy of functions, with superior and inferior functions, enabling rational management of personnel, with legality at the heart of this aspect, with inferior officials being able to appeal against a decision seen as unjust, and superior officials controlling subordinates by means of inspections. However, these means are limited, and the system thus set up, "if the type is developed further, this hierarchy of functions is ordered in a monocratic manner"<sup>8</sup>.

Domination is thus concentrated in a *monocracy*, the essential aspects of which are the rationalised management of resources, the compensations and protection granted, and hierarchisation. Nevertheless, this structural vision of bureaucracy is, for Max Weber, an *ideal-type*, and, in this sense, concerns only the historical space of "modernity". As a result, he only takes into account what makes this *modernity*, namely capitalism, as he explains at the beginning of his book on the *spirit of capitalism*:

*"If there is an object to which this expression [the spirit of capitalism] can be sensibly applied, it will only be a 'historical individual', that is, a complex of relations present in historical reality, which we bring together, by virtue of their cultural significance, into a conceptual whole"*<sup>9</sup>.

Consequently, it would seem that these principles do not apply to the organisation of the Roman Curia that we would like to study. However, by taking up the constituent elements of bureaucracy, it is possible to find and apply a similar conception and definition to structure our understanding of the system of domination that it is our task to study.

The pair of terms we are going to study, keeping in mind the structures revealed earlier, is the one that sets out to explain domination from a religious point of view: *Theocracy and Hierocracy*.

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<sup>7</sup> FREUND, Julien. *Sociologie de Max Weber*. Op. cit. p. 205.

<sup>8</sup> WEBER, M. *Wirtschaft und Gesellschaft*, Tübingen, Verlag Mohr, 2nd ed. 1947, vol. II, p. 650: "Bei voller Entwicklung des Typus ist diese Amtshierarchie monokratisch geordnet".

<sup>9</sup> WEBER, Max. *L'Éthique protestante et l'esprit du capitalisme*, Paris, Plon, 1964.p. 47 In Max Weber. La sociologie de la religion In ARON, Raymond. *Les étapes de la pensée sociologique*. Op. cit, p. 530.

Theocracy is a concept that has had great fruitfulness, especially in the twentieth century, in the works of thinkers seeking a renewed conception of the contributions of religion in politics. The best-known text of this renewal is Carl Schmitt's *Political Theology*<sup>10</sup>. This book, which brings together a number of articles on the subject, contains as its main thesis the now famous phrase :

*"All the concepts of modern state theory are "secularised theological concepts"<sup>11</sup>.*

The second thesis of the book is that sovereignty can only be acquired by a state from the moment when its leader holds and embodies sovereignty, in particular through strong power, legitimised by law. This masterly entry of theocracy into the field of political philosophy will be the starting point for other reflections on the subject. The most incisive and decisive criticism of C. Schmitt's book came from Erik Peterson, a German Protestant theologian, who responded to Schmitt's book *Le Monothéisme : un problème politique (Monotheism: a political problem)*<sup>12</sup>. His criticism was based on the Fathers of the Church, ancient theologians who, as E. Peterson explains, had the opportunity to enter into dialogue with temporal power in order to define the scope of this new religion.

*"The concept of "political theology" was introduced into the literature by the work of Carl Schmitt, Political Theology, Munich, 1922. At the time, his considerations were not set out systematically. We have attempted here to use a concrete example to demonstrate the impossibility of such a 'political theology'"<sup>13</sup>.*

This is how Peterson's book ends: the attack certainly hit the nail on the head, and the dispute between C. Schmitt and E. Peterson is so intense that E. Kantorowicz will remember it when the time comes to prepare what will become *The King's Two Bodies*. In an article from 1955,

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<sup>10</sup> SCHMITT, Carl. *Political theology: 1922, 1969*. Paris: Gallimard, 1988.

<sup>11</sup> *Ibid.* 46.

<sup>12</sup> PETERSON, Erik. *Le Monothéisme : un problème politique et autres traités*, Bayard, 2007.

<sup>13</sup> *Ibid.*, p. 170.

he notes the following about the expression "political theology": "this expression, discussed at length in the early 1930s in Germany"<sup>14</sup> .

The two authors argue over the ancient terrain. C. Schmitt with the help of Eusebius of Caesarea, E. Peterson with Saint Augustine and the *Cappadocian Fathers* (Gregory of Nyssa, Gregory of Nazianzus, Basil of Caesarea, among others).

Eusebius of Caesarea, known for a *Life of Constantine*, followed by a praise for the thirty years of his reign, on 25 July 336: triakontaetērikos logos. His works enabled him to develop his vision of a political theology. "Well then, great conqueror, Constantine, let us add for you, in this royal writing about the king of the universe, initiations into mysterious doctrines"<sup>15</sup> . Eusebius placed himself firmly on the side of the emperor, of the Empire, trying to support him by granting him a saving role in the constitution of imperial policy. He did not disdain keeping ecclesiastical affairs separate, apparently keeping the two reigns separate.

*"While the emperor was doing so many fine deeds for the edification and glorification of the Church of God, and was doing all things in praise of the Saviour's teaching, he was not neglecting matters external to religion either"*<sup>16</sup> .

Eusebius draws a parallel here between social occupation and religious occupation in what must be the totality of the imperial political vision. In order to understand this in the politics of the contemporary world, C. Schmitt deduced that Christianity was a means of underpinning politics that had its origins in religion. He goes so far as to see in the incarnation of God an effective and visible sign of the involvement of the theological in the political:

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<sup>14</sup> KANTOROWICZ, Ernst. *Mysteries of the State. Un concept absolutiste et ses origines médiévales (bas Moyen Âge)*, trans. Laurent Mayali in Mourir pour la patrie et autres textes, trans. Laurent Mayali and Anton Schütz, Paris, puf, 1984, p. 78, n. 6.

<sup>15</sup> Eusebius of Caesarea. *Vie de Constantin* (XI, 1) In MARAVAL, P. "Sur un discours d'Eusèbe de Césarée: (Louanges de Constantin, XI-XVIII)". *Revue d'Etudes Augustiniennes et Patristiques* 43, n° 2 (January 1997): 239-46. <https://doi.org/10.1484/J.REA.5.104765>.

<sup>16</sup> Eusebius of Caesarea. *Life of Constantine* (book IV, I,1) In Eusebius of Caesarea, *Life of Constantine*. Translated by Friedhelm Winkelmann, Luce Pietri and Marie-Josèphe Rondeau. Sources chrétiennes 559. Paris: Éd. du Cerf, 2013.p. 458.

*"God became man. The truth of this phrase about the 'presence of God' is reflected in the authority that explains the truth and promulgates the laws"<sup>17</sup>*

In essence, this is what C. Schmitt's thinking on political theology. The incarnation gives politicians the power to act, when they place themselves under its authority. In view of this, E. Peterson uses, not an eminently political discourse, but rather the theological thinking on the Trinity developed by the Fathers of the Church.

For E. Peterson, it is not Eusebius of Caesarea who is at fault, but C. Schmitt. For Peterson, Eusebius of Caesarea is linked to imperial power and to the nascent Church from a social and above all a political point of view. He cannot therefore be taken as the end of a conceptual argument on political theology, since he is its early beginning, its premise. So it is C. Schmitt who is mistaken. E. Peterson, taking up his argument, shows, with the support of the Church Fathers, that this political will can only be doomed to failure, mainly for two reasons.

The first is a matter of fundamental theology, and concerns the Trinity. A God in three persons presents the face of a super-perfection that considerably diminishes the human will and possibility of acting, not in conformity, but in parallel. The super-perfection of the Trinity completes human action before it begins. It can only be a question of resemblance and not of being. Resemblance is by *grace*, and being is by *nature*. It is this pairing of *grace and nature*, specially studied by Saint Augustine, that makes this reflection possible. By nature, man is finite and tends towards the good. By grace, he comes to God. Conversely, by nature, God is before all things and above all things. There is therefore a *mimesis* that man seeks, but which he can only achieve with the help of grace.

***"The Trinity is therefore the paradoxical mode of being of the One. The paradox of (Christian) monotheism must therefore preserve two requirements. On the one hand, the God of Christians is more One than the One of Plotinus; triplicity is in no way an attenuation of his unity, a middle***

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<sup>17</sup> SCHOLZ, Frithard. "Die Theologie Carl Schmitts", in: SCHINDLER, A.(ed.), *Monotheismus als politisches Problem? Erik Peterson und die Kritik der politischen Theologie*, Gütersloh, Mohn 1978, p. 149 In W. Loeser, "une contribution déroutante à la théologie politique", *Revue de l'Institut catholique de Paris*, n°43, juillet - septembre 1992, p. 23.

*ground, a concession to polytheism. On the other hand, this does not mean that he is monolithic or impenetrable"*<sup>18</sup> .

The second reason is eschatological. This part of theology, and of religious thought, raises the question of the future, of the continuation of the being after its earthly death. The eschatological reason that E. Peterson takes from the Fathers of the Church is at first sight purely logical: if Christ will return to judge, and if the Parousia, the return of Christ and the end of time, is the definitive judgement of creation, "no earthly peace can claim to realise or prepare for heavenly peace"<sup>19</sup> .

E. Peterson takes a theological approach, attempting to defend Christianity so that the secularist does not possess the religious. According to him, the two contributions of eschatology and Trinitarian theology enabled the Church to distance itself from "any political theology that diverts the proclamation of the Gospel to the justification of a political situation"<sup>20</sup> .

*"The "Pax Augusta" was thus interpreted as the fulfilment of the eschatological prophecy of the Old Testament. **The theory of divine monarchy was to fail, however, when it came up against Trinitarian dogma, and the interpretation of the Pax Augusta broke down against Christian eschatology.** From then on, monotheism, in the strict sense of the term, was not only refuted theologically as a political problem for the Christian faith, freed from its links with the Roman Empire. A fundamental break occurs with any political theology that would wrongly use the proclamation of the Good News to justify a political situation. It is only on the basis of Judaism or paganism that anything resembling a political theology can exist. On the other hand, the Christian proclamation of a God in three persons goes beyond Judaism or paganism, since the mystery of the*

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<sup>18</sup> BOULNOIS, Olivier. *Entre théologie et philosophie : vingt-quatre apostilles sur la Trinité*, Les Études philosophiques, vol. 202, no. 2, 2020, p. 9.

<sup>19</sup> TENAILLON, N. (2007). *Peterson and the use of political theology*. Laval théologique et philosophique, 63 (2), 246. <https://doi.org/10.7202/016783ar>.

<sup>20</sup> PETERSON. E. *Theologische Traktate*, Würzburg, Echter (coll. "Ausgewählte Werke", 1), 1994, p. 59 In Tenailon, N. (2007). Peterson et le recours à la théologie politique. *Op. cit.* p. 246.



*Trinity exists in the divinity itself, not in its creature. The **same is true of peace, which the Christian seeks, which is not guaranteed by any emperor, but can only be a gift from him who is above all reason***"<sup>21</sup> .

Peterson thus sets out the goal that politics should seek in a Christian sense: peace. Peace is not *guaranteed by any emperor*, and therefore depends more on God than on men, so the Trinity and the *final ends* provide the limit of the theological contribution to politics.

The decisive contribution in the field of eschatology came from Saint Augustine in his work *The City of God*. Paradoxically, or perhaps obviously, it was a *secular* political event that prompted him to write: the capture of Rome and its sacking by Alaric I, king of the Visigoths, in 410. This tragic event for the memory of all Romans prompted Augustine to write this sort of consolation and expression of Christian hope in the face of this tragedy.

After an exordium in the form of consolation for the believer, Augustine begins his commentary. The sacking of Rome was the result of a "moral and political corruption which none of the false divinities had been able to check"<sup>22</sup> , so the attacks on Christians as being responsible, because of their new cult, for this dereliction, were swept aside.

Happiness is not linked to the earthly city, and "the sack of Rome was salutary in that it reminded them of the futility of attachment to earthly goods"<sup>23</sup> .

*"Cain, which means possession, is the founder of the earthly city, which finds its rest in the peaceful possession of happiness in time (...) and touches here below the goal to which it tends and to which it aspires. Cain, the founder of the first city, indicates by his very name that this city has an earthly beginning and an earthly end, and that its hopes cannot go beyond the horizon of the century"*<sup>24</sup> .

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<sup>21</sup> PETERSON. E. *Theologische Traktate*, Würzburg, Echter (coll. "Ausgewählte Werke", 1), 1994, p. 104 In W. Loeser, "une contribution déroutante à la théologie politique", *Revue de l'Institut catholique de Paris*, n°43, July - September 1992, p. 24.

<sup>22</sup> SASSIER, Yves. *Royaume et idéologie au Moyen Âge : Bas-Empire, monde franc, France (IVe - Xlle siècle)*. Collection U Histoire. Paris: Colin, 2002.p. 52.

<sup>23</sup> *Idem*.

<sup>24</sup> Saint Augustin. *The City of God*, 1, XV, 1, 4 and 17, in ESLIN, Jean-Claude. *"III. The City of God and Society", Saint Augustine. L'homme occidental*, edited by ESLIN Jean-Claude. Michalon, 2002, p. 72.

However, we are allowed to change the a priori well-defined position that absolutely prevents the use of the theological in politics. These elements are provided by E. Peterson himself.

Peterson himself acknowledges, in an article published after his book, "Christus als Imperator"<sup>25</sup>, that Christianity allowed and led to an analogy between the figure of Christ and the figure of the emperor. In the article, he condenses the patristic sources that he can then link to his postulate and that bear the mark and use the term Christ the emperor. He points out that its uses, far from justifying the emperor, are there to show, in an apologetic way, the opposition to the imperial cult. The temporal," Peterson explains, "is then for her [the Church] a moment of waiting for the sovereign of a world to come"<sup>26</sup>.

This literary manifestation of Christ as emperor corresponds to a desire for Christian involvement in political action. But this commitment remains limited, and the examples given by E. Peterson are simply there to show that, in the perspective of the *last ends*, these actions, whether military or not (he rejects the moral aspect of *Militia Christi*, and sees in it only an armed commitment), are envisaged and lived as part of *the economy of salvation*, which should make it possible to prepare the return of Christ to judge this imperfect world.

Christ as Emperor is therefore a figurative interpretation, in the sense that it "establishes, between two events or two characters, a relationship in which one of the two not only signifies what it is but is also the sign announcing the other, which encompasses and fulfils it"<sup>27</sup>. This interpretation is there to mark a fundamental difference that can be found throughout antiquity, particularly among the Gnostics, who influenced neo-Platonic thought, and Christian theology, namely that "man's relationship with God does not pass through the world, nor is it mediated by it. Not only can man's relationship with God, which defines man's salvation, because it defines man's condition in the first place, do without the world, but it must do so"<sup>28</sup>.

Once again, eschatology is the principle and means of political thought. It is the *final end* that drives man to act, because that moment will be the moment of God's beatific vision. It is exactly this process and this end that is at work when, further down the line, what is, for Max Weber, hierocracy, domination by means of spiritual dispensations or sanctions, is put in place, since

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<sup>25</sup> PETERSON. E. *Theologische Traktate*, Würzburg, Echter (coll. "Ausgewählte Werke", 1), 1994, pp. 83 - 91.

<sup>26</sup> TENAILLON, N. (2007). Peterson... *Op. cit.* p. 247.

<sup>27</sup> AUERBACH, Erich, and Marc Buhot de Launay. *Figura: Jewish Law and Christian Promise*. Paris: Editions Macula, 2017. p. 65.

<sup>28</sup> "La vérité de la gnose" in HENRY, Michel, Jean Leclercq, and GRÉGORI Jean. *Phenomenology of Life, Volume IV, 'On Ethics and Religion'*. 1st ed. Epiméthée. Paris: Presses universitaires de France, 2003. p. 131.

here again it is a question of restricting or widening the path of access to beatitude, to the *final ends*.

In the third part of what was to become *Economy and Society*, Max Weber, working on the structures and modalities of domination, looks at the links between 'state and hierocracy' (*Staat und hierokratie*).

Curiously, theocracy does not seem to interest Weber, and it is only hierocracy and its antonym, *Caesaropapism*, that interest him, as typical modalities of domination through religion.

Hierocracy, the government of the sacred, is, strictly speaking, religious domination exercised not by social means, but by spiritual means, which themselves have social realisations.

*"We will say of a grouping of domination that it is a hierocratic grouping [hierokratischer Verband] when and as long as it uses **psychic coercion by dispensation or refusal of the spiritual goods of salvation (hierocratic coercion)** to **guarantee its regulations**. We understand the Church to be an institutional hierocratic enterprise when and for as long as its administrative management claims a monopoly on legitimate hierocratic coercion"*<sup>29</sup>.

This domination by the sacred makes it possible to arrogate to itself the attention of the faithful outside temporal power in order, singularly, to monopolise secular space and intensify a sacred control of the temporal. To defend itself, the sacred - whose domination, as sacred, escapes legal territorialisation, since it is spiritual, affective and immaterial - uses singular weapons, such as the *black-white* Manichean rhetoric, where the person who stands between the Church and its faithful is named according to the vocabulary of Satanism, supposed to have a repulsive effect. Hierocracy was also surrounded by administrative means enabling the circulation of shares in spiritual goods. For Weber, these means take on the characteristics of bureaucracy: hierarchies of personnel, demarcation of services and protection of the members of this organisation. In order to function, this organisation needs a certain amount of financial support, which, in addition to enabling easy circulation, is, for Weber, the mark of "its own administrative apparatus"<sup>30</sup>, making the organisation structured in this way "master of the

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<sup>29</sup> WEBER, Max. *The Categories of Sociology. Économie et société 1*. Paris: Pocket, 2008.p. 97.

<sup>30</sup> FREUND, Julien. *La Hiérocrairie Selon Max Weber*. Revue Européenne Des Sciences Sociales 13, no. 34 (1975). p. 69.

development of doctrine and worship, of prohibitions and innovations", the organisation becomes the sole master of its destiny, taking charge of all aspects of state structuring.

From the point of view of the social fact, for Weber, a religion, especially a revealed one (the three monotheisms), is arranged and structured with a hierocratic twist when the immediate eschatological hope - established on the certainty of faith in the imminent return of the one who reveals - dries up. The believer resumes his social life *in the world*, and the certainty of one day seeing happiness *outside the world* dries up. In this case, Weber notes that the religious institution shifts from the immediate management of certainty to the management of everyday life, waiting for the promised return. This management becomes non-immediate and passes through intermediaries: the sacraments and the clergy.

The clergy become a class apart, and the protective nature of the institution's personnel is evident here. The seminary, like the novitiate of the religious, is a time of solitude and withdrawal from the world, and here we find the distinction between those who are in the world, following Jesus, and those who are not of the world, who do not understand them<sup>31</sup>. This sacred staff is concerned with healing the wounded soul of the believer, who has longed for that which he will never see through the appearance of the world. This "cure of souls", as Weber calls it, is one of the most visible and effective means of domination. Through their preaching, priests and especially the religious of the Order of Preachers act as messengers of Christ's Truth. However, as Weber notes, this often has more to do with charisma and personal rhetoric than with function, which limits the scope of action and effectiveness. Alongside this is the cure of souls through the sacraments, which is far more effective because it permeates the whole of life.

*"The cure of souls, [...] in all its forms, is the specific instrument of power of priests in relation to daily life, and it influences the conduct of life all the more strongly because religion has an ethical character"*<sup>32</sup>.

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<sup>31</sup> Jn. 17. 14 - 16, 17: "I gave them your word, and the world hated them because they do not belong to the world, just as I do not belong to the world. They do not belong to the world, just as I do not belong to the world. Sanctify them in the truth: your word is truth".

<sup>32</sup> WEBER, Max, and KALINOWSKI, Isabelle. *Sociology of religion. Economie et société*. Paris: Flammarion, 2013.p. 198.

To go further into the development of hierocracy, Weber - who curiously did not do so earlier and cut out the administrative fabric in greater detail - looks at the particular features of the development of hierocracy when the organisation becomes a "Church", a state institution fully embodying spiritual power.

Weber lists four unique attributes<sup>33</sup> :

- The development of a caste, withdrawn from the world and subjected to a radically different way of life, enabling it to direct and regulate other beings.
- A claim to universality, as a corollary to the supranational exploitation of religious sentiment, particularly through the missionary aspect.
- A literary account of the elements of faith that are not open to controversy, allowing for commentary under supervision.
- Gathering together and being able to act in a community welded together by the preceding elements: this is how the Church as an institution comes into being.

In addition to all this, there is one point that unites and welds all the others together: the role of *charisma*.

As we have seen, the charisma of preachers rests above all on the personal form it takes in the individual. To compensate for this, the institution changed the scope of the charism. Henceforth, it is no longer the person who holds the charism, but the function that confers it (*amtscharisma*, literally charismatic office). "It is the Church as an institution that holds the charism and no longer an individual, such as a prophet, because it is the Church that holds the goods of salvation"<sup>34</sup> .

These goods of salvation are obviously the sacraments, which are *distributed* by the only admitted members of the clergy. This "charismatic distribution of grace"<sup>35</sup> responds to its own imperatives, such as the charism of life of the one who transmits grace, giving a character of

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<sup>33</sup> WEBER, M. *Wirtschaft und Gesellschaft*, Tübingen, Verlag Mohr, 2nd ed. 1947, vol. II, p. 783: "Zur "Kirche" entwickelt sich die Hierokratie, wenn: 1. ein besonderer, nach Gehalt, Avancement, Berufspflichten, spezifischem (außerberuflichem) Lebenswandel reglementierter und von der "Welt" ausgesonderter Berufspriesterstand entstanden ist, - 2. die Hierokratie "universalistische" Herrschaftsansprüche erhebt, d.h. mindestens die Gebundenheit an Haus, Sippe, Stamm überwunden hat, in vollem Sinn erst, wenn auch die ethnisch-nationalen Schranken gefallen sind, also bei völliger religiöser Nivellierung, - 3. wenn Dogma und Kultus rationalisiert, in heiligen Schriften niedergelegt, kommentiert und systematisch, nicht nur nach Art einer technischen Fertigkeit, Gegenstand des Unterrichts sind, - 4. wenn dies alles sich in einer anstaltsartigen Gemeinschaft vollzieht".

<sup>34</sup> FREUND, Julien. *Hierocracy According to Max Weber*. *Op. cit.* p. 70.

<sup>35</sup> WEBER, Max. *Sociology of Religion*. *Op. cit.* p. 362.

spiritual and metaphysical continuity between the one who is the source of grace, the one whom he sanctifies by his removal from the world, the minister of worship, and the one who receives grace, through the intermediary of the minister, to whom it gives a singular character, by the analogy of being between the source and the end. However, this type of ethical conception is based on the minister's way of life, and its excesses undermine the perception of worship, the effectiveness of the sacrament and faith in the institution. To remedy this, the institution created endows itself with a charismatic power and becomes the vector of grace, apart from any minister, being there only to confirm the grace (or the sentence, it works both ways, for example excommunication is not pronounced by the minister, but the latter confirms its provisions). Weber calls this "institutional grace", and explains it at length, since this new vision of the charism would profoundly change both the internal and external perception of faith.

- *Extra ecclesiam nulla salus*<sup>36</sup> : belonging to the ecclesial institution is the only way to receive graces.
- The distribution of graces almost no longer depends on the charismatic qualities of the priest, but only on his *ordination* and respect.
- "It's the power to distribute graces associated with the position that takes precedence".<sup>37</sup>

The stereotypes put forward make it possible to rationalise religious discourse, which then becomes merely a social fact, almost independent of faith in its personal component of the spiritual constitution of intimacy with God. "The subsequent development of the Church, which placed the ecclesiastical structure at the centre, was to lead to a distortion of faith. The believer's direct, internalised experience of Christ at work in the Word that illuminates existence was gradually replaced by worship of the Church as an institution outside which there is no possibility of salvation"<sup>38</sup> . In fact, this personal component is much more closely monitored and subject to the doubts of the institution with regard to its many forms of expression.

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<sup>36</sup> "Hors de l'Eglise, point de salut" ("this principle was defended in 255-256 by Cyprian, bishop of Carthage, who disputed the efficacy of sacraments that had not been delivered by representatives of the Church" In WEBER, Max. *Sociologie de la religion*. Op. cit. p. 362, n. 1).

<sup>37</sup> WEBER, Max. *Sociology of Religion*. Op. cit. p. 362.

<sup>38</sup> VIANELLO, Mino. *The Absolute Power Complex from Constantine to Stalin: The Collective Unconscious of Catholic and Orthodox Countries*. London, Routledge, 2020. "The subsequent development of the Church, placing the ecclesiastical structure squarely in the centre, was to bring about a distortion of the Faith. The believer's direct and internalized experience of Christ working in the Word that illuminates existence was gradually replaced by the cult of the Church as an institution outside which there is no possibility of salvation".

*"The clerical enterprise of administering the goods of divine salvation, rationally organised in an "institution", and the transfer of charismatic sanctity to this institution as such, is proper to every constitution of a Church and forms its true essence : this charism of function, developed to its extreme consequences, inevitably becomes the unconditional enemy of everything that is immediately personal, that is attached to the person as such, therefore of the prophetic, mystical, ecstatic charism, teaching and making the individual progress by his own means, because it would risk shattering the dignity of the enterprise"<sup>39</sup> .*

As a result, from the fourth century onwards, the various councils, whether in Spain, Gaul, Africa or Italy, made use of disciplinary prerogatives such as excommunication, which was codified in law very early on. As noted by J. Gaudemet, taking up the fundamental work of Paul Hinschius<sup>40</sup> , from the point of view of legislative drafting, there are three distinct disciplinary sanctions related to excommunication: "exclusion from the community, forever, until death, or in time - which would correspond to the future major excommunication -; simple exclusion from communion in the body of Christ and from acts of worship reserved for the faithful - this is the future minor excommunication -; finally, suspension of participation in the rights of the Christian as a member of the Church"<sup>41</sup> .

In addition to these councils, the popes themselves spoke out on this point. Such as Gelasius I, who was very important in the construction of hierocracy. In his letters, whether apocryphal or authentic, excommunication was above all achieved through community exclusion, the

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<sup>39</sup> FREUND, Julien. *Hierocracy According to Max Weber*. Op. Cit, p. 71. ("In diesen Konsequenzen führt die Hierokratie also ganz ebenso zur Stereotypierung, wie ihr Gegenbild, und zwar gerade auf ihrem eigensten Gebiet; der rational organisierte priesterliche "Betrieb" der Verwaltung göttlicher Heilsgüter als einer "Anstalt" und die Uebertragung der charismatischen Heiligkeit auf diese Institution als solche, wie sie jeder "Kirchen"-Bildung eigentümlich und ihr eigentlichstes Wesen ist: das hier in höchster Konsequenz entwickelte Amtcharisma wird unvermeidlich der bedingungsloseste Feind alles genuin persönlichen, an der Person als solcher haftenden, den auf sich selbst gestellten Weg zu Gott fördernden und lehrenden, prophetischen, mystischen, ekstatischen Charisma, welches die Dignität des "Betriebes" sprengen würde" In M. Weber, *Wirtschaft und Gesellschaft*, Tübingen, Verlag Mohr, 2nd ed. 1947, vol. II, p. 784).

<sup>40</sup> HINSCHIUS, Paul. *System des katholischen Kirchenrechts mit besonderer rücksicht auf Deutschland*. 6 band. I. Guttentag, 1888.

<sup>41</sup> GAUDEMET, Jean. *The ancient forms of excommunication*. In: *Revue des Sciences Religieuses*, tome 23, fascicule 1-2, 1949. pp. 64 - 65.

consequences of which were sacramental deprivation and prohibitions on participation in *Christian rights*. Popes were particularly attentive to dissidents, gnoses and sects, and took particular action against them in order to keep the Church intact. Sirice, for example, attacked apostates who rejected Christ and, above all, the redemptive power conferred on popes, successors and continuators of the power conferred on Saint Peter. In this case, it was possible to return to the community and participate in the sacraments, but he imposed an obligation of perpetual penance<sup>42</sup>.

In this area, the popes have favoured a certain harmonisation of sanctions, while leaving it up to the councils to decide on their severity, thus, "If there are any local differences in the West, we must look for them in the rigour of discipline, the frequency or duration of excommunication. The Spain of the Council of Elvira and, to a lesser extent, the Ireland of St. Patrick, stand out on this point for their severity"<sup>43</sup>.

With the recognition of Christianity, things changed. Christian society" was organised and strengthened. Religious life saw its secular extensions multiply. Exclusion from the group took on a meaning and scope that it could not have had in a more narrowly religious community. No doubt, from its very beginnings, the Church constituted a society, and it is understandable that the councils of the first fifteen years of the fourth century (Elvira, Ancyra, Arles) were already familiar with the exclusion of the group. But is it not to the accentuation of this social aspect from Constantine onwards that we must attribute the evolution of excommunication? The severity of this penalty in the deeply religious society of the Middle Ages, and its decline in our secularised societies, tend to support this hypothesis"<sup>44</sup>.

This conclusion to J. Gaudemet's article serves our purpose brilliantly, and underlines the extent to which the change in the ecclesial structure, from a persecuted movement to an organisation supported by the Empire, provided the Church with fertile ground on which to build.

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<sup>42</sup> Patrologia Latina, Vol. 13, Col. 1136. "Et hoc constituit, ut non participarent cum fidelibus communionem, quia ore polluto non liceret sanctum corpus dominicum vexare. Hic quoque constituit, ut si quis conversus de Manichaeis rediret ad Ecclesiam, nullatenus communicaret, nisi tantum relegationi monasterii diebus vitae teneretur obnoxius, ut jejuniis et orationibus maceratus, probatus sub omni examinatione usque ad ultimum diem transitus sui, humanitate Ecclesiae viaticum eis largiretur. Hic constituit, haereticos sub manus impositione recipi et reconciliari praesente cuncta Ecclesia" In GAUDEMET, Jean. *Les formes anciennes de l'excommunication*. In: Revue des Sciences Religieuses, tome 23, fascicule 1-2, 1949. P. 74, n. 5.

<sup>43</sup> GAUDEMET, Jean. *Ancient forms of excommunication*. Op. cit. p. 77.

<sup>44</sup> *Idem*.



This change is also understood by Weber as a change of world for the believer. Despite the fact that hierarchy sees the institution that uses it as an organisation seeking its own end, the path it pursues cannot do without interactions. Thus, "the rationalisation of religion takes place absolutely according to its own law, on which economic conditions act only as passages of development (*Entwicklungswege*), so that it is linked above all to the blossoming of a specific clerical formation"<sup>45</sup> .

At the end of these clarifications, the ambition of the ecclesiastical institution has been partly revealed in the structure that underpins it. There is no doubt that the power that the Church sought to arrogate to itself in the social sphere had features in common with those that royalty tried to establish, to a lesser extent, since the temporal sphere tried to borrow from religion, with varying degrees of effectiveness. The conceptual pairing of *theocracy and hierarchy* that we have sought to distinguish enables us to put into words the power structures affecting the organisation. The point we want to emphasise is the way in which these wills to power have used the written word to set limits on the religious sphere. This formulation allows us to "see how effective discourse, ritual discourse, discourse charged with power and peril has gradually been ordered into a division between true discourse and false discourse"<sup>46</sup> .

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<sup>45</sup> FREUND, Julien. *Hierarchy According to Max Weber*. Op. cit. p. 73. C" die Rationalisierung des Religiösen hat durchaus ihre Eigengesetzlichkeit, auf welche ökonomische Bedingungen nur als "Entwicklungswege" wirken, und sie ist vor allem an die Entfaltung einer spezifisch priesterlichen Bildung geknüpft" In M. Weber, *Wirtschaft und Gesellschaft*, Tübingen, Verlag Mohr, 2nd ed. 1947, vol. II, p. 795).

<sup>46</sup> FOUCAULT, Michel. *L'ordre du discours: Leçon inaugurale au Collège de France prononcée le 2 décembre 1970*. Paris, NRF, Gallimard, 2009. p. 64.



### III/ Consequences and continuities

*"And what! I can smile, and kill with a smile; / I can applaud what saddens my heart / And wet my cheeks with fake tears, / And adapt my face to any occasion; / I can drown more sailors than the siren, / Cast more murderous glances than the basilisk, / Be as good an orator as Nestor, / Deceive more artfully than Ulysses, / And, like Sinon, take another Troy; / I can lend colours to the chameleon, / Change shapes better than Proteus, / And send the bloodthirsty Machiavelli to school"<sup>1</sup>.*

This "general feeling"<sup>2</sup>, so acutely expressed by Shakespeare, is that of the investment of politics by human passions. After having been monopolised by the supporters of the Empire and the Papacy, passions were harmonised and secularised. So when Voltaire criticised the Church and its control, he called for "the infamous to be crushed", taking himself to be the spiritual son of Machiavelli.

Continuities and consequences, however imperceptible, run through history; we believe that they are so many beacons that go back, in principle, to those moments in the Church and in Western history when hierocracy, controlled domination, was the guiding principle.

The Avignon papacy undermined papal aims and, since the head of the Church could not remedy the internal problems, the Council had to take the necessary decisions. This was the first milestone in the *conciliar* transformation that is still underway. This transformation began with the Council of Constance in 1415. Paradoxically, it was an action in line with the theory of *Caesaropapism* that made this possible. Emperor Sigismund himself "took the initiative of convening a council"<sup>3</sup> to put an end to the three-headed division of the papacy. At first, the popes refused, and so it was lay dignitaries who represented the territories legally subject to these anti-popes, to come and settle the dispute. Despite this, those present had not come for

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<sup>1</sup> Henry VI, act 3, scene 2 In SHAKESPEARE, William. *Henry VI*, Paris, Bibliothèque de la Pléiade, t. 2, 1989.p. 347.

<sup>2</sup> CASSIRER, Ernst. *Le mythe de l'État*, Bertrand Vergely, and Charles William Hendel, Gallimard, Tel, Paris, 2020.p.166.

<sup>3</sup> BASDEVANT-GAUDEMET, Brigitte. *Histoire du droit canonique et des institutions de l'Eglise latine : XVe-XXe siècle*. Corpus. Histoire du droit. Paris: Economica, 2014.p. 13.

the Church, but for the ecclesiastical territories of their respective kingdoms, and so together they decided "to vote by nation"<sup>4</sup> .

The problem of multiple popes arose, and it was not by ethical or spiritual means that the Council sought to stop the haemorrhaging at the head of the Church. Law, an indisputable science, was the refuge of the Council fathers. An irreproachable and implacable procedure had to be put in place to leave no room for new challenges. Compared with the excommunications of anti-popes in medieval times, the end of this period and the beginning of the Renaissance confirmed the condemnation of anti-popes. Another major reform, a sign of the conciliarism that was emerging in practice, was the obligation for the fathers of the council to give their consent to any papal election<sup>5</sup> .

***"This same holy synod legitimately assembled in the Holy Spirit, existing as a general council and representing the Catholic Church militant, holds its power immediately from Christ; all, of whatever state or dignity they may be, even if it be papal, are bound to obey it in what concerns the faith and the extirpation of the said schism, as well as the general reformation of the said Church of God in its head and in its members"***<sup>6</sup> .

This decree (*Haec Sancta*) from the Council of Constance sets the tone and principle of conciliarism: the unity, through the Holy Spirit, of the fathers of the council to reform the Church without the tribulation of pride coming from any man, even one as worthy as the pope.

The second important event was the decision to vote by country. It set the tone for a national interest in the Church, monarchical patriotism and, above all, a desire to control the power of the ecclesiastical system. This is how Gallicanism was born, at least in people's minds.

Gallicanism, as a religious and political doctrine, focused on the second half of the seventeenth century and the eighteenth century in the kingdom of France. It arose primarily from a theological dispute over Saint Augustine's understanding of grace and history, but gradually drifted into a political quarrel over the Pope's powers over the clergy in France. This discrepancy was the result of the Pope's new desire to dominate the clergy. Administrative and

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<sup>4</sup> BASDEVANT-GAUDEMET, Brigitte. *History of Canon Law*, op. cit. p. 13.

<sup>5</sup> Session 12, 29 May 1415, in BASDEVANT-GAUDEMET, Brigitte. *Histoire du droit canonique ...* Op. cit, p. 21.

<sup>6</sup> *The Decrees: Nicaea I to Lateran V. Les Conciles œcuméniques*, ed. by ALBERIGO, Giuseppe; Vol. 2,1. Paris: CERF, 1994. p. 845.

political domination over the choice of bishops, but above all intellectual domination over the doctrinal points raised by Jansenism.

Jansenism takes its name from a bishop of Ypres, Cornelius Jansen, professor of biblical exegesis and author of the best-selling book *Augustinus*. In this book, he criticised the Jesuits and the mystical, almost hermetic, vision they had of faith and spirituality, seen as an individual struggle against the forces of evil and as a way of meeting God in complete intimacy and almost talking to him (this was to be the mystical side of the Jesuits that was very much in evidence in the great century). But at a deeper level, the problem raised by Jansen was that of man's freedom in the face of divine action. The mysticism of the great century put before God a human being who is subject to, or at least passive, and content to absorb divine graces. How can we then remain free? In the end, are we all puppets at the mercy of divine commands? Jansen answers these questions with St Augustine and his vision of a grace that does not prevent man from acting with a will of his own and a freedom that he must make his own. So far, there has been no sign of the turmoil caused by this bishop. In fact, it was the Pope who prompted the French clergy and the king to criticise the pontiff's claims.

It was the Council of Trent (1545-1563), faced with the Protestant threat, that led to the start of hostilities. By returning to the fundamentals of the faith, to a simpler liturgy, to an older and less bombastic prayer, the Church decided to fight Protestantism on its own ground (that of modesty and humility) while adding a grain of salt: the Baroque style. So it was art, the exterior, that was enhanced in a grandiose, almost grandiloquent way, since the interior had to be built from the inside out. A witness from the time explains the substance of the dispute, making it clear that neither the Pope nor the King had anything to reproach Jansen for, and that the substance was in line with the doctrine of efficacious and sufficient grace of St Augustine and St Thomas Aquinas. So almost nothing happened between 1563 and the end of the great century. Everything really began in 1713 with the issuing of the *Unigenitus* Bull by Clement XI. This bull condemned 101 propositions of the Oratorian religious Pasquier Quesnel, which he published in the book *The New Testament in French accompanied by Moral Reflections*. What started the dispute was the fact that the bull was a request from Louis XIV to the Pope, who received the news of its fulmination "with more joy than on the announcement of a dazzling victory"<sup>7</sup>.

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<sup>7</sup> CEYSSSENS, Lucien. *Le sort de la bulle Unigenitus*, Louvain, 1991. p. 4.

This event had such an impact on the political life of the kingdom of France that it was soon parodied in libels and satirical poems. For example, this satirical sixain very explicitly describes the role and thinking of the clergy:

*"Your Unigenitus, Clement,  
That silly, stupid child,  
Will make his fortune in Gaul.  
Our clergy will currycomb him,  
Then marked on both shoulders,  
Send him back to his daddy"<sup>8</sup>.*

At first glance, there is nothing to link Jansen's theses to those of Quesnel, and it is not the criticisms of the Bull that raise the spectre of Jansenism, but the way in which the Pope imposed the Bull on the Christians of France and on the King, who promulgated it. Since the Council of Trent, France (through the will of Catherine de Médicis, Queen and Regent) had acquired a means of controlling the kingdom's clergy through a clergy assembly (unique in Europe). The clergy assembly, convened to debate the Papal Bull, was a failure and forced the King to impose the Bull as the law of the land, at the Pope's request.

Here is a broad outline of the second Jansenist crisis, which marked the end and the beginning of both the great century and the Age of Enlightenment. We can already see the Pope's embarrassment in controlling the French clergy and the King's unsuccessful attempts to control them completely while pleasing the Pope. So we need to ask ourselves what are the political and philosophical aspects of this quarrel, which runs through the history of France from the end of the 16th century to the beginning of the 19th century (it was not until the Concordat of 1801 that this conflict came to an end<sup>9</sup>).

The problem of Jansenism is that of modernity, of the fight against post-modernity, of a "disenchantment of the world", to use Marcel Gauchet's concept. Faced with man's separation

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<sup>8</sup> Maurepas, F.Fr.12627, p.406 - F.Fr.13655, p.44 - F.Fr.15159, f°8v - Arsenal 2975/2, p.27 - Recueil de poésies de différents auteurs, p.28. (<https://satires18.univ-st-etienne.fr/texte/jans%C3%A9nisme-unigenitus-cl%C3%A9ment-xi/sur-la-constitution>).

<sup>9</sup> MAIRE, Catherine-Laurence. *De La Cause de Dieu à La Cause de La Nation : Le Jansénisme Au XVIIIe Siècle*. Gallimard, 2017 (1998).p 10.

from the cosmos, which becomes devoid of meaning because it is vast, mathematical and devoid of transcendent symbolism, he comes to see this transcendence not as full of meaning but as empty. It is empty because man no longer knows how to listen and find the path to transcendence on his own. The Protestants therefore drew a parallel between faith, the only thing that can bring about conversion and the ascent to God, and man, seen as a "will-o'-the-wisp"<sup>10</sup> incapable of going to God on his own and fundamentally in need of grace, the only thing sufficient and necessary. This sums up the vision of Protestantism at a time when we are talking about the effects of the Catholic counter-reformation. Thus, the problem becomes clearer: the Jansenists emphasise the re-reading of St Augustine and the necessity of grace; only grace is necessary and sufficient if, and only if, it passes through the mediating action of the Roman Church.

However, the Jansenists had the bad idea of emphasising the absolute necessity of appealing to grace (through prayer and Bible study) in a way similar to that which they opposed in the Jesuits, who were considered to be rigorists and inclined towards the mysticism of man's annihilation in order to allow God to come into being. For the Jansenists and others, the separation between God and man is linked to this post-humanist modernity that they all wanted to combat through the thought of St Augustine, whose anthropology is that of access to God by means other than prayer and a reflection on the establishment of a political vision of Christianity to make it last. "God's distance from an earthly world that is asserting its autonomous consistency is accompanied by a strengthening of his presence in inner faith"<sup>11</sup>.

The Council of Trent had already put in place and corrected the Protestant errors on grace, by daring to take up St Augustine. In the first place, man cannot be saved by nature and the law alone: he needs an intermediary in the person of the Church, and more particularly the priest, whose vision is to be magnified, supernatural, acquiring "incomparable eminence and dignity"<sup>12</sup>. However, this Christocentric vision can quickly fall into the opposite excess, i.e. a neglect of the role of man and a resurgence of the predestination so dreaded by the Church, since Protestantism places the human being in the sole hands of God. The Church therefore wants to emphasise human cooperation with the divine. It is therefore a question of combining the necessity of grace with the free will of nature.

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<sup>10</sup> MAIRE, Catherine-Laurence. *De La Cause de Dieu à La Cause de La Nation... Op. cit*, p 15.

<sup>11</sup> MAIRE, Catherine-Laurence. *De La Cause de Dieu à La Cause de La Nation... op. cit.* p. 16.

<sup>12</sup> *Idem*.

The problem of nature and grace, apart from being in part the main contribution of Saint Augustine, is above all the schema and the mould in which medieval political philosophy will flourish. It interests us because it is the theoretical stumbling block to questions of domination in the politics of the popes.

The Bible gives a glimpse of mankind's desire to be governed by one man in order to achieve happiness<sup>13</sup>. But what is implacably obvious to the Fathers of the Church, including Saint Irenaeus, is that the government of men by another man comes from a failure of men who do not want God and turn away from him, but, in an effect of his infinite goodness, God gave men "a fear of man with regard to man, so that by this means they might be compelled to practise some rules of law as well as equitable exchanges"<sup>14</sup>. Human nature is thus already corrupted, and apart from any desire for domination by an institution, man needs grace to act. Consequently, "true justice," said Augustine, "reigns only in the state founded and directed by Christ"<sup>15</sup>. Since human nature is corrupt, the only earthly state capable of "bringing about a semblance of equilibrium, measure and justice"<sup>16</sup> was the Church. As the authoritative dispenser of divine graces, it had an immense role to play: that of dispensing the grace that perfects nature<sup>17</sup>.

*"The earthly State and the City of God will cease to be opposites; they will link up with each other and complement each other"<sup>18</sup>.*

Jansenism and the underlying Gallicanism are direct consequences of the Council of Trent, and indirect consequences of the "mediating claims of the Church"<sup>19</sup>. Because the Church had

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<sup>13</sup> Dt. 17. 14-16, 18-20. "When you come into the land which the Lord your God is giving you, when you have taken possession of it and are living in it, if you say, 'I want to make a king over me like all the nations around me', you must make a king over you chosen by the Lord your God; you must take a king from among your brothers to make him king over you; you must not make a foreign king for yourself who is not one of your brothers [...] When he comes to his royal throne, he must write a copy of this Law for himself in a book in the presence of the Levite priests. [When he ascends to his royal throne, he will write a copy of this Law for himself in a book in the presence of the Levite priests. It will remain with him. He shall read it all the days of his life, so that he may learn to fear the Lord his God by keeping and putting into practice all the words of this Law and all its decrees".

<sup>14</sup> Irénée de Lyon, *Contre les hérésies*, Livre V, Chap. 24 In CASSIRER, Ernst. *Le mythe de l'État*, Bertrand Vergely, and Charles William Hendel, Gallimard, Tel, Paris, 2020.p 153.

<sup>15</sup> CASSIRER, Ernst. *The Myth of the State*. Op. cit. p. 154.

<sup>16</sup> *Ibid*, p. 158.

<sup>17</sup> Thomas Aquinas, *Summa Theologica*. Prima secundae, qu. 91, art. 3. In CASSIRER, Ernst. *The Myth of the State*. op. cit. p. 163.

<sup>18</sup> CASSIRER, Ernst. *The Myth of the State*. Op. cit. p. 163.

<sup>19</sup> MAIRE, Catherine-Laurence. *De La Cause de Dieu à La Cause de La Nation...* Op. cit, p 15.



become an institution organised around domination by spiritual means, there was less and less question of a global spirituality defined and accompanied by the Church. The pressing question becomes one of concern for people who no longer follow, or do not follow, the political orders of the institution. It is in this sense that "Protestant and Catholic reform had many points in common in their desire to provide the faithful with a better framework"<sup>20</sup>. The Council of Trent (1545 - 1563) was preceded by the Council of Lateran V (1512 - 1517), which reaffirmed the unique concept of the Church and the pontiff as the sole holder and owner of the two swords, temporal and spiritual. His monarchy is that of Christ over all beings and all owe obedience to him, the visible image of the invisible God<sup>21</sup>. But Gallicanism retains from these councils only what is received and ratified by parliament and the assembly of the clergy. Gregory XIII, at a time when the king was trying to bury certain decisions of the Council of Trent in royal ordinances, declared all these attempts to be illegal and schismatic because the king could not "legislate on matters of a spiritual nature"<sup>22</sup>. It was therefore the French bishops who asked parliament to accept and incorporate the acts of the Council, which some of them were already implementing in their dioceses, demonstrating the harmful consequence of Gallicanism: that of a separation by levelling and hierarchising bishoprics according to the pontifical dispositions chosen by the bishop at his whim. Ecclesial unity thus became almost a utopia, or even a dream that was never spoken of. It was not until 1615 (!) that the assembly of clergy, wishing to bypass parliament, which was always indecisive or opposed, officially received the Council, "without prejudice to the rights of the king and the freedoms of the Gallican Church"<sup>23</sup>. The Council of Trent thus became the stumbling block between Protestants, the French clergy and the Holy See.

All these elements consolidate the new anthropological as well as theological concept that is emerging: "God is somewhere else"<sup>24</sup>.

Divine omnipotence, despite the embodied contributions of the ecclesial institution (man, in the secular sphere, even if he is a believer) is faced with an autonomy from the divine, even in the religious sphere and with regard to certain doctrinal questions. This illustrates the

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<sup>20</sup> BASDEVANT-GAUDEMET, Brigitte. *History of Canon Law*, op. cit. p. 35.

<sup>21</sup> Col. 1:15: "He is the image of the invisible God".

<sup>22</sup> BASDEVANT-GAUDEMET, Brigitte. *History of Canon Law*, p. 52.

<sup>23</sup> *Idem*.

<sup>24</sup> MAIRE, Catherine-Laurence. *De La Cause de Dieu à La Cause de La Nation...* Op. cit, p 14.

*disenchantment of the world*, an expression taken up by Marcel Gauchet from Weber, who sees it as "the elimination of magic as a technique of salvation"<sup>25</sup>. The elimination understood in this way is that of external spiritual and moral authority in relation to an increasingly striking interiority.

Divine omnipotence, revealed by Creation, whose nature is the aesthetic panoply, and by the Church as the institution of religious fact, is conveyed by the dominant organisation of the ecclesial institution. The pope and the council: these two organs of the Church are there by divine will, and their origin and purpose are *in God*.

This exuberant exaltation of authority, of divine domination, can only be achieved through a corollary thought: that of the insignificance of man in the face of the divine. Man is a being who cannot save himself, and his salvation, both terrestrial and supraterritorial (eschatological), depends on the dispensation of divine largesse.

Two moments in the history of the Church are, in the contemporary world, particularly clear-sighted consequences and continuations of this.

The first expression is the Council of Vatican I and Vatican II.

Vatican I (1869 - 1870) enshrined the Pope's authority as a dogma ("truth revealed by God and as such directly proposed by the Church to our belief"<sup>26</sup>) and made it the dogma of papal infallibility. This eminently political action at the end of the 19th century was partly a consequence of the errors of the Apostolic See. In France, for example, the Sorbonne, in a declaration of 1663, declared that "it is not the doctrine of the Faculty that the pope is above the general council [...] [and that] the pope is infallible when there is no consent of the Church"<sup>27</sup>. Pius IX (1846 - 1878) firmly denounced *modernity*, promulgating a set of 80 proposals on the subject in an encyclical (*Quanta Cura*) in 1864. They can be summed up as an attack on the secular action of secularising states. In particular, Pius IX condemned the State's abandonment

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<sup>25</sup> GAUCHET, Marcel. *Le désenchantement du monde: une histoire politique de la religion*. Collection folio essais 466. Paris: Gallimard, 2014.p. I.

<sup>26</sup> "Dogme" In Dictionnaire de théologie catholique, Fascicule XXX, dir. A. Vacant & E. Mangenot, Paris, Letouzey et Ané éditeurs, 1908. p. 1575.

<sup>27</sup> *Déclaration de la Faculté de théologie de la Sorbonne de 1663*, art. 5 - 6. in BASDEVANT-GAUDEMET, Brigitte. *Histoire du droit canonique...* Op. cit, p. 140.

of religion, freedom of thought and of the press, and freedom of worship for non-Catholics<sup>28</sup>. He explained the reasons for this in an address in March 1861:

*"We have long seen, Venerable Brethren, **what a miserable conflict civil society is agitated by, most of it in these unhappy times of ours, by the war waged between truth and error, virtue and vice, light and darkness. Some of them support certain maxims of modern civilisation, as they call it, while others defend the rights of justice and our sacred religion. The former demand that the Roman Pontiff be reconciled with Progress, with Liberalism, as they call it, and with today's 'uncivilisation'. The second rightly demands that the immutable and unshakeable principles of eternal justice be kept inviolable and intact**"*<sup>29</sup>.

It was in this climate of tension that the First Vatican Council took place. First of all, from a doctrinal point of view, it enshrined the dogma of the Immaculate Conception of the mother of Jesus, Mary. Then, on 18 July 1870, the constitution *Ecclesia Christi* was proclaimed. It contained the principle of papal infallibility, revised to broaden its consequences and impact in the new world that so frightened the Pope.

*"**The Roman Pontiff, when he speaks ex cathedra, that is to say, when fulfilling his office as pastor and teacher of all Christians, he defines by virtue of his supreme apostolic authority that a doctrine... must be accepted by the whole Church, enjoys, through the divine assistance promised to him in the person of Saint Peter, that infallibility with which the divine Redeemer wished the Church to be endowed when it defines doctrine on faith or***

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<sup>28</sup> BASDEVANT-GAUDEMET, Brigitte. *History of Canon Law*, p. 141.

<sup>29</sup> Pius IX, address, *Jamdudum Cernimus*. "For a long time we have seen, Venerable Fratelli, what a miserable conflict civil society has been in, especially in these infelicitous times of ours, for the war waged between truth and error, virtue and virtue, light and darkness. However, on the one hand they supported some of the principles of modern civilisation, as we call it, while on the other they promoted the rights of justice and of our sacrosanct religion. The first call for the Roman Pontiff to be reconciled with and relate to Progress, with Liberalism, as they say, and with the odious incivilisation. I secondi giustamente domandano che siano mantenuti inviolati ed integri gl'immobili ed incrollabili principii dell'eterna giustizia".

(<http://www.vatican.va/content/pius-ix/it/documents/allocuzione-iamdudum-cernimus-18-marzo-1861.html>).

*morals. Consequently, the definitions of the Roman Pontiff are irreformable in themselves and not by virtue of the consent of the Church*"<sup>30</sup>.

This declaration was drawn up according to a legal framework governing its use and scope; this science of law was always there to rationalise and lay the foundations of the truths of faith. This dogmatic constitution won the majority of votes cast by the Council fathers (533 in favour, 2 against). The first internal reaction within the Church came in April 1870, less than three weeks after its promulgation, when the Bishop of Munich was excommunicated and a dissident group, the "Old Catholics", was created. It should be noted that this *infallibility* was that of the Pope, not of the Council - however general or ecumenical it was. This is why the Constitution has a resolution on the Council, which, as a corollary, must present all its resolutions, which must be confirmed by the pontiff in order to be declared valid.

Vatican II, the second Vatican Council, from 1962 to 1965, is another founding moment of modern Christianity, in that this Council, despite the appearance of continuity, is a genuine change. In parallel to Vatican I, it was radical. For example, modernity was better appreciated and the Church was seen as sympathetic to the efforts and dramas of the *modern world*.

***"The joys and hopes, the sorrows and anxieties of the people of our time, especially the poor and all those who suffer, are also the joys and hopes, the sorrows and anxieties of Christ's disciples, and there is nothing truly human that does not find an echo in their hearts. Their community, in fact, is built with people, gathered together in Christ, led by the Holy Spirit in their journey towards the Kingdom of the Father, and bearers of a message of salvation that must be offered to all. The community of Christians therefore***

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<sup>30</sup> Pius IX, dogmatic constitution *Pastor Aeternus*, "Romanum Pontificem, cum ex Cathedra loquitur, id est, cum omnium Christianorum Pastoris et Doctoris munere fungens, pro suprema sua Apostolica auctoritate doctrinam de fide vel moribus ab universa Ecclesia tenendam definit, per assistentiam divinam, ipsi in beato Petro promissam, ea infallibilitate pollere, qua divinus Redemptor Ecclesiam suam in definienda doctrina de fide vel moribus instructam esse voluit; ideoque eiusmodi Romani Pontificis definitiones ex sese, non autem ex consensu Ecclesiae irreformabiles esse". (<http://www.vatican.va/content/pius-ix/la/documents/constitutio-dogmatica-pastor-aeternus-18-iulii-1870.html>). Translated in BASDEVANT-GAUDEMET, Brigitte. *Histoire du droit canonique...* Op. cit, p. 141.

*recognises that it is truly and intimately united with the human race and its history".* <sup>31</sup>

The first point to make is the fundamentally new position of a loving and saving Church, like a mother who loves and protects her children, suffering when they suffer. This is reminiscent of the exordium of some medieval papal letters<sup>32</sup>. But above all - confirming the views of Dante, Marsilio of Padua and William of Ockham - the Constitution speaks of a *community of Christians*, of *disciples of Christ*, giving a major role to believers, without forgetting that the Pope is the sole head and has sole power of decision.

The resounding repercussions of the changes brought about by *modernity* and the continuity of the events in the Church we have been talking about - Jansenism, Gallicanism, the desire for temporal power - give rise to a new contemporary world in which God disappears inside the faithful, outside the public arena. This diminishment, this veiling, calls for a new ability on the part of the Church, the ability to detect the *signs of the times* and to act.

This ability to unveil signs must presuppose an overhaul of ecclesiastical doctrine. This was the objective set for the Council by John XXIII (1958-1963) in the encyclical *Ad Petri Cathedram*, which announced and set out the guidelines for the Council.

*"The main aim of the Council itself will be to promote an increase in the Catholic faith, a healthy renewal of the customs of the Christian people **and to update ecclesiastical discipline in accordance with the needs of our time**"*<sup>33</sup>.

What emerges from reading the Council's decrees and constitutions is that the world is changing and the Church is changing with it, but only in its lay and priestly component. The decree *Presbyterorum Ordinis* is the most striking example: priests must **"listen willingly to the laity,**

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<sup>31</sup> Constitution *Gaudium et Spes*, §1.

([http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_const\\_19651207\\_gaudium-et-spes\\_fr.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_fr.html)).

<sup>32</sup> "Romana mater Ecclesia pietatis ubertate secundam et minime non oblita sic erga filios materne dilectionis effundit ...", cf. Appendix IV, letter 17.

<sup>33</sup> John XXIII, *Ad Petri Cathedram*, III: "The principal aim of the Council itself will be to promote an increase in Catholic faith, a salutary renewal of the customs of the Christian people and an improvement in Church discipline according to the needs of our times" ([http://www.vatican.va/content/john-xxiii/it/encyclicals/documents/hf\\_j-xxiii\\_enc\\_29061959\\_ad-petri.html](http://www.vatican.va/content/john-xxiii/it/encyclicals/documents/hf_j-xxiii_enc_29061959_ad-petri.html)).

take fraternal account of their desires, recognise their experience and competence in the various fields of human activity, **so as to be able to discern with them the signs of the times**"<sup>34</sup> .

The priest once again became the centre of the ecclesial institution, but in counterpoint, there was no mention of the Pope, the Curia or the Council. This accentuated the gap between the *institution* - seen, following the work of Michel Foucault, as a place of power and domination, a place of deprivation of freedom - and the local Church, the parish - which became increasingly close to the laity, and sometimes openly criticised the actions and words of the Apostolic See. A gap opened up after Vatican II. A theological divide - the Priestly Fraternity of Saint Pius X is the most telling example - which rejects all the decrees and constitutions on the grounds that this Council would cancel out the doctrinal achievements of Vatican I, in particular papal infallibility, the rejection of modernity, the rejection of other religions and of the Jews<sup>35</sup> . At the same time, a human divide is opening up, which will have repercussions on the way religion is expressed and lived. Paul VI's encyclical *Humanae Vitae* (1963-1978) is a good illustration of this; it was to tear the Christian and non-Christian world apart. This encyclical on *marriage and birth control* was published on 25 July 1968. In this encyclical, Paul VI took up the Church's teaching on birth control and the means of achieving it or avoiding it, and brought them up to date with the *modern world*. He therefore declared contraception, abortion and sterilisation to be illegal. These prohibitions are followed by an appeal to the various contemporary actors in social life, asking them to ensure that this vision is respected, because, he says, "Our word would not be an adequate expression of the thought and solicitude of the Church, Mother and Teacher of all nations"<sup>36</sup> . Thus, taking up the Church's maternal schema, Paul VI sets out, with all the force of an encyclical as a doctrinal document, the Church's provisions for couples and concerning morality. It is a question of delimiting good from evil, as Weber defined it in his explanation of hierocracy.

*"Humanae vitae was felt as an aggression and a direct indictment by new Christian couples and contributed to driving away from the Church thousands of families - practising or not, that's not the problem - who*

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<sup>34</sup> Decree *Presbyterorum Ordinis*, II, 9.

<sup>35</sup> See: [https://laportelatine.org/vatican/concile\\_vatican\\_2/concile\\_vatican\\_2.php](https://laportelatine.org/vatican/concile_vatican_2/concile_vatican_2.php). This section and the section on the crisis of the Council give an overview of these elements. It talks, among other things, about "rigorist Islam", "the Protestant sects that are proliferating", and "the mire in which the priests of the Council wallow".

<sup>36</sup> Paul VI, *Humanae Vitae*, III §19.

*considered themselves members of the Church and who after Humanae vitae despaired of the institution and left it brutally or on tiptoe*<sup>37</sup> .

These elements arouse suspicion in believers and non-believers alike towards authority, which is seen as a "superstructure" of power.

*"In the terrible crisis that has shaken the Church for nearly two decades, it is the ecclesiastical institutions that have been most strongly challenged; so much so that it is not uncommon to hear the institutional Church referred to as a purely human superstructure that **poisons life and imprisons the Spirit...**"*<sup>38</sup> .

This apprehension of the institution as a structure deleterious to the spirit and to life comes as a conclusion to the moments of criticism of the Church, which, paradoxically, originate in its very desire and immoderate will for glory, as Spinoza says. So the problems come from within. But externally, in reaction to *fatuities*, a new way of criticising and apprehending the world and the universe developed.

The first blow came from a science, physical science. Already in the Renaissance (and already in its infancy at the end of the Middle Ages), perspective was changing the face of painting, through the use of mathematics<sup>39</sup> . The physical sciences of the seventeenth and eighteenth centuries introduced a new vision, *from the closed world to the infinite universe*, to use the title of Alexandre Koyré's book. While ancient thought was that of a closed world where all beings had a defined place and where the essential thing was to live ethically in order to conform to the cosmos<sup>40</sup> , in counterpoint, the new physics of the seventeenth and eighteenth centuries offered a vision of time and space as infinite and disordered, obeying the laws of the physical and mathematical sciences rather than a theological vision. Among this procession of thinkers

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<sup>37</sup> VAUCHEZ, André. In MARTELET, Gustave. *Essay on the meaning of the encyclical "Humanae vitae"*. In: *Paul VI et la modernité dans l'Église*. Actes du colloque de Rome (2-4 juin 1983) Rome, (Publications de l'École française de Rome, 72), École Française de Rome, 1984. pp. 414.

<sup>38</sup> ONORIO Joël-Benoît d'. *Paul VI et le gouvernement central de l'Église (1968-1978)*. In: *Paul VI et la modernité dans l'Église*. Actes du colloque de Rome (2-4 juin 1983) Rome, (Publications de l'École française de Rome, 72), École Française de Rome, 1984. p. 615.

<sup>39</sup> On this subject, see the magnificent book by Erwin Panofsky: *La perspective comme forme symbolique et autres essais*, (translated by Guy Ballangé), Paris, Minuit, 2006.

<sup>40</sup> BRUNSCHWIG, J. " Les Stoïciens", in Philosophie grecque, CANTO-SPERBER, M. (dir.), Paris, PUF, 1997, pp. 511-562.

and scientists, Leibniz is a singular figure, a believer, a scientist and a philosopher. And yet, in spite of all this, he could not help but recognise :

*"the fact [...] that God did not do what He wanted to do, or would have liked to do. There were laws and rules that He could neither change nor evade.*

***Things had a nature that He could not alter*"<sup>41</sup> .**

The appalling confession of a God who could not go beyond the laws of nature. These laws filled us more than any divinity, since space and time were no longer *attributes* or *substances*, especially according to ancient and medieval ontology. Space became empty of all divinity because it was empty, "an infinite uncreated nothingness, the framework of the *absence of* all being"<sup>42</sup> , even of God. And at the beginning of the 19th century, at the end of the publication of his *Treatise on Celestial Mechanics*, Pierre-Simon de Laplace, the eminent French mathematician, retorted to Napoleon I who asked him where God was in his essay:

*"I didn't need this hypothesis"*<sup>43</sup> .

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<sup>41</sup> KOYRE, Alexandre. *From the closed world to the infinite universe*. Collection Tel 129. Paris, Gallimard, 2011.p. 333.

<sup>42</sup> *Ibid*, p. 336.

<sup>43</sup> Anecdote repeated by Victor Hugo. In *Choses vues 1847-1848*, Paris, Gallimard, 1972, p. 217.



## Conclusion

*"The phenomenon of knowledge always and in all cases refers to a given, to an appearance which plays the role of ultimate foundation and which it is only a question of understanding in its proper sense and of situating on the plane of being which is its own"<sup>1</sup>.*

The appearance that runs throughout the Middle Ages and, by extension, throughout history up to the present day, is that of the power of the Church, real spiritually and desired temporally. But appearance is not being, it is the worldly manifestation of it. So the Church and its power are only an appearance that manifests a deeper desire. This desire led it to take particular paths: that of canon law, using works that were falsified but considered to be true and *irrefutable*, to use the legal vocabulary. The temporal monarchies, on the other hand, responded almost in reverse, in aversion, making ironic use of the sacred appearance that the Church was gradually abandoning. What drives these two wills to power is *the Empire*.

This word is characterised by a desire for total supremacy. The most striking example of man's desire for infinity is, of course, the Roman Empire. This seductive and reassuring example, maternal since it is the foundation and reservoir of the actions taken to gain the upper hand over its enemy, in the conflict between the two spiritual sons, the Church and the Holy Roman Empire.

These two forms of human power compete for the totality of the world; this is due to the desire that is expressed in man.

*"Desire is the very essence of man insofar as he is conceived as determined to do something by some affection given in him"<sup>2</sup>.*

This desire leads to a place where man is never satiated, always asking for more, always wanting to fill more, as much as he pushes further away. This desire is a paradox, "because it presents itself in the paradoxical form of a repulsion that attracts, a tearing apart that fills"<sup>3</sup>. The rift that unfolds, then, is that of a desire to go where he has never been, and therefore to a place he does

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<sup>1</sup> HENRY, Michel. *The essence of manifestation*. 3. ed. Épipiméthée. Paris: Presses Univ. de France, 2003.p. 62.

<sup>2</sup> SPINOZA, Baruch de. *Ethics*, Definitions of the Affections, I. In Spinoza, Benedictus de, and Charles Appuhn. Works 3: Ethics. Paris: Flammarion, 2002.p. 196.

<sup>3</sup> MARZANO, Michela. *Le désir : un équilibre instable entre manque et puissance*, Analyse Freudienne Presse, vol. 15, no. 1, 2007, p. 33.

not know. In the words of E. Levinas<sup>4</sup>, seen in this way, desire is the constitution of something we lack:

*"He who desires, desires what he lacks and does not desire what he does not lack"<sup>5</sup>.*

Accordingly, both the emperor and the papacy have grievances that are imputed to them. However, the Papacy is not distinguished by its domination, which, as Max Weber has shown, is a constant in political organisations and institutions that seek to control the social life of a territory. It is different in the way it operates. It does not operate solely through material domination, but this is a consequence of *immaterial, metaphysical and theological* domination, which includes all the intellectual development of the Church since its beginnings. The *heresies* of early Christianity - not the doctrines considered false and contrary to the canons, but what the *heresies were*, schools of thought (*hairesis*) - hybridised Greek and Jewish thought with the new Christian thought, sharing their discoveries and thoughts in manuscripts that circulated fairly easily throughout the Mediterranean basin. These hybridizations, particularly with the thought of Plotinus and Neoplatonism, were beneficial for both the Church and thought. However, between the second and fourth centuries, in the *pre-Constantinian* era, the Church resorted to a new strategy: that of a "battle of orthodoxy"<sup>6</sup> to bring about a unity that would prove decisive. The decisive aspect of this emergence of unity was therefore, on the one hand, the confrontation between *schools of thought*, in parallel with an increase in the number of faithful and the diversity of the places where they lived. On the other hand, externally, at the level of the Empire, it was the persecutions "by the Roman government [that] precipitated the distinction between Christians"<sup>7</sup>.

*"The strategies deployed by the bishops were successful, however, in that they created boundaries, networks and precedents that formed the*

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<sup>4</sup> LEVINAS, Emmanuel. *Totalité et infini: essai sur l'extériorité*. Paris, Livre de Poche Biblio essais, 2009.p. 22. "Metaphysical desire does not aspire to return, for it is desire for a country where we were never born. Of a country foreign to all nature, which was not our homeland and to which we will never be transported. Metaphysical desire is not based on any prior kinship. A desire that cannot be satisfied.

<sup>5</sup> Plato, The Banquet, in *Œuvres complètes*, Paris, Les Belles Lettres, IV, IIIe partie, 1929, 200a.

<sup>6</sup> BRAKKE, David. *Gnostics: myth, ritual and diversity in early Christianity*. Trad. CHUVIN, Marie, Paris, les Belles lettres, 2019. p. 169.

<sup>7</sup> BRAKKE, David. *The Gnostics. Op. cit.* p. 170.

*foundations of a universal, or "Catholic" Church, which the ministers of the faith and the Roman emperors after Constantine eventually established"*<sup>8</sup>.

The territory of medieval Italy was the arena for these imperial desires, even though the Church had the considerable advantage of being universal, of not being concentrated in a particular territory, since domination was based above all on immaterial and metaphysical aspects. Thus, the Church as an institution is based on the Church as a community of believers. The ecclesial institution must therefore be able to control local communities, bishoprics, archbishoprics and above all parishes, which are the Church's primary link with believers. This multiplication of the methods of domination can give the impression of an accumulation of mediators incapable of really being a link, since there are only men, acting as men, as Rousseau reminds us in his *profession of faith of the Savoyard vicar* :

*"What! always human testimonies! always men telling me what other men have told! what men between God and me!"*<sup>9</sup>.

And yet this accumulation of mediators is understood and motivated by a theology of the Church centred on the Trinity, three in one. In the same way that the Trinity is a circulation, an exchange, the Church as the mystical body of Christ is also a hierarchy based on exchange. These exchanges are mainly those of apostolic decisions to be made known in every corner of Christendom; but they are also diplomatic exchanges, a formidable weapon, especially when they are embodied by prelates specifically chosen and prepared to become *other-popes*, a mimesis perfectly measured and calculated to weigh in the decisions of the whole of Christendom, by the number of legates and their prerogatives. In the course of our study, we have been able to follow the actions of a legate, in particular through the letters of the pope giving him the orders to be carried out to ensure the triumph of the temporal Church. It took place in communal Italy, the very special territory that was the scene of the disputes.

The Roman Empire is perhaps the greatest and longest legacy that Italy has ever known. A sequel because it divided everything it served, deceived and envied. From the smallest lord who wanted to arrogate to himself rights over the territory, marked by the empire - which the Church followed in this desire to monopolise - to the most important of the nobles. From the German emperor to the Norman family who settled in this Sicily that was so little able to follow the

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<sup>8</sup> *Idem.*

<sup>9</sup> ROUSSEAU, Jean-Jacques. *Émile ou de l'éducation*. Paris: Classiques Garnier Numérique, 2014.p. 364.

general will - Sicily that wanted to follow another path through that of the Lombards, then through that of the Eastern emperor who saw it as a point of entry to the empire dreamed of since the fall of its western half.

The Empire bequeathed a circumscribed territory: Rome and the Tusculum, which became the first part of St Peter's patrimony. But, turning heads and sparking desires, the Church wanted more, even if it meant creating a justification as ancient as itself, as imperial as possible and yet so Christian through the Donation of Constantine, the imperium and the territories.

Even the Holy German Empire refused to cry scandal; and yet, this imperium and these territories rightfully belonged to the Holy Empire, as successor to the Ottonians, Carolingians and Salians. The emperor was to be elected King of Rome by the people of Rome, crystallising this desire for Romanity, a desire that went so far as to take over the imperial legal and administrative structure and impose it on the imperial territories, particularly Sicily, so beloved of Emperor Frederick II. The Roman Empire was the reign of law; this is what the pope tried to pursue through the compilation of the Decretals and the German emperor through the *liber Augustalis*.

It was a predominance of law, of written legal documents that extended to the communes. These cities, so full of the desire for independence, never quite knew where to stand between the Papacy and the Empire; they didn't know what to do: refuse the empire's emissaries even if it meant going to war with them, or accept the podestates and do as they pleased, or be mystified and tyrannised by a podestate who was too powerful. The Pope is not to be outdone, and will always want to gather the cities under his yoke (a biblical metaphor), without forgetting that the Church has a certain power and plays with it cheerfully (frequent excommunications, threats of fiscal sanctions, for example). The Church will also be manoeuvring to take advantage of the unique provisions offered by the communes.

These communes were to develop with a certain degree of inner freedom, between the nobility (who must not be offended in order to retain their protection and territorial income), the contado that was so important and dear to their hearts, and a newly created public space in response to an increase in the population of the towns (an increase that obviously did not go hand in hand with a better life). This growth is also the breeding ground for a formidable production of scripture and contracts awarded to clean up the town, enlarge it and boast unprecedented architectural achievements. Boasting a high level of education by offering dispensations and largesse to attract the most reputed masters, gradually gaining ascendancy over the generations

through public employment (especially notaries) by ratifying decisions to embellish and change the status of villages, which had to be recorded at all costs. The communes represent the living memory of an era of construction, blessed by the Church, which saw a way of escaping these cities from imperial control; but despite sending religious mendicants to regain control of the turbulent political game, it was in vain.

Politics is just one dignified facet of the will to power that drives the decisions and actions of the German Empire and the Church. Law is another, as a memorial and reassuring construction that indicates what must not change for centuries to come. The meticulous construction of ideology through thought, through philosophy - ancient philosophy, of course - to support and prove the legitimacy of its power, through the clamour launched against its adversary and towards the communes, often haggard witnesses to its jousts.

Power is conceptualised and underpinned by metaphysics, a perfect edifice that makes it possible to say what cannot otherwise be said: the unity of beings forms a community, governed by a single one; they constitute a political community instigated by a desire for unity that must preside over the government of a single one. Neoplatonism comes to the rescue of these claims with its thought of the One-good, the sole source and dispenser of being, the origin and end of all that is.

However, this new way of thinking was reserved for a restricted circle of intellectuals; the tutelary and holy authority of the Bible was then needed to prove in good faith that kingship was a dispensation from divine grace, which it nevertheless rejected, having the desire to govern men while leaving them free (humility of the supreme ruler). Kingship is chosen by the people of God.

So, in the final analysis, it was the faithful who emerged victorious from this contest, which was unique in its diversity of fronts. It was the people of the legal profession (notaries, jurists, canonists) who made the law, in every sense of the word; no king could govern without the support of the law, which was specialising and becoming a rigorous science.

It was the rise of legations, of rigorous diplomacy to take up, once again, the Roman imperial torch. To govern by symbol, to govern by magnanimity, to govern by the fear of spiritual sentences: this was the Pope's arsenal, with a view to directing the communes for himself and against the Empire without saying so, through a game of political theatre, in order to rediscover the unity of power promised by God and articulated by the ancient intellect.

To use Max Weber's vocabulary, Bernard de Languissel is an *ideal-type* of legation, an exemplary manifestation of the popes' preferred means of achieving their ends. In the letters addressed to Bernard de Languissel, the pope, like a particular world, gives the whole of his symbol of authority, first granting authority over the local Church and all the communities, then establishing his legation authority and, above all, integrating the hierarchical chain of the Church as the body of Christ. Once the legate has become part of the ecclesiastical hierarchy, he is then given instructions to put the particular world back in order. This is what it's all about: domination is based on the differentiation between order and chaos. Order of good versus chaos of evil, and yet it is with paternalist and maternal accents that the Pope instructs his legate.

The Roman Church, the mother of all peoples, looks after its children, punishing, supervising and educating them. Nevertheless, it was this desire to appear loving and benevolent, and the discrepancy between what was done and what was done, that first shocked and then raised questions. Two sciences will help to put thoughts in order to criticise this vision: law and philosophy. These two sciences enable us to identify and understand the world and ideas with precision.

At the end of this study, we can therefore highlight the domination that the Church exercises and the consequences that this has. We can put forward the hypothesis that the Church's current problems stem from its inordinate desire for temporal power - which has created a gulf between theological science and pastoral practice, with Paul VI referring to the Church as an "expert in humanity"<sup>10</sup> - and which is at the root of certain contemporary events, in particular, the most flagrant and damaging, the economic trafficking of the famous Vatican bank, but even more serious, the problems of sexual abuse. Hierocracy's acuity helps us to understand some of this. The Church's current problems are based on a vision of domination that slopes too far down the slope of absolute authority, leaving no room for any flaws, because power demands it. The consequence is a heavy taboo on these affairs, not because they are wrong and condemnable, but because they challenge the power and metaphysical conceptualisation of the Church, which uses a family vocabulary when the acts are so far removed from it. These acts are also an admission of weakness and of belonging to humanity, fallen into evil when the Church is supposed to be protected from it by its unique character and the power of good that it embodies against the evil of this world that it distrusts. Even today, members of the Roman Curia castigate

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<sup>10</sup> Paul VI, Encyclical *Populorum Progressio*, II, 13.

the world and call on the Church to be a loving mother, to return to its original vocation: to proclaim the faith and hope of life beyond death.

Mainly curial, the hierarchy of the Church is a court which, like that of Louis XIV, Versailles, is a place where the art of pleasing is constantly present in order to appear the best possible; appearing the best possible not ethically, but politically, like a follower of Machiavelli, using everything in his possession to be seen, because that's what it's all about: appearing. Yet this society of appearances is in decline, and it is only through a psychic reflex of self-preservation, an impulse that pushes the Church and its hierarchy to stay alive despite a world that no longer corresponds to it, that this *decline in the art of courtship* is maintained and shifted in time<sup>11</sup>.

"The sky was charming, the sea was united;  
For me, everything was black and bloody from then on,  
Alas! and I had, as in a thick shroud,  
The heart buried in this allegory.

On your island, O Venus! I found nothing standing  
A symbolic gallows where my image hung...  
- Ah, Lord! give me strength and courage  
To contemplate my heart and my body without disgust!"<sup>12</sup>

**Ac bone memorie B. Languisselo, apostolice sedis legato**

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<sup>11</sup> See ELIAS, Norbert. *Le déclin de l'art de cour*, biblis, CNRS édition, Paris,

<sup>12</sup> *Un voyage à Cythère*, BAUDELAIRE, Charles. *Les Fleurs du Mal*, Classique Garnier, 1998.p. 138.



## Appendices

## Appendix I: Table of letters

| pape       | date             | lieu    | destinataire  | analyse  | édition   | régeste  |
|------------|------------------|---------|---|--|---|--|
| Urbain IV  | 17 janvier 1264  | Orvieto | Raymond, "rectori ecclesie sancti Salvatoris de Cruiera"  | le pape confirme le bénéfice de Raymond, évêque de St Sabine.  | ut per litteras, Urbain IV, 963   | -  |
| Urbain IV  | 19 février 1264  | Orvieto | Raymond de Croix, chapelain du pape                       | le pape confirme le bénéfice de prébende de Guidone, évêque de Sabine  | ut per litteras, Urbain IV, 994   | -  |
| Urbain IV  | 12 avril 1264    | Orvieto | Guidoni, évêque de Sainte Sabine, légat                   | Guido, légat, et Maurino, archevêque de Narbonne confèrent des prébendes à Bernard de Languissel, chapelain du pape et <i>famillier</i> de l'archevêque. | ut per litteras, Urbain IV, 1532  | -  |
| Clément IV | 15 août 1265     | Pérouse | Mathei, cardinal-diacre de Sainte Marie <i>in porticu</i> | problème concernant la réception des subsides pour le patrimoine de Saint-Pierre   | Ed. part. Martène et Durand, Thesaurus novus anecdotorum, II, col. 183, n° 127  | Potthast, Regest. Pontif. Roman., n° 19311 / ut per litteras, Clément IV, 931  |
| Clément IV | 21 janvier 1266  | Pérouse | prieur de St Guihlem                                      | problème entre une abbaye du diocèse de Nîmes et l'abbaye de St Guihlem du desert  | ut per litteras, Clément IV, 202  | -  |
| Clément IV | 25 mai 1266      | Viterbe | Bernard Languissel  | demande de rétablir la paix avec Sienne et Orvieto en lui donnant copie du texte de paix ratifié par les deux communes                                   | Epistole et dictamina Clementis pape quarti, ed. Thumser, n° 203 / Ed. part. Martène et Durand, Thesaurus novus anecdotorum, II, col. 350, n° 308 | Potthast, Regest. Pontif. Roman., n° 19692                                     |
| Clément IV | 28 mars 1267     | Viterbe | Simon, cardinal de Sainte Cécile, légat                   | le pape confie à Simon, légat, de procéder à la l'estimation des biens des monastères du royaume de France   | ut per litteras, Clément IV, 440  | -  |
| Clément IV | 13 novembre 1267 | Viterbe | Henri de Castille   | informe Henri de Castille qu'il a envoyé Bernard de Languissel, comme nonce, auprès de Charles d'Anjou   | Epistole et dictamina Clementis pape quarti, ed. Thumser, n. 404 / Ed. part. Martène et Durand, Thesaurus novus anecdotorum, II, col. 539, n° 554 | Potthast, Regest. Pontif. Roman., n° 20163                                     |
| Clément IV | 20 novembre 1267 | Viterbe | Charles d'Anjou   | demande au roi de Sicile de lui renvoyer son chapelain   | Epistole et dictamina Clementis pape quarti, ed. Thumser, n. 408 / Ed. part. Martène et Durand, Thesaurus novus anecdotorum, II, col. 542, n° 558 | Potthast, Regest. Pontif. Roman., n° 20168                                     |
| Clément IV | 17 decembre 1267 | Viterbe | G. De Torneux op et Bernard de Languissel                 | discussions autour des propositions de mariage de Charles d'Anjou avec la fille du roi d'Aragon ou la fille du Margrave de Brandebourg                   | Edition en annexe / Ed. part. Martène et Durand, Thesaurus novus anecdotorum, II, col. 547, n° 568  | Potthast, Regest. Pontif. Roman., n° 20188 / ut per litteras, Clément IV, 1314 |
| Clément IV | 05 avril 1268    | Viterbe | Bernard de Languissel                                     | dispositions contre les habitants de Sienne  | Rodenberg, Epistolæ sæculi XIII e regestis pontificum Romanorum selecte, III, n° 678  | Potthast, Regest. Pontif. Roman., n° 20311 / ut per litteras, Clément IV, 694  |
| Clément IV | 28 avril 1268    | Viterbe | Raymond de Croix, chapelain du pape                       | confirmation des avis concernant les prébendes vacantes de l'église de Narbonne  | ut per litteras, Clément IV, 622  | -  |
| Grégoire X | 13 juin 1274     | Lyon    |   | demande au sujet du chapitre de l'évêché de Nîmes  | ut per litteras, Grégoire X, 373  | -  |

|            |                   |         |                                      |   |  |   |
|------------|-------------------|---------|--------------------------------------|---|--|---|
| Grégoire X | 13 juin 1274      | Lyon    |                                      | demande au sujet du chapitre de l'évêché de Nîmes   | ut per litteras, Grégoire X, 373   | -   |
| Grégoire X | 17 septembre 1274 | Lyon    | aux évêques de France                | le pape demande aux évêques de tout mettre en œuvre pour la croisade  | Ed. part. Raynaldi, Theiner, a. 1274, § 40-42  | Potthast, Regest. Pontif. Roman., n° 20920  |
| Jean XXI   | 12 avril 1277     | Viterbe | aux archevêques de Narbonne et Arles | autorisation d'accorder au roi d'Aragon une part de la décimes, pour la défense contre les sarrasins  | Ed. part. Raynaldi, Theiner, a. 1277, § 7 / ut per litteras, Jean XXI, 143   | Potthast, Regest. Pontif. Roman., n° 21242  |
| Martin IV  | 20 janvier 1281   | Viterbe | Bertrand, archevêque d'Arles         | litige au sujet de la succession de Bernard de Languissel au siège archiépiscopal d'Arles.  | Ed. part. ut per litteras, Martin IV, 096  | -   |
| Martin IV  | 12 avril 1281     | ?       | Bernard de Languissel                | mandement portant création cardinalice de Bernard de Languissel   | Edmond Martène, Ursin Durand, <i>Veterum scriptorum et monumentorum moralium</i> , Paris : Montalant, 1724, c. 1283-1284 | Potthast, Regest. Pontif. Roman., n° 21829  |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | le pape confie la pleine legation sur la Lombardie, la Romagne, la tuscie et la Vénétie   | Edition en annexe / Ed. part. Raynaldi, Theiner, a. 1283, § 49 et 50, p. 523-524   | Potthast, Regesta pontificum Romanorum, n° 22038 / ut per litteras, Martin IV, 472a |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | le pape concède le pouvoir d'émettre des censures ecclésiastiques sur des personnes ecclésiastiques ou séculières                             | Edition en annexe  | ut per litteras, Martin IV, 472aa   |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | invitation à être humble dans sa légation, précision des territoires soumis à sa légation   | ut per litteras, Martin IV, 472b   | ut per litteras, Martin IV, 472b  |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | autorisation de retenir à sa convenance et sous son obéissance les frères des Ordres Mineurs pour sa légation                                 | Edition en annexe  | ut per litteras, Martin IV, 472bb   |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | autorisation d'exercer des censures ecclésiastiques aux sujets d'injures sur ses familiers  | Edition en annexe / Ed. part. Sbaralea bullar. francisc. III. 507. n°50  | Potthast, Regesta pontificum Romanorum, n° 22039 / ut per litteras, Martin IV, 472c |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | disposition sur les suspenses, interdits, excommunications concernant des personnes ecclésiastiques et leur possible absolutions et dispenses | Edition en annexe  | ut per litteras, Martin IV, 472cc   |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | autorisation de punir toute les personnes ecclésiastiques, même si ce sont des patriarches, archevêques, évêques                              | Edition en annexe / Ed. part. ut per litteras, Martin IV, 472d   | ut per litteras, Martin IV, 472d  |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | dispositions pour s'occuper des bénéfices vacants   | Edition en annexe  | ut per litteras, Martin IV, 472dd   |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | concession au sujet des indulgences et privilèges pour les religieux  | Edition en annexe  | ut per litteras, Martin IV, 472e  |
| Martin IV  | 17 juin 1283      | Orvieto | Bernard Languissel                   | autorisation d'agir par des commissions et négociations, librement, sans gêner les conciles   | Edition en annexe  | ut per litteras, Martin IV, 472ee   |

|           |              |         |                    |   |  |   |
|-----------|--------------|---------|--------------------|---|--|---|
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | dispositions pour la convocation de prélats   | Edition en annexe  | ut per litteras, Martin IV, 472f  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | le pape autorise les Dominicains et Franciscains à avoir et utiliser des chevaux pour pouvoir suivre le légat dans ses missions             | Edition en annexe / Ed. part. Sbaraleae bullar. francisc. Ill. 508. n°51 | Pothast, Regesta pontificum Romanorum, n° 22040 / ut per litteras, Martin IV, 472ff |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | disposition sur les rassemblements, les fêtes, les penitences   | Edition en annexe / Ed. part. ut per litteras, Martin IV, 472g           | ut per litteras, Martin IV, 472g  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | précision sur les offices divins, les célébrations pendant les périodes d'interdits   | Edition en annexe / Ed. part. ut per litteras, Martin IV, 472gg          | ut per litteras, Martin IV, 472gg   |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | dispositions pour exercer librement les offices epndnt la légation  | Edition en annexe  | ut per litteras, Martin IV, 472h  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | Bernard Languissel obtient la possibilité d'absoudre de l'excommunication, des sentences et interdits, la commune et le diocèse de Bologne  | Edition en annexe / Ed. part. ut per litteras, Martin IV, 472hh          | -   |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | concession au sujet des dispenses d'irrégularités de prélats ecclésiastiques  | Edition en annexe  | ut per litteras, Martin IV, 472i  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | possibilité de donner des dispenses contre des irrégularités commises par des prélats ou personnes ecclésiastiques                          | Edition en annexe  | ut per litteras, Martin IV, 472j  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | concede absolution pour les juges délégués durant la légation   | ut per litteras, Martin IV, 472k   | -   |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | consigne sur les provisions, prébendes et bénéfices de vingt clercs   | Edition en annexe  | ut per litteras, Martin IV, 472l  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | privation envers les clercs impies, désagréables et désobéissants en ce qui concerne ce que fait ou dit le légat                            | Edition en annexe  | ut per litteras, Martin IV, 472m  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | disposition concernant les frères des Ordres Mineurs utilisés pendant la légation   | Edition en annexe  | ut per litteras, Martin IV, 472n  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | disposition concernant les irrégularités <i>simoniaques</i>   | Edition en annexe  | ut per litteras, Martin IV, 472o  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | concernant la consécration des autels sous le vocable <i>Verbum Dei</i>   | Edition en annexe  | ut per litteras, Martin IV, 472p  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | permission de lever ou d'alléger de 40 jours les pénitences   | Edition en annexe  | ut per litteras, Martin IV, 472q  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | concession au sujet de l'entrée dans les monastères des femmes nobles, durant la légation elles peuvent manger mais pas dormir ou séjourner | Edition en annexe  | ut per litteras, Martin IV, 472r  |
| Martin IV | 17 juin 1283 | Orvieto | Bernard Languissel | disposition concernant les octrois et la collation de prébendes pour les clercs de la légation et pendant celle-ci                          | Edition en annexe  | ut per litteras, Martin IV, 472s  |

|           |                |         |  |   |   |                                   |
|-----------|----------------|---------|--|---|---|-----------------------------------|
| Martin IV | 17 juin 1283   | Orvieto | Bernard Languissel                                   | demande du pape de ne pas déroger , qui qu'en soit la raison, aux commissions durant la légation  | Edition en annexe   | ut per litteras, Martin IV, 472t  |
| Martin IV | 17 juin 1283   | Orvieto | Bernard Languissel                                   | faculté d'absoudre les hommes, tant clercs que laïcs, qui portent des armes, épées, bois et vivres aux sarrasins qui assaillent les chrétiens | Edition en annexe   | ut per litteras, Martin IV, 472u  |
| Martin IV | 17 juin 1283   | Orvieto | Bernard Languissel                                   | disposition pour rassembler les ordres religieux cités les négociations et commissions  | Edition en annexe   | ut per litteras, Martin IV, 472v  |
| Martin IV | 17 juin 1283   | Orvieto | Bernard Languissel                                   | reçoit procuration pour et par les ordres religieux cités pour réprimer et chasser les opposants  | Edition en annexe   | ut per litteras, Martin IV, 472w  |
| Martin IV | 17 juin 1283   | Orvieto | Bernard Languissel                                   | le pape concède que le légat puisse demander procuration sur n'importe quels lieux qu'il parcourt pendant sa légation, si besoin              | Edition en annexe   | ut per litteras, Martin IV, 472x  |
| Martin IV | 17 juin 1283   | Orvieto | Bernard Languissel                                   | le pape confère la collation de bénéfices ecclésiastiques pour sa légation  | Edition en annexe   | ut per litteras, Martin IV, 472y  |
| Martin IV | 17 juin 1283   | Orvieto | Bernard de Languissel                                | le pape concède les bénéfices aux clercs de la légation durant celle-ci   | Edition en annexe   | ut per litteras, Martin IV, 472z  |
| Martin IV | 22 juin 1283   | Orvieto | Bernard Languissel                                   | possibilité de sanctions et sentences contre ceux qui s'en prennent aux églises et aux autres lieux ecclésiastiques                           | Edition en annexe / Ed. part. ut per litteras, Martin IV, 472ii | -                                 |
| Martin IV | 22 juin 1283   | Orvieto | Bernard Languissel                                   | concède une dispense envers vingt clercs  | Edition en annexe   | ut per litteras, Martin IV, 472jj |
| Martin IV | 22 juin 1283   | Orvieto | Bernard Languissel                                   | approbation des réformes faites par le capitaine de l'armée pontificale concernant les possessions des avoués de Montefeltro                  | ut per litteras, Martin IV, 472kk                               | -                                 |
| Martin IV | 22 juin 1283   | Orvieto | Bernard Languissel                                   | privation des bénéfices des clercs étant restés en Romagne pour porter assistance aux rebelles  | ut per litteras, Martin IV, 472ll                               | -                                 |
| Martin IV | 24 juin 1283   | Orvieto | Bernard Languissel                                   | commission pour s'interposer entre les guelfes et gibelins en Romagne   | ut per litteras, Martin IV, 472mm                               | -                                 |
| Martin IV | 27 juin 1283   | Orvieto | Bernard Languissel                                   | Le pape donne pleine légation sur les communes et le diocèse d'Urbino, dans la province de Romagne  | ut per litteras, Martin IV, 472nn                               | -                                 |
| Martin IV | 27 juin 1283   | Orvieto | <i>Nobili viro Johanni de Epa rectori Romaniole.</i> | Jean d'Eppe est nommé recteur, temporel, des citoyens et du diocèse d'Urbino.   | ut per litteras, Martin IV, 472oo                               | -                                 |
| Martin IV | 5 juillet 1283 | Orvieto | marchands de la chambre apostolique                  | le pape promet de rembourser le prêt effectué par Bernard de Languissel pour sa légation  | Martin IV, n° 287, ed. Rudolph                                  | -                                 |



|           |                  |                 |   |  |  |  |
|-----------|------------------|-----------------|---|--|--|--|
| Martin IV | 27 août 1283     | Orvieto         | Bernard de Languissel   | lettre contenant les changements à effectuer dans les statuts de la commune d'Urbino   | Martin IV, n° 302, ed. Rudolph   | Pothast, Regesta pontificum Romanorum, n° 22062 / Theiner, Codex diplomaticus I, Nr. 423 |
| Martin IV | 24 novembre 1283 | Orvieto         | Guillaume Durand, recteur <i>in temporalibus</i> de Romagne         | demande du pape pour augmenter la solde des mercenaires français   | Martin IV, n° 348, ed. Rudolph   | -  |
| Martin IV | 1 décembre 1283  | Orvieto         | Bernard de Languissel   | informations et instructions au sujet des élections et nominations dans les organes administratifs de la cité de Forlì   | Martin IV, n° 350, ed. Rudolph   | -  |
| Martin IV | 2 décembre 1283  | Orvieto         | Guillaume Durand, Guy de Montfort, capitaine de l'armée pontificale | réponse à la demande du capitaine de l'armée pontificale au sujet des irrégularités de paiements des soldes  | Martin IV, n° 353, ed. Rudolph   | -  |
| Martin IV | 2 décembre 1283  | Orvieto         | Bernard de Languissel   | réponse à la demande du légat d'autoriser et soutenir l'interdiction de célébrations eucharistiques ou tout autres offices, par les Dominicains et Franciscains d'Urbino   | Martin IV, n° 354, ed. Rudolph / Sbaralea, Bullar. Francisc. III, nr. 57 | Pothast, Regesta pontificum Romanorum, n° 22084  |
| Martin IV | 2 décembre 1283  | Orvieto         | Bernard de Languissel   | demande du pape de conclure un contrat pour l'achat du château de Modigliana, dans la province de Forlì  | Martin IV, n° 362, ed. Rudolph   | -  |
| Martin IV | 2 décembre 1283  | Orvieto         | Bernard de Languissel   | Martin ordonne au cardinal légat de faire copier les lettres dans lesquelles <i>Petrus de Molanis</i> a reconnu le paiement du salaire au mercenaire de l'armée pontificale  | Martin IV, n° 364, ed. Rudolph / Theiner, Codex diplomaticus I, Nr. 440  | Pothast, Regesta pontificum Romanorum, n° 22086  |
| Martin IV | 5 décembre 1283  | Orvieto         | Guillaume Durand  | Guillaume Durand doit remettre les lettres, prouvant la bonne réception des soldes par les mercenaires français, au légat et en garder une copie   | Martin IV, n° 363, ed. Rudolph   | -  |
| Martin IV | 31 janvier 1284  | Orvieto         | Guillaume Durand  | Martin ordonne à Guillaume Durand, en accord avec le Cardinal Légat, d'envoyer exceptionnellement de l'argent de la Chambre Pontificale à certains mercenaires français dont la solde n'est plus suffisante en raison de la pénurie alimentaire en Romagne | Martin IV, n° 404, ed. Rudolph   | Pothast, Regesta pontificum Romanorum, n° 22099 / Theiner, Codex diplomaticus I, Nr. 430 |
| Martin IV | 31 janvier 1284  | Orvieto         | Bernard de Languissel   | le légat doit discuter de la demande précédente avec le recteur de Romagne, Guillaume Durand   | Martin IV, n° 405, ed. Rudolph   | -  |
| Martin IV | 23 avril 1284    | Orvieto         | Gerhard de Parme, légat   | informe le légat, Gerhard de Parme, des disponibilités de navires de Venise, équipés avec l'aide du légat de Romagne, Bernard de Languissel. Instruction concernant l'argent pour l'aide à la maison angevine  | Martin IV, n° 459, ed. Rudolph   | Kiesewetter, Anfänge der Regierung König Karls II, 128                                   |
| Martin IV | 21 août 1284     | Citta del Pieve | Bernard de Languissel   | information et confirmation de réception de florins d'or à la Chambre Apostolique, pour équiper des navires pour aider le fils de Charles d'Anjou  | Martin IV, n° 505, ed. Rudolph   | -  |

|             |                   |                     |   |   |   |   |
|-------------|-------------------|---------------------|---|---|---|---|
| Martin IV   | 9 janvier 1285    | Pérouse             | Bernard de Languissel   | instruction contre les excès de certains hommes de la cité de Pistoia   | ut per litteras, Martin IV, 546   | -   |
| Martin IV   | 31 janvier 1285   | Pérouse             | Bernard de Languissel   | demande de surveillance concernant plusieurs cités de Romagne, soupçonnées de rébellion   | Martin IV, n° 570, ed. Rudolph / Ed. part. Baluze, Miscellanea III, 411             | Potthast, Regesta pontificum Romanorum, n° 2202                                     |
| Martin IV   | 21 février 1285   | Pérouse             | Bernard de Languissel   | instructions concernant le retour d'Urbino dans l'Eglise et la levée des interdits  | Martin IV, n° 606, ed. Rudolph / Raynaldi, Annales ecclesiastici ad anno 1285, § 10 | Potthast, Regesta pontificum Romanorum, n° 2215                                     |
| Martin IV   | 7 mars 1285       | Pérouse             | Giffrid d'Anagni, recteur de la Marche d'Ancône                   | ordonnance du pape pour que le recteur de la Marche d'Ancône soutienne le légat lors de ses actions contre Urbino                           | Martin IV, n° 607, ed. Rudolph  | -   |
| Martin IV   | 11 mars 1285      | Pérouse             | conseils et habitants cité de Jesi, province d'Ancône             | instructions et demande du pape pour aider son légat, Bernard de Languissel, dans son action contre Urbino, de venir en nombres et en armes | Martin IV, n° 608, ed. Rudolph / Theiner, Codex diplomaticus I, Nr 441              | Potthast, Regesta pontificum Romanorum, n° 2220                                     |
| Honorius IV | 5 avril 1285      | Pérouse             | Bernard Languissel  | problème de subside entre l'ordre de St Augustin et l'ordre des pénitents de Jésus-Christ, de Bologne                                       | Ed. part. ut per litteras, Honorius IV, 9   | -   |
| Honorius IV | 5 aout 1285       | Tibure              | l'évêque de Castello, de la province de Venise                    | demande concernant l'interdit imposé par le légat à Venise et sa région ainsi que ses diocèses  | Ed. part. Raynaldi, Annales ecclesiastici ad anno 1285, § 64                        | Potthast, Regesta Pontificum Romanorum, n° 2278 / ut per litteras, Honorius IV, 479 |
| Honorius IV | 5 aout 1285       | Tibure              | l'évêque de Castello, de la province de Venise                    | demande d'assouplissement concernant l'interdit imposé à Venise   | ut per litteras, Honorius IV, 480   | -   |
| Honorius IV | 17 septembre 1285 | Tibure              | royaume de Sicile   | constitution portant sur le royaume de Sicile   | ut per litteras, Honorius IV, 96  | Potthast, Regesta Pontificum Romanorum, n° 2291                                     |
| Honorius IV | 28 septembre 1285 | Tibure              | Thomas, abbé du mont Cassin                                       | demande de révérence et d'obéissance des moines au prieur élu   | ut per litteras, Honorius IV, 140   | -   |
| Honorius IV | 30 décembre 1285  | Rome, Sainte Sabine | Pierre, prieur de l'abbaye de Sainte-Colombe de Sens              | demande révérence et obéissance des moines aux prieur élu   | ut per litteras, Honorius IV, 252   | La Porte du Theil, Paris, Bibl.Nat., collection Moreau, vol. 1223, f. 259           |
| Honorius IV | 25 février 1286   | Rome, Sainte Sabine | Jean, abbé de l'abbaye de St Savin, bénédictin du diocèse de Pise | contentieux sur l'obéissance et les serments de fidélités jurés par les vassaux   | ut per litteras, Honorius IV, 321   | -   |
| Honorius IV | 23 juillet 1286   | Tibure              | les clercs des cités d'Arezzo et Sienne                           | interdit contre les villes d'Arezzo et de Sienne et suspension jusqu'à la fête de tout les saints   | ut per litteras, Honorius IV, 562   | -   |
| Honorius IV | 19 aout 1286      | Tibure              | Theodosio de Camilla, chapelain du pape                           | avis de Bernard de Languissel concernant une affaire entre le chapelain du pape et l'archevêque de Cantorbery                               | ut per litteras, Honorius IV, 605   | -   |
| Honorius IV | 17 septembre 1286 | Tibure              | aux églises de Crémone  | avis concernant la personne à mettre à la tête des églises de Crémone   | ut per litteras, Honorius IV, 633   | -   |



|             |                  |                           |  |  |  |  |
|-------------|------------------|---------------------------|--|--|--|--|
| Honorius IV | 05 novembre 1286 | Rome,<br>Sainte<br>Sabine | Bernard Languissel   | demande d'organisation du siège cardinalice et réception et ajout dans son siège cardinalice de l'église de Sainte Praxède | Edition en annexe  | ut per litteras, Honorius IV, 812                        |
| Honorius IV | 29 novembre 1286 | Rome,<br>Sainte<br>Sabine | Joseph, prieur de l'abbaye de St Grégoire de Vérone        | affaire concernant les bénéfices ecclésiastiques du monastère Saint Grégoire de Vérone                                     | ut per litteras, Honorius IV, 659  | -  |
| Nicolas IV  | 30 juin 1288     | Rieti                     | Bernard Languissel   | constitution du cardinal comme protecteur de l'ordre des ermites de St Augustin  | ut per litteras, Nicolas IV, 170   | Alonso, Bullarium Ord. S. Augustini, I, 148              |
| Nicolas IV  | 31 aout 1288     | Rieti                     | les évêques de Faenza et Imola                             | demande d'absoudre les habitants de Bologne des interdicts même celle concernant les terres de Medicina                    | ut per litteras, Nicolas IV, 616 / Theiner, Codex diplomaticus I, Nr 459 | Pothast, Regesta Pontificum Romanorum, n° 22785          |
| Nicolas IV  | 6 novembre 1288  | Rieti                     | Venerabili fratri Uberto, episcopo Feretrano               | Uberto, episcopo Feretrano, administrationem monasterii Sancti Ilari de Galiata, Ravennatis diocesis, concedit.            | ut per litteras, Nicolas IV, 7168  | -  |
| Nicolas IV  | 28 mars 1289     | Rome,<br>Sainte<br>Sabine | les évêques de Faenza et Imola                             | exhortation au sujet des mêmes demande concernant Bologne et les terres de Medicina  | ut per litteras, Nicolas IV, 715   | -  |
| Nicolas IV  | 1 juillet 1289   | Rieti                     | l'évêque de Nîmes  | lettre du pape à l'évêque de Nîmes, au sujet des récriminations des chanoines du chapitre.                                 | ut per litteras, Nicolas IV, 1314  | La Porte du Theil, Bibl. Nat. f. Moreau, n° 1226, f. 233 |
| Nicolas IV  | 23 août 1289     | Rieti                     | <i>Gaufrido de Bulbone</i> , chantre de l'église d'Avignon | Confirmation des bénéfices octroyés par Bernard de Languissel  | Ed. part. ut per litteras, Nicolas IV, 1299                              | ut per litteras, Nicolas IV, 1299                        |
| Nicolas IV  | 27 août 1289     | Rieti                     | Bernard de Languissel                                      | lettre du pape au sujet du différend entre l'évêque de Nîmes et les chanoines.   | ut per litteras, Nicolas IV, 1316  | -  |

## Appendix II: Changes to the statutes of the municipality of Urbino

Martin IV, no. 302. Rudolph ed.

*Letter sent to Bernard de Languissel containing the changes to be made to the statutes of the commune of Urbino.*

27 August 1283, Orvieto.

Martinus episcopus servus servorum Dei. Venerabili fratri B. episcopo Portuen. apostolice sedis legato salutem et apostolicam benedictionem. Ut responsum congruum super capitulis Urbinat. clare percipias, ipsa capitula missa per te ac responsionem nostram ad quodlibet providimus singularier, prout sequitur, inserenda.

§ Ad primum, quod sic dicit: § Primum, quod ubi dicitur in privilegio, quod eligere debeant potestatem de terra fideli et devota, quod addatur 'fidelem et devotum'. § Respondemus, quod posset et debet cum adiunctione addita sustineri.

§ Secundum vero et tertium, que sunt ista: § Secundum, quod veniant ad exercitum Romane ecclesie ad requisitionem . . comitis Romaniole sicut alii Romanioli, quamdiu sub regimine ipsius fuerint, et quando fuerint sub regimine . . marchinonis Marchie, venient ad requisitionem ipsius sicut alii Marchiani. § Tertium, quod contribuent ad collectas pro stipendiariis tenendis in provincia Romaniole, quamdiu fuerint sub regimine rectoris ipsius, et cum fuerint sub rectore Marchie, contribuent cum Marchianis. § Cum isto adhibito temperamento videntur posse transire videlicet, quod libera potestas deputandi Urbinates ipsos sub alterutro regimine predictorum, silicet vel Marchie vel Romaniole, sit Romane ecclesie, sicut valet, nec ipsi Urbinates causari possint imposterum se velle sub una, et non sub altera respondere, set sub illa plene respondeant, sub qua fuerint per Romanam ecclesiam deputati, et tollantur illa verba sic 'alii Romanioli' et sicut 'alli Marchiani', vel si tolli non possunt, addatur 'sicut venire tenentur'.

§ Quartum capitulum, quod tale est: § Quartum, quod erunt obedientes et fideles ecclesie Romane et sacramentum fidelitatis prestabunt in forma communi et eius vexillum recipient et rebelles ipsius non recipient, nec defendent, nec substinebant in sua civitate vel districtu. § Credimus acceptandum.

§ Super quinto vero capitulo, quod tale est: § Quintum est, quod pro absolutione omnium condemnationum et bannorum, excessuum, offensarum et dampnorum irrogatorum et datorum ecclesie Romane vel eius officialibus et nuntiis a potestatibus, rectoribus, officialibus seu vicariis et singularibus personis communis et ipso communi dabunt camere domini pape decem milia librarum Ravennat. terminis convenientibus. § Taliter respondemus, quod a contentis in

eo haberi volumus prorsus excepta, quod per remissionem vel absolutionem huiusmodi nullatenus includatur, siquid esset de dominio sive iure Romane ecclesie detentum seu etiam occupatum, nec per singulares personas, vel alia, que exprimuntur in ipso, excessus Guidonis de Montefeltro et suorum aliquatenus includatur. Item, quod in eodem de terminis solutionis dicitur, volumus declarari.

§ Super sexto capitulo, quod tale est: § Sextum concedunt, quod commune inducetur ad dandum pro affictu alterum de duobus, silicet § vigintisex denarios Ravennat. pro quolibet fumante tam de civitate quam de comitatu § vel quinquaginta marchas argenti pro civitate et comitatu - et hoc ratione iuris imperii, quod ecclesia Romana habet in dictis civitate et comitatu ab imperio et hoc communi suo scripserunt. § Sic duximus respondendum, quod de duabus alternativis contentis in ipso expresse dicatur, quod electio erit ecclesie, nec per hec singulariter per ecclesiam eligenda alia iura ipsius Romane ecclesie in eisdem civitate ac comitatu vel personis eorum remissa intelligi volumus vel in aliquo diminuta.

§ Super tribus vero articulis petitis ab ipsis Urbinat. sic per ordinem respondemus:

§ Ad primum, qui talis est. § Primo, quod vellent, quod privilegia ipsorum, et specialiter privilegium domini Symonis cardinalis, eis in omnibus aliis capitulis observentur hoc excepto, quod supra dictum est de potestate. § In eo, quod petitur generaliter ipsorum privilegia sibi debere servari, respondemus, quod in hac generalitate et obscuritate nulla eis privilegia, que non essent nobis specificata et expressa, servari mandaremus vel consentiremus eisdem. In eo vero, quod in eodem articulo specialiter petitur de privilegio bone memorie S(ymonis), tt. Sancti Martini presbyteri cardinalis servando tenorem ipsius privilegii per te missum diligenter inspeximus et ad contenta in ipso tibi singulariter respondemus. § Primo ad illud, quod in eodem privilegio continetur, ubi dicitur 'Ea propter' etc. usque 'ibi ab aliis omnibus' etc. § Si hec ad condemnationes, penas et banna et alia, que ante predicta tempora ipsius cardinalis facta fuerant, sicut etiam ipse textus privilegii sonare videtur, ita quod numquam ad posteriores vel presentes culpas observantia ipsius privilegii protrahatur nec per hoc aliquid, quod occupatum vel detentum esset de dominio vel iure Romane ecclesie, intelligatur esse remissum, quod predicta pars privilegii taliter intellecta sic transeat, satis annuimus. § In eo vero, quod sequitur 'Et ab aliis omnibus' etc. usque 'castrum Montisfabrorum' etc. § Dicimus, quod a tam generali et inconsulta absolutione intelligi volumus prorsus exceptum, siquid vel petatum erat vel peti poterat ab eisdem preter condemnationes pecuniarias, quod saperet ius et dominium Romane ecclesie, quod ab eisdem occupatum esset aliquatenus vel detentum. § In eo vero, quod sequitur 'castrum Montisfabrorum' etc. usque 'ad ecclesie quoque' etc. § Respondemus, quod in

restitutione huiusmodi ius ecclesie Romane, siquod habet in castro, haberi volumus pro excepto, nec per restitutionem huiusmodi ipsis Urbinat. ius aliquod videri volumus acquisitum, set illud tantum inibi habeant, quantum eis legitime competeat antea in eodem. § Ad illud vero, quod sequitur 'ad ecclesie quoque' etc. usque 'et ut nullus' etc. § Quantum ad electionem potestatis quoad devotionem terre, de qua eligitur, et ipsam personam eligendum per superiora tibi videmus esse responsum. § In eo vero, quod ibidem dicitur 'iuxta morem solitum et formam et statutorum civitatis ipsius'. § Dicimus, quod nec mores nec statuta huiusmodi nobis ingnota sub tali involucro volumus vel intendimus confirmare, set de illis tantum moribus et statutis hec intelligi volumus, que non sint contra dictam Romanam ecclesiam vel ecclesiasticam libertatem. § In eo vero, quod sequitur 'et ut nullis' etc. usque 'ac ut ipsa civitas' etc. istud generaliter intellectum est valde derisibile, contemptibile et omni derisione repletum: Unde illud in tali generalitate transire nullatenus pateremur, set si ad antecedentes culpas illius temporis tantummodo restringatur, ita quod agatur expresse, quod ad posteriores presentes vel futuras culpas vel excessus verba ipsa nullatenus extendantur, poterit pertransiri. § In eo vero, quod sequitur 'ac ut ipsa civitas' etc. usque 'et quod nobilis' etc. § Videtur iuxta civitas. § Videtur iuxta providentiam felicitis recordationis Clementis pape, predecessoris nostri, cum modico adiuncto posse transire, videlicet quod Urbinat. ipsi in ea dumtaxat iurisdictionis possessione remaneant, quam illo tempore, de quo privilegium loquitur, eos constiterit legitime habuisse. § Illud vero, quod sequitur 'et quod nobilis' etc. usque 'rursus' etc. § Non est verbum huiusmodi temporis nec aliquatenus repetendum. § Ad illud vero, quod sequitur 'rursus iniurias' etc. usque in finem ipsius privilegii. § Taliter respondemus, videlicet quod si verba ipsa ad tempus illud, sicut sonare videntur ipsum privilegium restringatur, ita quod declaretur expresse, quod ad tempus posterius vel futurum nullatenus protrahantur, possent cum infrascripto temperamento transire, videlicet quod per remissionem vel restitutionem huiusmodi, ut supra dictum est, nichil domini vel iuris Romane ecclesie detentum vel occupatum intelligatur esse remissum nec ius tertii in remissione huiusmodi quomodolibet includatur nec ad opem et operam exhibendam, ut huiusmodi remittantur, nos vel ipsam ecclesiam obligari volumus vel teneri, et aliter predictum privilegium cardinalis eiusdem observari vel sustineri posse vel debere diligenti cum fratribus nostris collatione prehabita nec nobis nec ipsis occurrit.

§ Ad secundum articulum de dictis tribus petitis ab ipsis Urbinatibus, qui talis est: § Secundo, quod, quamquam parati sint dominum legatum vel comitem Romaniolae honorifice recipere, non tamen vellent, quod ipsi vel alter eorum intrarent ibi cum tanta gente vel tantam gentem mitterent, quod possent suspicionem incutere vel ipsis Urbinatibus violentiam inferre.

§ Respondemus, quod multa per patientiam possunt fieri, que nec dici convenit nec conscribi, certe quod in novitate presenti tam tu quam rector vel in non eundo ad civitatem ipsam vel sic temperate ac modeste intrando in petitis satisfaceretis eisdem, satis posset equanimiter tolerari, set nullo modo patimur in obprobrium nostrum et Romane ecclesie pactum huiusmodi redigi in scripturam.

§ Ad tertium vero et ultimum de predictis tribus articulis, qui tale est: § Tertio, quod non fiat eis novitas in demoliendo domos vel fortalicia seu munitiones in civitate vel comitatu pro preteritis culpis vel construendo de novo. § Respondemus, quod, licet satis prima facie iniuriosa et inconsiderata petitio ex parte petentium et nimis gratiosa ex parte nostra, a quibus petitur, videatur, tamen poterit ipsam equanimiter pertransire, dummodo novitas in demoliendo vel construendo de novo ad culpas tantum preteritas referatur. § Ab hiis autem omnibus generaliter et singulariter Guidonem de Montefeltro, terras et castra quondam sua omnino excipimus et haberi volumus prorsus excepta. § Alias quoque notabiles personas civitatis et districtus ipsius, quas ab istis inspectis conditionibus temporis et patrie ab huiusmodi remissionibus et gratiis excludendas fore putaveris, sicut expedire videris, sic excludas. § Volumus insuper, quod, sicut expedire putaveris, fideles ecclesie, qui extra civitatem ipsam preteritis temporibus exularunt, ad civitatem eandem et bona sua et per te et Urbinates ipsos plene et celeriter reducantur.

§ Hoc autem in predictis omnibus caute tenere te volumus et servare, quod, si secundum determinationem vel modificationem nostram contingat cum Urbinatibus ipsis predicta procedere, hoc per te agatur expressius in ipsis, que fient, conventionibus et scribatur, quod omnia in predictis eis gratiose concessa tamdiu et non amplius eis durent, quamdiu ipsi in fidelitate ac devotione eiusdem Romane ecclesie perdurabunt.

Dat. apud Urbemveterem V. kal. Septembris pontificatus nostri anno tertio.

### Appendix III: Documents on the excommunication of Bologna in 1284

MENZINGER, Sara. Giuristi e politica nei comuni di Popolo :

Siena, Perugia e Bologna, tre governi a confronto.

1. ed. Ius nostrum [Ser. 1] 34. Roma, Viella, 2006. pp. 324-329.

## I.

DISCUSSIONE DEL 25 OTTOBRE 1284

NEL CONSIGLIO DEI DUECENTO SAPIENTI E DEGLI ANZIANI

(ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 38r-40r)

*Die mercurii xxv. octobris.*

Consilium ducentorum sapientum et antianorum et consulum fecerunt prudentes viri dominus Tebaldus de Bruxatis potestas Bononie et dominus Thadeus comes Montisferetri et Urbini capitaneus Populi Bononie ad sonum campanarum antianorum et consulum, et per nuntium singulariter in palatio veteri Communis Bononie congregari.

In quo quidem Consilio lecta fuit reformatio Populi scripta manu Iohannis [...] notarii antianorum et consulum et Populi, continens arbitrium et bayliam datam dictis cc. sapientibus occasione negotii Medicine.

Quid placet Consilio super dicta reformatione facta [...] super ipso negotio Medicine generaliter providere et quomodo et qua via sit procedendum super ipso negotio Medicine.

Dominus Iulianus de Goçadinis consuluit quod dominus potestas et dominus capitaneus et duo antiani pro quolibet quarterio ire debeant Ymolam ad dominum Legatum et ponere

[il notaio si interrompe, e scrive l'altra proposta avanzata da Iulianus:]

Item consuluit quod requiratur id domino Legato quod mittat suas litteras ad dominum Papam.

Dominus Michael de Aymerii consuluit quod predicta omnia remaneant et remanere debeant in domino potestate et capitaneo et in v. sapientibus pro quolibet quarteri et iiii. antianis et consulibus Populi Bononie ad providendum et examinandum super predictis et quolibet predictorum et ea que per ipsos sapientes provisiva et ordinata erunt valeant et teneant et habeant plenum robur.

Dominus Munsus de Sabatinis consuluit quod viii. ambaxatores mittantur ad dominum Papam ex quibus sint duo sapientes iuris et vi. de Populo, et duo ad dominum Legatum qui Commune et Populum Bononie debeant excusare.

Dominus Gregorius de Nave consuluit quod quicquid factum est per Populum Bononie et firmatum super facto Medicine sit firmum et firmum stare debeat [...]; et quod viii. sapientes mittantur ad Curiam romanam ad tractandum de facto Medicine cum domino Papa.



Dominus Iacobinus de Artusinis consuluit quod dominus potestas et capitaneus associati cum ii. sapientibus civitatis Bononie [...] ire debeant coram domino Cardinali et dicere et exponere eidem quod extrahat Commune Bononie de omni interdicto et quod reddeat in omni sua possessione salvis [...] iuribus Communis Bononie.

Dominus Guilielmus de Lambertinis consuluit quod sit firmum hic de facto Medicine fiat id quod placet domino Cardinali et quod domini potestas et capitaneus et antiani et consules habeant de sapientibus predictis quos voluerint ad providendum illud quod eis videbitur super facto Medicine faciendum tam in ambaxiata mittendo ad dominum Papam, quam 'in' aliis.

Dominus Dondideus de Corbellinis consuluit quod per dominos potestatem, capitaneum, antianos et consules accipiantur vi. sapientes de istis que sunt hic de legibus et decretorum qui debeant esse simul et facere redigi in scriptis ea que provideant super dictis negotiis et postea facere legi in Consilio dictorum sapientum et id quod videbitur dicto Consilio fiat.

Dominus Liazarus de Liaçaris consuluit quod firmum sit hic quod per dominos potestatem, capitaneum, antianos et consules eligantur incontinenti duo sapientes iuris et duo de Populo qui ire debeant ad dominum Papam et operam dare quod habeant scripturas omnes factas de facto Medicine tam pro nobis quam Ecclesia Romana [...]; item consuluit quod domino potestati associantur xii. ambaxatores iiii. de sapientibus et magnatibus et iiii. de popularibus et iiii. Antiani, 'qui' vadant ad dominum Legatum et operam dare omni modo quod interdictum tollatur et quod reformatio tollatur ad eius voluntatem.

Dominus Lambertinus Ramponis doctor legum consuluit quod domini potestas et capitaneus cum ii. vel tribus sapientibus ad eorum voluntatem eligendis debeant examinare capitula et cum dictis sapientibus habere plenum et merum arbitrium in dicto facto Medicine.

Item consuluit quod dictus dominus potestas cum domino capitaneo associati ad eorum voluntatem ire debeant ad dominum Legatum.

Dominus Nicholaus de Tebaldis consuluit quod firmetur hic quod officiales qui sunt Medicine debeant reddi incontinenti et quod omnes reformationes facte super facto Medicine tollantur et tolli debeant [...] et casse et in totum cassentur. Item consuluit quod dominus potestas vel capitaneus associati ad eorum voluntatem facto hoc ire debeant ad dominum Legatum [...] et procurare et facere quod omnis processus tollatur et scire ab eo et tractare cum eo de dicto facto Medicine [...]. Item consuluit quod ambaxatores mittantur ad dominum Papam ad tractandum negotia Communis.

Dominus Albertus domini Odofredi legum doctor consuluit quod eligantur iiii. ambaxatores de maioribus et sapientibus civitatis qui cum domino potestate et capitaneo ire debeant Ymolam et rogare dominum Legatum quod ei placeat accipere vel in suspensio tenere processus factos contra Commune Bononie et restituere eidem domino Legato possint et debeant [...] terram Medicine hoc modo quod salvum sit omne ius Communis Bononie.

Dominus Pax de Pacibus doctor legum consuluit quod domini potestas et capitaneus ire debeant ad civitatem Ymole cum antianis et ambaxatoribus ad dominum Legatum et quod firmum sit in presenti Consilio esse debere in concordia cum domino Legato.

Dominus Baxacomater doctor legum consuluit quod viii. sapientes iuris civilis et canonici debeant accipi per dominum potestatem, capitaneum, antianos et consules, coram quibus debeant legi dicta sapientum et per eorum dicta et alia reddigant et redigi faciant in scriptis que eis videbuntur pro meliori, et postea hodie vel cras legantur in Consilio et secundum voluntatem procedatur.

In reformatione cuius Consilii sapientum placuit quasi toti Consilio facto partito per dominum potestatem de sedendo ad levandum quod per antianos et consules elligantur octo sapientes iuris tam canonice quam civilis de sapientioribus civitatis Bononie, qui sapientes esse debeant una simul, et coram eis legantur dicta sapientum qui hodie super dicto negotio Medicine consuluerunt et illud quod crediderunt melius pro Communi Bononie de dictis dictis et de eorum sensu [...] faciant redigi in scriptis, et reductio in scriptis [...] postea legatur in dicto Consilio cc. et secundum quod dicto Consilio vel maiori parti videbitur firmum sit et effectum demandetur.

Nomina sapientum electorum per antianos et consules sunt hec:

*De Porta Sancti Petri*

d. Lambertinus Ramponis doctor legum  
d. Bonincontrus doctor decretorum

*De Porta Steri*

d. Franciscus domini Accurxi doctor legum  
d. Nicholaus de Tebaldis

*De Porta Sancti Proculi*

d. Egidius de Foscharariis doctor decretorum  
d. Albertus domini Odofredi legum doctor

*De quarterio Porte Ravennate*

d. Baxacomatre doctor legum  
d. Franciscus de Artemixiis

## II.

### IL CONSILIUM PER USCIRE DALLA SCOMUNICA PRODOTTO DALLA COMMISSIONE DEGLI OTTO GIURISTI SOPRA ELENCATI, PRESENTATO AL CONSIGLIO DEGLI ANZIANI IL GIORNO SEGUENTE, 26 OTTOBRE 1284.

(ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 40v-42r)

*Die iovis xxvi. octobris.*

Consilium ducentorum sapientum et antianorum et consulum fecerunt prudentes viri dominus Tebaldus de Bruxatis potestas Bononie et dominus Thadeus comes Montisferetri et Urbini capitaneus Populi Bononie in palatio veteri Communis Bononie ad sonum campane antianorum et per nuntium Communis Bononie more solito congregari.

In quo quidem Consilio proposita fuerunt omnia capitula infrascripta:

In primis quid placet Consilio de infrascriptis capitulis provisus et examinatis per infrascriptos sapientes forma quorum capitulorum hec est:

In nomine Christi amen. Hec sunt ea que provisus sunt per infrascriptos octo sapientes assumptos per antianos et consules secundum reformationem Consilii ducentorum sapientum quibus fuit attributa potestas per reformationem Consilii Populi scripta manu Iohannis [...] notarii antianorum et consulum Populi supradicti de presenti mense octobri.

Quorum sapientum nomina hec sunt:

*[ripete gli otto nomi sopra elencati]*

'1.' In primis videtur dictis octo sapientibus, diligenti deliberatione inter eos habita, quod reformatio seu reformationes facta et facte per Populum Bononie super apprehendenda possessione terre Medicine, et officialibus quibuscumque ponendis ad regiminem predicte terre, et quod potestas Bononie ire debeat ad terram Medicine et in ipsa nomine Communis Bononie iurisdictionem plenissimam exercere, et omnia alia que continentur in dicta reformatione seu reformationibus [...] et omnis processus habitus per Populum Bononie in terra Medicine de presenti mense octubri revocari debeant et tolli totaliter auctoritate Consilii ducentorum sapientum assumptorum per antianos et consules ex vigore dicte reformationis Populi Bononie, dum tamen per hoc non depereat alicui iuri Communis et Populi civitatis Bononie si quod habebat in terra Medicine ante reformationes predictas et processus predictos.

'2.Item quod ad dominum Cardinalem ire debeant dominus potestas et dominus capitaneus et specialiter ex eo quia speciales processus videntur esse facti contra eos per dictum dominum Cardinalem, et debeant associari secundum quod videbitur eis et antianis et consulibus; et quod per predictos dominos et ambaxatores exponantur omnia et singula coram ipso domino Cardinali ad reconcillationem presentis negotii et per que placari possit animus et intentio dicti domini Cardinalis [...] ita quod Commune et Populus Bononie reddeat in antiquam et consuetam gratiam et benevolentiam eiusdem. Et quod inter cetera coram eo proponatur quod Commune et Populus Bononie revocaverunt reformationes factas de presenti mense octubri super facto Medicine in totum et perinde dictas reformationes habeant et intelligant ac si facte non essent, et quod predictam revocationem predicti domini secum portare debeant.

'3.Item quod Populus et Commune Bononie revocaverunt officiales destinatos per Commune Bononie ad terram predictam ita quod Romana Ecclesia et predictus dominus Cardinalis possessionem consuetam et quam habere solebat habere et recipere potest, remotis processibus omnibus factis per Commune Bononie in preiudicium predictorum, non preiudicando per hoc Communi Bononie in eo iure quod habebat in terra predicta ante apprehensionem predictam.

'4.Item quod placeat predicto domino Cardinali revocare omnes sententias excommunicationis et interdicti et quoscumque alios processus factos contra dominos potestatem capitaneum et eorum famillias, antianos et consules et contra Commune et Populum civitatis Bononie et generaliter omnes et singulos processus factos per eum predictis de causis et omnes iniurie sive violentie que diceretur esse facte per Commune vel Populum Bononie remittantur per dominum Cardinalem ita quod Communi Bononie per predictam violentiam vel iniuriam in aliquo non preiudicetur [...].

'5.Item quod rogetur domino Cardinali quod providere debeat cum domino comite effectualiter quod iniurie et huiusmodi talia que solite [...] facte sunt in preiudicium civitatis et Communis Bononie et comitatus et districtus eiusdem et omnium habitantium in eisdem cessare debeant in totum [...], et quod contra hec debeat dilligentem prudentiam adhibere et procedere contra dictos malefactores.

'6.' Item quod rogetur dicto domino Cardinali quod eidem placeat redidre ad civitatem Bononie ad hoc ut manifeste appareat Commune Bononie redivisse in gratiam domini Cardinali et romane ecclesiae et reconcillationem de predictis factam.

'7.' Item quod cum de absolutione excommunicationis dominorum potestatis et capitanei et aliorum tractetur ad presens, consulunt dicti sapientes quod dictis dominis potestati capitaneo

et ambaxatoribus ac sindaco et notario ituris Ymolam ad dominum Cardinalem provideatur de avere Communis Bononie per dominos antianos et consules ad eorum voluntatem et merum arbitrium.

'8.' Super facto vero ambaxatorum destinandorum ad Curiam romanam providerunt ad presens supersederi debere et quod suo loco et tempore tractatus haberi debeat cum domino Cardinali et eius consilio ac etiam auxilio impetrato tunc predicta fiat ambaxiata.

9. Item quod fiat et constituatur syndicus per Commune Bononie, per Consilium VIIIc et Populi et etiam per Consilium Populi, qui syndicus vadat Ymolam et petat Commune Bononie extrahi de excommunicatione domino Legato.

In reformatione cuius Consilii ducentorum sapientum facto partito per dominum potestatem de sedendo ad levandum placuit toti dicto Consilio nemine discrepante quod capitula omnia et singula suprascripta lecta in presenti Consilio sint firma et rata et valeant et teneant auctoritate presentis Consilii ducentorum sapientum et habeant plenum robur et quod reformatio seu reformationes facta et facte per Populum Bononie super apprehendenda possessione terre Medicine et officialibus etc., revocantur et tollantur totaliter et casse sint auctoritate presentis Consilii dum tamen per hoc non deperat alicui iuri Communis et Populi Bononie si quod habebat in terra Medicine ante reformationes predictas et processos factos.

Testes [...].

### III.

#### LETTURA DELLA CARTA SINDICATUS

DAVANTI AI DOCTORES DI BOLOGNA, 17 NOVEMBER 1284.

(ASB, Governo, Riformagioni e Provvigioni, Serie cartacea, Registro 2, 45v-46r)

Convocatis doctoribus decretorum et legum [...] ac aliis pluribus sapientibus in pallatio novo Communis Bononie de voluntate antianorum et consulum Populi Bononie inter quos lecta fuit infrascripta carta sindicatus et protestatio seu forma sindicatus et protestationis.

In nomine Patris et Filii et Spiritus Sancti Amen. Anno eiusdem millesimo duecentesimo octuagesimo quarto, indictione duodecima, die etc.

Consilium VIIIc et Populi civitatis Bononie ad sonum campanarum et voce preconia fecerunt nobiles viri domini Thebaldus de Bruxatis potestas Bononie, Gentilis de Auximio iudex assessor atque vicarius nobilis viri domini Thaddei comitis 'Montis'feretri et Urbini capitanei Populi, antiani et consules Populi civitatis eiusdem in palatio veteri eiusdem Communis civitatis Bononie more solito congregari; in quo quidem Consilio fuerunt ultra quam due partes hominum Consiliorum eorundem. Predicti domini Thebaldus de Bruxatis potestas, Gentilis vicarius dicti domini Thaddei capitanei, antiani et consules de voluntate omnium et singulorum in dicto Consilio VIIIc et Populi existentum, et ipsi consiliarii universi fecerunt [...] Gerardum Ferrum notarium civem Bononie presentem et mandatum suscipientem, eorum et cuiuslibet predictorum et dicti Communis et Populi civitatis Bononie syndicum procuratorem actorem et nuntium specialem, ad comparendum et presentandum se pro eis et dicto Communi et Populo civitatis Bononie et officialibus quibuscumque dicti Communis coram reverendo patre domino B'ernardo' Dei gratia Portuense Episcopo apostolice sedis Legato, occasione petendi ab eo humiliter et devote quod sibi placeat prefatos dominos potestatem, capitaneum, antianos et consules, Consilium et Commune Bononie et officiales quoscumque ac singulares personas dicti Communis absolvere a sententia qualibet excommunicationis prolata per eum contra predictos omnes seu alterum eorum, et revocare interdictum promulgatum in terram et civitatem Bononie et suburbia et quoscumque alios processus per eum factos occasione excessus seu excessuum qui asseruntur facti in terram seu contra terram Medicine per Commune Bononie et prenominatos omnes vel alterum eorundem, et ad iurandum de parendo mandatis ipsius domini Legati et ecclesiae [...], et ad cautionem quamlibet necessariam pro predictis et occasione predicta prestandam, et ad protegendum de iure Communis Bononie et generaliter ad omnia et singula facienda et exercenda que in predictis et circa predicta fuerunt opportuna, promittentes predicti domini potestas, vicarius domini capitanei, antiani et consules et omnes et singuli in dicto Consilio existentes ratum et gratum habituros quicquid dictus syndicus et procurator in predictis vel aliquod predictorum dixerit faciendi, sub obligatione bonorum omnium dicti Communis Bononie.

Ego talis syndicus etc. protestor sindicatorio actorio et procuratorio nomine predictorum potestatis, capitanei, antianorum et consulum Consilii et Communis civitatis Bononie [...] quod ego sum predictorum nomine vobis domine legate prestaturus [...] non intendo renunciare iuri si quod habet Commune Bononie in terra Medicine. Surgens postmodo dominus potestas faciendo partita inter eos quid eis placebat de predictis placuit omnibus quod predicta omnia fiant et fieri debeant per Commune Bononie et executioni mandare etc.

#### Appendix IV: Transcription of pontifical letters

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## Preamble

The transcriptions presented include 37 so-called "papal letters", contained in manuscripts from the papal chancery. These letters are copies made by the notaries of the chancellery (known as *Notarial Minutes*), generally before they were sent, to keep a record of all papal correspondence.

The 37 letters break down as follows:

- 1 letter from the pontificate of Clement IV, partially published in the 18th century.
- 34 concern the pontificate of Martin IV, 9 were published in part between the nineteenth and twentieth centuries, and 25 that we are publishing, not previously published.
- 2 previously unpublished letters from the pontificate of Honorius IV.

## Clement IV (1265 - 1268)

(1)

1267, 17 December - Viterbo

### **Regestes :**

Potthast, *Regesta pontificum Romanarum*, no. 20188.

E. Jordan n. 1314 : Papa archiepiscopo Tyrensi, fratre G. de Torneux ordinis Predicatorum et magistro B. Languiselli archidiacono Lantaresii in ecclesia Tolosana, nunciis [Caroli] regis Sicilie, auditis, regi respondet, se nullum matrimonium ei conveniens videre, nisi cum filia regis Aragonum, aut filia marchionis Brandenburgensis.

**Ed. part. Martène and Durand, Thesaurus novus anecdotorum, II, col. 547, no. 568.**

*Eidem.* Et venerabilem fratrem nostrum tyrensem archepiscopum et dilectum filium fratrem G. de torneux, OP et Magister .b. languisselli archidiaconum lantaresii in ecclesia tholosana. Patienter audivimus super omnibus quae nobis singuli super his quae eis injuncta fuerant ex parte tua proponere voluerunt ad que sic tibi duximus respondendum scimus satis eo modo quo talia sciri possunt expedire tibi et tuo statui quam cito poteris et se congruens facultas obtulerit ad secundas nuptias convolare et sicut alias tibi scripsimus non videmus matrimonium tibi conveniens nisi cum filia carissimi in christo filii nostri regis aragonum illustris aut filia marchionis brandenburgensis quem nuper audivimus decessisse de qua tamen cujus etatis sit aut stature multoque minus cujus hactenus educationis extiterit ignoramus et finaliter si alie consonant circumstantie melius et utilius foedus hujusmodi nuptial cum predicta regis aragonum filia judicamus ad quod tractandum nuncius unus non sufficit quoniam multi possunt casus fortuisti impedire ideo videtur nobis congruum quod duo mittantur quorum unus sit frater G. predictus et dabis ei socium quem volueris et libenter tibi juxta desiderium tuum offeremus alfantum nepotem nostrum sed multum est debilis quoniam quartana sua magis crudeliter quam fideliter comitatur sperat tamen quod infra epiphaniam domini si contrarium aliquod non emergerit proficisci sane de facto urbis et nobilium subsidio romanorum scire te volumus quod negotium tuum agitur jam quidem sidut per litteras senatoris eorum evidenter apparet tecum intraverunt in campum dum enim ipse capitaneum se dicit tuscie generalem et tu vicarium te dicis imperii et tuscie paciarium esse necessarium esse cernimus ut aut tu ipse aut quod esset

decentius tibi subsit aut alteriter cedat cum ambo eidem praesse provincie non possitis audis etiam quod senenses pariter et pisanos confederatos romanis asserit et eos partem alteram urbis vocat an ista te tangant an angant quid etiam sequi valeat ex predictis tecum prudenter pertracta nos enim minime dubitamus quin haec omnia diligenter appensa in status tui preiudicium sint conflata quia in omnibus tuis tractatibus semper aliquid ferventer inquiris quod ad tuum respiciat commodum speciale scias filii quod si potes senatum urbis acquirere Ad tempus competens collerabimus iuramento quod super hoc prestiteris usque ad certum terminum non obstante et idcirco versus nos propera et omnia dante domino ad statum optimum deducantur. nos enim donec tuum audierimus Finalem responsum milites quos misisti esse faciemus otiosos ne te forsitan guerris involvant que tibi postmodum displicent quibus tum utemur si magna necessitas id exposcat.

*datum viterbo XVI kalendas januario anno III*

## Martin IV (1281 - 1285)

(1)

1283, 17 June - Orvieto

### Regestes :

Potthast, *Regesta pontificum Romanarum*, no. 22038.

Olivier-Martin n. 472a : B[ernardo], episcopo Portuensi, in Aquilegensi et Gradensi patriarchatibus, ac in Ravennate, Mediolanensi, Januensi et Pisana provinciis et in eorundem ac in Bononiensi, Lunensi, Ferrariensi, Papiensi, Placentina et Castellana civitatibus et diocesibus, necnon et generaliter in Lombardia, totius Romaniolae, Tusciae quoque in Imperio constitutis, Marchiae Tarvisinae ac Venetiarum partibus plenae legationis officium committit.

**Partial ed. Raynaldi, Theiner, a. 1283, § 49 and 50, p. 523-524.**

Legatio domino B[ernardo], episcopi Portuensis, in partibus Lombardie Romaniole etc. [foot of fly].

*Venerabili fratri B[ernardo] episcopo Portuensi, apostolice Sedis legato.*

Celestis pater omnipotens statuit nos, licet inmeritos, in apostolatus specula ut, levantes oculos in circuitu, simus speculatores in domo Ejus et gregem dominicum studeamus vigilantia custodire ac circa eum pastoris gerentes officium vigiles ponamus excubias ne leo rugiens qui circuit querens quem devoret gregem ipsum diripiat vel dispergat, sicque non inmerito remotas provincias et loca propinqua sub orthodoxe cultu fidei constituta mentis indagine perlustramus et in illis potissime studiorum nostrorum castra prefigimus que majoris turbinis quassata discrimine apostolice subventionis implorant auxilium, ne consternata depereant vel alias quomodolibet decendant non adjuta.

Diu siquidem inter alias nationes terrarum Romaniole populus importabilium onerum more [Eubel mole] gravatus sevisquem depressus angustiis dum exonerari desiderat dum querit ab afflictionibus eripi et dum anxius ad gaudia quietis aspirat, votivum expectat a Domino pro tantarum gentium utriusque sexus relevatione solatium in quo pacis ubertate respiret.

Eidem itaque populo paterno compatientes affectu ac illum nostrum utique specialem aliasque terris ipsis vicinas partes quas sentimus horum occasione alicujus conquassationis tedia pertulisse mentaneis oculis intuentes, cupientes quoque ut crescat ibidem tranquillitatis ubertas

et pacis opulentia vigeat exinde discordiarum stimulis resecatis, attendentes insuper quod misericors Dominus qui sic interdum irascitur ut benignius mansuescat sic affligit ut bonum consolationis adiciat sic prosternit ut altius elisos extollat super hiis pia benignitate respiciens tactis superbiorum ipsius Romaniole cordibus salutare dignatur illis inspirare consilio quod ad ecclesie Romane gremium reducantur sicut eos jam pro maiori parte conspiciamus devote conversionis spiritum assumpsisse, videmus expediens quod tam clerus quam populus dictarum terrarum et partium ex parte Sedis apostolice visitentur et inibi deformata provide reformatentur et exinde queque noxia diluantur.

Et quia innumerabilium quasi negotiorum varietate distrahimur et humanum natura non patitur ut essentia nostri corporis tota simul in diversis locis exhibeat se presentem illos in partem apostolice sollicitudinis de latere nostro nonnunquam assumimus, quibus fore percipimus celesti dono provisum ut in altis et arduis negotiis sciant et possunt provide consulere ac utiliter providere.

Attendentes igitur quod personam tuam Dominus scientiarum magnitudine providentie munere, circumspectionis gratia et industrie claritate multisque aliis virtutibus insignivit, humeris tuis fortitudinis robur adiciens ut ad laudem sui nominis onera grandia supportares, plenissimam quoque de tuis meritis fidutiam obtinentes, licet apud eandem Sedem ex eminentia tui consilii necessarius habearis et inviti tanti viri presentia careamus, te tamen, propter exaltationem ipsius ecclesie ac reformationem et directionem ac optatam quietem illarum partium de fratrum nostrorum consilio illuc tamquam pacis angelum duximus destinandum, fraternitati tue in aquilegensi et Gradensi patriarchatibus ac in Ravennata, Mediolanensi, Januensi et Pisana provintiis et in eorundem ac in Bononiensi, Lunensi, Ferrariensi, Papiensi, Placentina et Castellana civitatibus et diocesibus necnon et generaliter in Lombardy, totius Romaniole, Tuscie quoque in Imperio constitutis, Marchie Tervisine ac Venetiarum partibus plene legationis officium committentes, ut evellas et destruas, edifies et plantes, dissipes et disperdas ac facias auctoritate nostra quecumque ad honorem Dei et prosperum statum partium earundem videris pertinere, adicientes nichilominus quod eadem auctoritate in eisdem Bononiensibus et Romaniole partibus specialibus nostris et ejusdem ecclesie in temporalibus exerceas vices nostras, concessa tibi, auctoritate simili, contradictores et rebelles quoslibet per excommunicationis, suspensionis ac interdicti sententias sive alias per censuram ecclesiasticam, appellatione postposita, compescendi, quibuslibet indulgentiis seu privilegiis apostolicis, per que nullum cuiquam in hac parte volumus afferri suffragium, nequaquam obstantibus, libera

facultate. Nos etiam sententias quas tuleris et penas quas inflixeris in rebelles ratas habebimus et faciemus auctoritate Domino inviolabiliter observari.

*Datum apud Urbemveterem, XV kalendas julii, anno tertio.*

(2)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472aa : B[ernardo] episcopo Portuensi Apostolicae Sedis legato exercendi censuram ecclesiasticam in quascumque personas ecclesiasticas vel saeculares ejus legationis concedit facultatem.

*Eidem.* Cum te etc. usque destinemus ut eo efficacius ? tibi commissum officium promovere valeas quo maiori per nos fueris auctoritate munitus fraternitate tue exercendi per te vel per alium seu alios littere censuram ecclesiasticam in venerabilis fratris nostros patriarchas archiepiscopos et episcopos ac in omnes tamen cathedralium quamque aliarum ecclesiarum et domorum prelatos et clericos exemptos et non exemptos. In universa quoque capitula et constitutus marchiones comites necnon barones et quoslibet alios nobiles et rectores etiam **ballivos** potestates consiliarios universitates populos et quascumque personas ecclesiasticas religiosas et saeculares etiam si militie templi et hospitalis sancti johannis Jerosolimitani vel Sancte Marie Theotonicorum seu Cisterciensis Cluniacensis Premonstratensis minorum aut predicatorum ordinum fecerint et quaslibet alias publicas vel privatas tue legationis cum videris expedire non obstante si aliquibus a sede apostolica sit indultum quod interdicti suspensioni vel excommunicari non possint aut aliquibus privilegiis indulgentiis vel litteris quibuscumque dignitatibus ordinibus locis vel personis generaliter vel specialiter sub quacumque forma vel verborum expressionem ab eadem sede concessis de quibus quorumque totis tenoribus de verbo ad verbum seu eorum ordinibus locis vel propteris personarum nominibus certa specialis plena determinata et expressa mentio sit habenda et per qui etiam si contineatur in illis quod per quasius apostolicas litteras quilibet obstantia removentes eis in aliquo nequeant derogari nullum in premissis volumus obstaculum interponi nec cuiquam contra ea presidium quomodolibet adhiberi plenam et liberam concedimus auctoritate presentium potestatem.

*Datum ut supra.*

(3)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472bb : B[ernardo] episcopo Portuensi Apostolicae Sedis legato assumendi et retinendi ad sua obsequia et sub sua obedientia quocumque et quoscumque voluerit de fratribus Praedicatorum et Minorum ordinum ejus legationis, ac mittendi illos vel alios ex eisdem ordinibus ubicumque viderit oportunitatem, committendi illis negotiorum quorumcumque executionem, compescendi quoque contradictores, eisdem insuper fratribus dandi propter hoc licentiam equitandi concedit facultatem.

*Eidem.* Cum te etc. usque destinemus fraternitati tue assumendi et retinendi ad tua obsequia et sub tua obedientia quotiescumque et quoscumque volueris de fratribus predicatorum et minorum ordinum tue legationem ac mittendi illos vel alios ex eisdem ordinibus quos idoneos esse cognoveris quandocumque et ubicumque viderit oportunitatem committendi quoque illis negotiorum quorumcumque executionem prout expediens fore cognoveris compescendi quoque contradictores per censuram ecclesiasticam appellatione ? eisdem in super fratribus dandi propter hoc licentiam equitandi non obstante quibuslibet privilegiis et indulgentiis eisdem ordinibus eorumque fratribus ab apostolica sede concessis per qui nullum eis suffragium afferri volumus in hac parte seu quibuscumque eorumque ordinum consuetibus vel statutis seu regulis plenam et liberam concedimus auctoritate presentium facultatem.

*Datum ut supra.*

(4)

1283, 17 June - Orvieto

**Regestes :**

Potthast, *Regesta pontificum Romanorum*, no. 22039.

Olivier-Martin n. 472c : B[ernardo] episcopo Portuensi Apostolicae Sedis legato exercendi censuram ecclesiasticam in omnes qui circa ipsum vel familiam ipsius injuriosi extiterint et de injuria illata non satisfecerint competenter, vel in loca in quibus injuria hujusmodi facta fuerit, si tamen eorumdem locorum domini ipsi facere satisfactionem impendi neglexerint, concedit facultatem.

**Partial ed. Sbaraleae bullar. francisc. III. 507. n°50**

*Venerabili fratri B[ernardo] Episcopo Portuense apostolice sedis Legato*

Cum te ad Aquilegensi et Gradensi patriarchatus Ravennati Mediolanensi Januensi et Pisano ac Bononiensi Lunensi Ferrariensi Papiensi Placentino et Castellano civites diocesi et provincias necnon Lombardie generaliter totius Romaniole , Tuscie quoque in Imperio constitutas Marchie Tervisine ac Venetiarum partes tibi commissio inibi plene legationis officio pro urgentibus et arduis negotiis duxerimus destinandum puniendi prout vidimus expedire venerabilis fratres nostros patriarchas archiepiscopos et episcopos ac monasteriorum et prioratum Cisterciensi, Cluniacensi, Premostratensi Camaldulensi, Vallisumbrose, sancti Benedicti, sancti Augustensi et aliorum ordinum abbates priores et quoslibet alios quarumlibet ecclesiarum domorum et monasteriorum tam exemptorum quam non exemptorum prelatos constitutus capitula sine collegia necnon domorum militie Templi, hospitalis sancti johannis Jerosolimitani sancte militie Theotonicorum et Calatravensi preceptores magistros et fratres ac quascumque personas ecclesiasticas tue Legationis cuicumque conditionis seu dignitatis existant [RV 41, f. 174v]Quae tibi circa eadem officium et negotia ut in hiis quam ipsa pertinens putavimus parens neglexerint ac ipsos patriarchas archiepiscopos episcopos ceterasque personas ecclesiasticas a spiritualium et temporalium ? suspensos ad apostolicam sedem mittendi pro meritis recepturos non obstantibus aliquibus indulgentiis sedis eiusdem cuicumque tenoris existant de quibus quarumque tenoribus oporteat in nostris litteris plene et expressam ac de uerbo ad uerbum mentionem sit et pro quam effectibus concessionis huiusmodi impediri valeat vel differri fraternitati tue plenam concedimus auctoritate presentium facultatem.

*Datum ut supra*

(5)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472cc : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut "si aliquae persone ecclesiasticae seculares vel etiam regulares, cujuscumque ordinis vel dignitatis extiterint, ejus legationis, excommunicate, suspense vel etiam interdicte susceperint ordines vel in illis ministraverint, seu divina celebrarint officia aut se illis immiscerint", possit cum eis, postquam rite fuerint absolutae, super irregularitate quam inde contraxerint misericorditer dispensare.



*Eidem.* Cum te etc. usque destinemus fraternitati tue personum auctoritate concedimus ut si aliqui persone ecclesie seculares vel etiam regulares cuiuscumque ordinis vel dignitatis extiterint tue legationis excommunicate suspense vel etiam interdicte susceperint ordines vel in illis ministraverint seu divina celebrarint officia aut se illis immiscerint possis cum eis postquam rite fuerint absolute super irregularitate quam inde contraxerint misericorditer dispensare. Iniuncto eis quod salubriter videris iniungendum.

*Datum ut supra.*

(6)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472d : B[ernardo] episcopo Portuensi Apostolicae Sedis legato puniendi patriarchas, archiepiscopos, episcopos caeterasque personas ecclesiasticas ejus legationis, quae ei circa ejusdem legationis officium parere neglexerint, ac eosdem a spiritualium et temporalium administratione suspensos ad Apostolicam Sedem mittendi facultatem concedit.

***Partial ed. ut per litteras, Martin IV, 472d***

*Eidem.* Cum te etc. usque destinemus nos volentes summotis impedimentis quibuslibet negotia huiusmodi felicem subsequantur effectum exercendi censuram ecclesiasticam in omnes illos qua in eundo stando aut redeundo circa te vel familiam tuam iniuriosi extiterint si iniuratores ipsi a te moniti de iniuria illata tibi et dicte familie non satisfecerint competenter et in loca in quibus iniuria huiusmodi facta fuerit si tamen eorum locorum dicti qui laici fuerint requisiti neglexerint facere tibi vel dicte familie huiusmodi satisfactionem impendi non obstante si et aliquibus ab apostolica sede indultum quod inter suspendi vel excommunicari non possint seu terre ipsorum supponi ecclesiastico interdicto prelitteras apostolicas que de indulto huiusmodi plene expressam non fecerint intensionem fraternitati tue plenam et liberam concedimus auctoritate presentium potestatem.

*Datum ut supra.*

1283, 17 June - Orvieto

**Regestes :**

Potthast, *Regesta pontificum Romanarum*, no. 22038.

Olivier-Martin n. 472dd : B[ernardo] episcopo Portuensi Apostolicae Sedis legato committit ut si post iter versus partes ejus legationis aliquem de clericis quos retinuerit tanquam domesticos commensales decedere vel beneficiis ipsius ecclesiasticis - etiam si sint personatus vel dignitates et curam habeant animarum - in manibus ejus cedere contigerit, possit hujusmodi beneficia conferre personis idoneis, et facere illos quibus ea contulerit in ecclesiis, in quibus dicta beneficia consistunt, in canonicos et in fratres admitti.

*Eidem.* Cum te etc. usque destinemus ut eo efficacius commissum tibi ab apostolica sede negotium predicarum partium promovere valeas quo maiori per nos fueris auctoritate munitus fraternitati tue de qua plenam in domino fiduciam obtinemus personum auctoritate committimus ut si post iter versus easdem partes assumptum aliquem vel aliquos de clericis tuis quos nunc habes vel assumes legatione durante et tecum retinueris tanquam domesticos commensales decedere vel beneficiis ipsius ecclesiasticis etiam si sint personatus vel dignitates et curam habeant animarum in manibus tuis cedere forte contigerit possis huiusmodi beneficia personatus vel dignitatos tam decedentium quamque cedentium conferre personis idoneis et ecclesie Romane devotis et facere illos quibus ea contuleris in ecclesiis cathedralibus vel aliis in quibus beneficia ipsa consistunt in canonicorum et in fratres admitti contradictores etc. usque compescendo non obstante statutis de certo canonicorum ? iuramento confirmatione sede apostolice vel quacumque firmitate alia roboratis seu si clerici quibus ea contuleris alias beneficiati existant aut si pro aliis in eisdem beneficiandis ecclesiis scripta sedis eiusdem sicut directa vel contigerit dirigi vel si aliqui litterarum sedis predicare vel legatorum eius auctoritate in eisdem ecclesiis in canonicos sint recepti vel ut recipiantur insistant quibus omnibus nullum per hoc volumus quo ad alia beneficia partus vel dignitates preiudicium generari seu si personis aliquibus a prefata sit sede indultum quod ad receptionem vel provisionem alicuius minime teneantur quodque ad id compelli aut quod interdicti suspensi vel excommunicari non possint per litteras apostolicas plenam et expressam non facientes ac de verbo ad verbum de indulto huiusmodi intensionem et quibuslibet aliis apostolicas privilegiis vel indulgentiis cuiuscumque tenoris existant per qui huiusmodi tibi facta gratia impediri valeat vel differri et de quibus in nostris **litteris ?** sicut debeat specialis presentibus usque ad tuum reditum valituris.

*Datum ut supra.*

(8)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472 : B[ernardo] episcopo Portuensi Apostolicae Sedis legato privandi quoslibet religiosos cujuscumque ordinis, qui super negotiis ei commissis ab eo moniti parere contempserint, omnibus indulgentiis et privilegiis eis ab Apostolica Sede concessis, potestatem concedit.

Eidem. Cum te etc. usque desitnandum quae in desideriis nostris geritur ut summotis impedimentis quibuslibet huiusmodimodi negotia felicem consequantur effectum privandi quobuslibet religiosos cuiuscumque ordinis qui super hiis que suspectant ad tue legationis officium et aliis tam commissis a te moniti tam plenarie parere contempserint omnibus indulgentiis et privilegiis eis ab apostolica sede concessis fraternitati tue plenam concedimus auctoritate presentium potestatem.

*Datum ut supra.*

(9)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472ee :B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut evectiones quot commissis ei negotiis viderit expedire, ducere libere valeat constitutione generalis concilii non obstante.

Eidem. Cum te etc. usque destinemus in desideriis nostris geriter ut summotis impedimentis quibuslibet huiusmodi negotia prosperum consequantur effectum fraternitati tue personum auctoritate concedimus ut evectiones quot commissis tibi negotiis videris expedire ducere libere valeas constitutione generalis concilii non obstante.

*Datum ut supra.*

(10)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472f : B[ernardo] episcopo Portuensi Apostolicae Sedis legato convocandi ad ejus praesentiam ecclesiarum praelatos et alios quoscumque fideles ejus legationis, quandocumque expedire viderit, et injungendi quae utilia fore putaverit, ac invocandi eorum auxilium contra quoscumque personas ejus legationis quae ei non paruerint vel eum impedire praesumpserint, ac compellendi per censuram apostolicam eosdem praelatos ac fideles ad impendendum ei auxilium concedit facultatem.

*Eidem.* Cum te etc. consequantur effectum convocandi ad tuam praesentiam ecclesiarum praelatos et alios quoscumque fideles legationis tam commisse cuiuscumque dignitatis honoris aut existant quandocumque promotioni dicti negotii videris expedire et injungendi quae utilia ipsis negotiis fore putaveris ac invocandi eorum auxilium contra quoscumque personas ecclesiasticas et seculares tue legationis et alias adherentes eiusdem quae tibi non paruerint vel te impedire presumpserint in negotiis supradictis compellendi quosmodo **pre?** per censuram ecclesiasticam apostolicam **.re.** praelatos et fideles eosdem ad impendendum et huiusmodi auxilium non obstante aliquibus indulgentiis sede apostolice de quibus quarumque tenoribus oporteat in nostris litteris plene et expressam intentionem fieri et per quam effectibus concessionis huiusmodi impediri valeat vel differri fraternitati tue plenam concedimus auctoritate presentium potestatem.

*Datum ut supra.*

(11)

1283, 17 June - Orvieto

**Regestes :**

Potthast, *Regesta pontificum Romanorum*, no. 22040.

Olivier-Martin n. 472ff : B[ernardo] episcopo Portuensi Apostolicae Sedis legato "vocandi ad se quoscumque et quotcumque Praedicatorum, Minorum et aliorum quorumlibet ordinum fratres ejus legationis, necnon dandi illis licentiam ingrediendi secum monasteria monialium et etiam equitandi" concedit potestatem.

**Partial ed. Sbaraleae bullar. francisc. III. 508. n°51**

*Eidem.* Ut in commissis tibi negotiis annuntiate domino tanto possis prosperari facilius quamque **to** palium **discertarum** personarum suffragio et nostre auctoritatis fueris aditionem munitus fraternitati tue pro expediendis negotiis eisdem ad te vocandi quoscumque et quocumque Predicatorum Minorum et aliorum quorumlibet ordinum fratres tue legationis necnon dandi illis licentiam ingrediendi tecum monasteria monialium et etiam equitandi. Non obstante contrariis consuetibus vel statutis ordinum predicatorum sive quibuscumque privilegiis et indulgentiis apostolicis per que iidem vel eorum prelati possent in hac parte quomodolibet se tueri plenam auctoritate presentium concedimus potestatem.

*Datum ut supra.*

(12)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472g : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut in magnis colloquiis et congregationibus, quae occasione negotiorum ejus legationis infra dictae legationis fines fieri contigerit, et in festis solemnibus omnibus vere poenitentibus et confessis qui ad dicta colloquia, congregationes et solemnia accesserint, annum et quadraginta dies de injunctis poenitentiis relaxare valeat.

*Eidem.* Cum te etc. usque destinemus nos volentes ut spiritualium largitione munerum incolas illarum partium ad quas te ? contigerit reddas deo et sedi apostolice plus devotos fraternitati tue presentium auctoritate concedimus ut in magnis colloquiis et congregationibus qua occasione predicatorum negotiorum pro quibus te ad partes illas mittimus infra legationis tue fines fieri contigerit et in festis sollempnibus et missarum sollempniis ac in translationibus sanctorum omnibus vere penitentibus et confessis qui ad colloquia congregationes sollempnia et translationes huiusmodi accesserint reverenter annum quadriginta dies de iniunctis sibi? valeas relaxare.

*Datum ut supra.*

(13)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472gg : B[ernardo] episcopo Portuensi Apostolicae Sedis legato indulget "ut si eum ad aliqua loca ecclesiastico interdicto supposita declinare contigerit, possit ibidem cum omnibus clericis et familiaribus suis, excommunicatis et nominatim interdictis exclusis, clausis januis, non pulsatis campanis ac submissa voce audire divina officia et etiam celebrare ac facere celebrari".

**Partial ed. ut per litteras, Martin IV, 472gg**

*Eidem.* Devotionis tue precibus inclinanti auctoritate tibi personum indulgemus ut si ad aliqua loca ecclesiastico interdicto supposita declinare contigerit possis ibidem cum omnibus clericis et familiaribus tuis excommunicatis et nominatim interdictis exclusis clausis ianuis non pulsatis campanis ac submissa voce audire divina officia et etiam celebrare ac facere celebrari. Nulli ergo nostre concessionis etc.

*Datum ut supra.*

(14)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472h : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut si contigerit eum legationis partes egredi, possit reingredi ad easdem ac legationis officium libere exercere.

*Eidem.* Cum te etc. usque destinemus volentes ut commissa tibi negotia summotis impedimentis quibuslibet literius et efficacius exaquare fraternitati tue presentium auctoritate concedimus ut si fueris partes illas ingressus et ex aliqua? romnabili vel ex improvise forsan eventu postmodum illas egredi te forte contigerit et in vicinis partibus comemorari possis semel iterum et quotiens oportunum fuerit reingredi ad easdem prefatum officium etc. tibi litterarum nostrarum auctoritate commissa quantum ad negotia partium predicatorum sicut expedire videris libere in omnibus exercere.

*Datum ut supra.*

(15)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472hh : B[ernardo] episcopo Portuensi Apostolicae Sedis legato excommunicatos civitatis et diocesis Bononiensis ac provinciae Romaniolae absolvendi interdictisque interdictum relaxandi concedit facultatem.

**Partial ed. ut per litteras, Martin IV, 472hh**

*Eidem.* Romana mater Ecclesia pietatis ubertate secundam et minime non oblita sic erga filios materne dilectionis effundit et dilatat affectum quod studio materno revocans oberrantes ab invio illos ad gratie sue gremium non spernit admittere qui deceptiva suggestionem delusi ab illius unitate recedere vel etiam provocare molestiis aut iniuriis afficere presumpserunt decet enim ut clementi benignitate circa singulos affluat qui praeminet omnibus plenitudine potestatis. Cum itaque nonnulli clerici nobiles et alii laici civitatis et diocesis Bononiensis necnon universitates civitatum castrorum villarum et aliorum locorum ac etiam singulares persone tam ecclesiastice quam seculares provincie Romaniole occasione rebellionis per eos contra Romanam Ecclesiam habite auctoritate Apostolice Sedis excommunicationis suspensionis et interdicti sententiis sint ligati nos de tua circumspectione plenam in Domino fidutiam obtinentes ut si clerici nobiles et alii laici prefati universitates et alie predictae persone tam ecclesiastice quam seculares tangente Domino cor illorum humilitatis indicia pretendentes eiusdem Ecclesie misericordiam implorare ac ad ipsius mandata redire voluerint absolvendi auctoritate nostra per te vel per alium aut alios huiusmodi excommunicatos et suspensos iuxta formam Ecclesie ac interdictum predictum relaxandi iniuncto eis quod de iure fuerit iniungendum plenam et liberam tibi concedimus auctoritate presentium facultatem.

*Datum ut supra.*

(16)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472i : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit facultatem dispensandi cum ecclesiarum praelatis et personis ecclesiasticis ejus legationis super irregularitate quam contraxerint ferendo in alios, contra constitutionem Innocentii papae, excommunicationis sententiam sine scriptis, et non abstinendo a divinis, juxta tenorem ejusdem constitutionis.

*Eidem.* Cum te etc. usque destinemus nos volentes ut spiritualium largitione munerum incolas illarum partium reddas deo et sedi apostolice plus devotos fraternitati tue dispensandi per te vel per alium aut alios cum ecclesiasticis prelatis et personis ecclesiasticis tue legationis super irregularitate quam contraxerunt vel contraxerint legatione ipsa durante ferendo in alios contra constitutione .fe.re. Innocentii papae predecessori nostri super hoc editam excommunicationis sententiam sine scriptis et non abstinendo a divinis iuxta tenorem constitutionis ipsius liberam concedimus auctoritate presentium facultatem.

*Datum ut supra.*

(17)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472j : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit facultatem dispensandi cum personis ecclesiasticis ejus legationis super irregularitate quam contraxerint ex eo quod excommunicatae receperint ordines et ministrarint, in ipsis, aut excommunicationis, suspensionis vel interdicti innodatae sententiis 175 officia celebrarint, vel se immiscuerint eisdem.

*Eidem.* Cum te etc. usque devotos fraternitati tue dispensandi per te vel per alium aut alios cum personis ecclesiasticis religiosis et secularibus tue legationis super irregularitate quam contraxerunt vel contraxerint legatione ipsa durante ex eo quod excommunicatae receperint ordines et ministrarint in ipsis aut excommunicatis suspensionis vel interdicti sententiis innodate divina officia celebrarint vel se immiscuerint eisdem et ? ab huiusmodi sententiis rite fuerint absolute in iuncta eis pro modo culpe ? competenti liberam auctoritate presentium concedimus facultatem. *Datum ut supra.*

(18)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472l : B[ernardo] episcopo Portuensi Apostolicae Sedis legato providendi, auctoritate apostolica, viginti personis idoneis in ecclesiis ejus legationis, "de beneficiis ecclesiasticis, prebendis, personatibus et dignitatibus cum cura vel sine cura, videlicet



uni in ecclesia una tantum, si vacet ibidem ad presens vel quamprimum ad id obtulerit se facultas", et faciendi easdem personas in singulis ecclesiis, in canonicos seu clericos et in fratres recipi, facultatem concedit.

*Eidem.* Cum te etc. usque partes pro urgentibus et arduis ecclesie Romane negotiis commisso tibi inibi plene legationis officio destinemus nos volentes tuam honorare personam et per honorem tibi exhibitum aliis gratiam impertiri providendi auctoritate nostra per te vel per alium seu alios viginti personis idoneis in ecclesiis tue legationis Cathedralibus et aliis de beneficiis ecclesiasticis prebendis personatibus et dignitatibus cum cura vel sine cura videlicet uni in ecclesia una tantum si vacat ibidem ad presens vel quamprimum ad id obtulerit se facultas et faciendi personas easdem singulas videlicet in singulis ecclesiis in quibus eis provisum extiterint si collegiate fuerint in canonicos seu clericos recipi et in fratres. Necnon et contradictores per censuram ecclesiasticam appellatione postposita compescendi. Non obstante statuto ecclesiarum ipsarum de certo canonicorum seu clericorum **nostro** iuramento etc. usque vallato aut si direximus in eis pro aliis scripta nostra quibus nullum per hoc volumus preiudicium generari seu si est aliquibus ab eadem sede indultum quod ad receptione sine provisionem aliquibus minime teneantur et ad id compelli quodque interdici suspendi vel excommunicari non possint et quod de beneficiis prebendis personatibus vel dignitatibus ad collationem sive presentationem eorum spectantibus nulli valeat providenti per litteras apostolicas que de indulto huiusmodi plenam et expressam non fecerint intentionem sive quodlibet alia indulgentia dictem sedis de qua cuiusque toto tenore de verbo ad verbum oporteat in nostris litteratis plene et expressam intentionem fieri et per quam effectibus huiusmodi **genere** impediri valeat vel differri aut si persone huiusmodi alias beneficiate existant fraternitati tue liberam auctoritate presentium concedimus facultatem.

*Datum ut supra*

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(19)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472m : B[ernardo] episcopo Portuensi Apostolicæ Sedis legato injungendi dilectis filiis fratribus Predicatorum et Minorum ac aliorum ordinum, infra ejus legationis terminos constitutis, quaecumque utilitati negotiorum sibi commissorum viderit expedire facultatem concedit.

*Eidem.* Cum te etc. usque destinemus in desideriis nostris gererit ut summonis impedimentis quibuslibet huiusmodi negotia felicem consequantur effectum sancte apostolica sedes nonnullis clericis secularibus tue legationis in multis liberalem se exhibuit et benignam eis tamen super provisione sive facienda de beneficiis ecclesiasticis quare super aliis gratiis litteras apostolicas concedendo quia **verbo** sicut favorem devotio **?** sic indevotis favor est munero subtrahendus prevandi illos ex huiusmodi clericis quos indevotos ingratos et inobedientes in hiis que scriptare videris ad tue legationis officium forsitan innumeris omnibus huiusmodi gratiis ipsis ab eadem sede concessis ut per litteras super hoc ad eos obtentas nullatenus procedatur executores ipsorum ad id si necessarie fuerit per censuram ecclesiasticam compescendi plenam et liberam concedimus auctoritate presentium potestatem.

*Datum ut supra.*

(20)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472n : B[ernardo] episcopo Portuensi Apostolicae Sedis legato injungendi dilectis filiis fratribus Predicatorum et Minorum ac aliorum ordinum, infra ejus legationis terminos constitutis, quaecumque utilitati negotiorum sibi commissorum viderit expedire facultatem concedit.

*Eidem.* Cum te etc. usque destinemus nos volentes ut summotis impedimentis quibuslibet negotium huiusmodi felicem consequantur terminos constitutis quacumque prosecutorem officii vel utilitati negotiorum tibi commissorum videris expedire ac contradictores per censuram ecclesiasticam appellatione postposita compescendi non obstante aliquibus indulgentiis eis quibus hec iniungendi duxeris spiritualiter aut personis eorundem ordinum generaliter ab apostolica sede sub quacumque forma verborum concessis per quas super hoc maliquo se tueri valeant et de quibus oporteret in nostris litteris plenam et expressam seu de verbo ad verbum sibi intensionem fraternitati tue plenam et liberam concedimus auctoritate presentium facultatem.

*Datum ut supra.*

(21)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472o : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut cum quibuslibet religiosis personis ejus legationis, cujuscumque sint ordinis, quae commiserint symoniacam pravitatem dispensare possit.

*Eidem.* Cum te etc. usque destinemus volentes tibi aliqua concedere per que saluti consulem **valeas?** fraternitati tue auctoritate concedimus ut cum quibuslibet religiosis partis tue legationis cuiuscumque sint ordinis que dato aliquo pro acquerendis vel recepto pro exhibendis locis et monasteriis hactenus commiserunt vel commiserint legationem durante symmoniacam pravitatem possis prout expedire videris dispensare. Non obstante constitutione concilii generalis.

*Datum ut supra.*

(22)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472p : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut quotiescumque contigerit eum proponere verbum Dei, consecrare altaria, vel ecclesias aut moniales benedicere, omnibus vere poenitentibus et confessis qui praesentes fuerint unum annum et quadraginta dies de iniunctis poenitentiis relaxare valeat.

*Eidem.* Cum te etc. usque destinemus nos volentes ut spiritualium largitionem munerum incolas illarum partium ad quas te pervenire contigerit reddas deo et sedi apostolice plus devotos fraternitati tue presentium auctoritate concedimus ut quotiescumque te proponere contigerit verbum dei consecrare altaria vel ecclesias aut moniales benedicere omnibus vere poenitentibus et confessis qui huiusmodi predicatoribus consecrationibus et benedictionibus presentes fuerint unum annum et quadraginta dies de iniunctis sibi poenitentiis misericorditer valeas relaxare.

*Datum ut supra.*

(23)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472q : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut omnibus vere poenitentibus et confessis qui ad fabricas ecclesiarum partium ejus legationis, hospitalium, itinerum et pontium manum adiutricem porrexerint, usque ad quadraginta dies de iniunctis poenitentiis relaxare valeat.

*Eidem.* Cum te etc. usque destinemus nos volentes ut ecclesie illarum partium ex tua legatione commodum aliquod consequantur presentium tibi auctoritate concedimus ut omnibus vere poenitentibus et confessis que ad fabricas ecclesiarum ipsarum hospitalium itinerum et pontium manum porrexerint adiutricem usque ad quadraginta dies prout perlatis locorum conditionibus expedire videris de iniunctis sibi poenitentiis misericorditer valeas relaxare.

*Datum ut supra.*

(24)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472r : B[ernardo] episcopo Portuensi Apostolicae Sedis legato tribuit facultatem concedendi licentiam nobilibus mulieribus quod earum quaelibet cum decenti comitiva mulierum, semel in anno, durante ejus legatione, possint monasteria ejusdem legationis causa devotionis intrare, non obstantibus ordinum quibuslibet statutis, dummodo eadem nobiles in monasteriis non comedant nec pernoctent.

*Eidem.* Cum te etc. usque destinemus nos volentes quod personas nobiles gratia prosequi valeas et favore ut deo et sedi apostolice reddantur exinde plus devote concedendi licentiam nobilibus mulieribus quod earum quaelibet cum decenti comitiva mulierum semel in anno durante tua legatione possint monasteria quorumcumque ordinum ejusdem legationis causa devotionis intrare non obstantibus ordinum ipsorum quibuslibet contrariis constitutibus vel statutis fraternitati tue liberam concedimus auctoritate presentium facultatem dummodo eadem nobiles in monasteriis aliquorum religiosorum non comedant nec pernoctent.

*Datum ut supra.*

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472s : B[ernardo] episcopo Portuensi Apostolicae Sedis legato faciendi recipi clericos suos in ecclesiis ejus legationis "si ad illorum, ad quos collatio prebendarum in eisdem ecclesiis pertinet, assensus accedat, unum videlicet in ecclesia una tantum, in canonicos et in fratres, ac providendi eorum cuilibet de praebenda nulli alii de jure debita, si vacant ibidem ad presens vel quamprimum ad id obtulerit se facultas", concedit potestatem.

*Eidem.* Cum te etc. usque destinemus tuam volentes honorare personas et per honorem tibi exhibitum aliis providere faciendi recipi clericos tuos per te vel per alium aut alios in ecclesiasticis tamen cathedralibus quaere aliis tue legationis si ad illorum ad quos collatio prebendarum in eisdem ecclesiis pertinet accedat assensus unum videlicet in ecclesia una tantum in canonicos et in fratres ac providendi eorum cuilibet de prebenda nulli alii de iure debita si vacant ibidem ad presens vel quamprimum ad id obtulerit se facultas et contra per censuram ecclesiasticam appellatione postposita compescendi non obstante statuto ecclesiarum ipsarum de certo canonicorum munero etc. usque vallato aut si direximus in eisdem ecclesiis pro aliis scripta nostra quibus nullum per hoc volumus preiudicium generari seu si est aliquibus ab apostolica sede indultum quod ad receptionem vel provisionem alicuius minime teneantur quodque ad id compelli seu quod interdicti suspensioni vel excommunicari non possint per litteras apostolicas non facientes plenam et expressam de indulto huiusmodi intentionem sive qualibet alia indulgentia etc. usque differri aut si dicti clerici alias beneficium existant fraternitati tue liberam concedimus auctoritate presentium facultatem.

*Datum ut supra*

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1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472t : B[ernardo] episcopo Portuensi Apostolicae Sedis legato declarat quod suae intentionis existit quod per specialiter ei commissis hiis quae ei ratione legationis competunt in nullo derogetur.

*Eidem.* Cum te etc. usque ad partes pro urgentibus et arduis ecclesie Romane negotiis et pro reformatione status partium earundem commissis tibi plene inibi legationis officio de fratre

nostre comite duxerimus destinandum quam plura tibi nichilominus per speciales litteras concedendo nos volentes ut premissi officii executio tibi sit libera submotis difficultatibus ac impedimentis quibuslibet expedita tenere personum declaramus quod nostre intentionis ac voluntatis existit quod per ea que tibi specialiter sunt commissa hiis que tibi ratione legationis competunt in nullo penitus derogetur secundum volumus quod hoc non obstante illa plenarie ac libere exequaris.

*Datum ut supra.*

(27)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472u : B[ernardo] episcopo Portuensi Apostolicæ Sedis legato absolvendi tam clericos quam laicos ejus legationis qui portaverint arma, ferrum, ligna et victualia Sarracenis impugnantibus Christianorum terras ab excommunicationis sententia quam propter hoc incurrerunt, et dispensandi cum eisdem clericis super irregularitate si quam contraxerunt sic ligati divina officia celebrando, vel puniendi tales gravius, facultatem concedit.

*Eidem.* Cum te etc. usque destinemus absolvendi per te vel per alius aut alios iuxta formam ecclesie tam clericos quam laicos tue legationis qui portaverint arma ferrum ligna et victualia sarracenis impugnantibus christianorum terras ab excommunicationis sententia quam propter hoc incurrisse noscuntur et dispensandi cum eisdem clericis super irregularitate lignam contrexerint sic ligati divina officia celebrando vel imiscendo se illis vel puniendo tales gravius prout culpa et conditio eorum exegerit fraternitati tue plenam concedimus auctoritate presentium facultatem.

*Datum ut supra.*

(28)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472v : B[ernardo] episcopo Portuensi Apostolicæ Sedis legato concedit facultatem compellendi patriarchas, archiepiscopos, episcopos, abbates et priores monasteriorum et prioratuum Cisterciensis, Cluniacensis, Praemonstratensis, Camaldulensis, Vallis Umbrosæ, Sancti Benedicti, Sancti Augustini et aliorum ordinum, ac preceptores, magistros, et fratres domorum Militiæ Templi, Hospitalis Sancti Johannis Jerosolimitani,

Sanctae Mariae Theotonicorum et Calatravensis ac aliarum ecclesiarum et domorum, praelatos et clericos tam exemptos quam non exemptos, ad providendum in necessariis nuntiis ejus, quos pro negotiis ei commissis ad aliquas partes duxerit destinandos.

*Eidem.* Cum te etc. usque destinemus compellendi per te vel per alius aut alios auctoritate nostra venerabis frater noster patriarchas archiepiscopos episcopos et dilecti filii abbates et priores monasteriorum et prioratum Cisterciensis Cluniacensis Premonstratensis Camaldulensis Vallis Umbrose Sancti Benedicti Sancti Augustini et aliorum ordinum ac preceptores, magistros, et fratres domorum Militiae Templi Hospitalis Sancti Johannis Jerosolimitani Sanctae Mariae Theotonicorum et Calatravensis ac aliarum ecclesiarum et domorum praelatos et clericos tam exemptos quam non exemptos ad providendum in necessariis nuntiis tibi quos pro negotiis tibi commissis ad aliquas partes duxeris destinandos non obstante si aliquibus ei ab eadem indultum quod legatis vel nuntiis sedis ipsius aliquam procuracionem exhibere vel in eis contribuere nisi ad eos declinaverint minime teneantur seu quod interdicti suspensione vel excommunicati non possint per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem sive aliquibus privilegiis vel indulgentiis quibuscumque personis locis vel ordinibus queris forma verborum ab eadem sede concessis de quibus quorumque totis tenoribus in nostris litteris specialis mentio sit habenda et per que presens mandatum nostrum quomodolibet valeat impediri fraternitati tue liberam auctoritate presentium concedimus facultatem.

*Datum ut supra.*

(29)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472w : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit facultatem recipiendi tam in absentia quam in praesentia procuraciones a patriarchis, archiepiscopis et episcopis, et electis, abbatibus, prioribus, decanis, archidiaconis, praepositis, archipresbyteris et aliis ecclesiarum praelatis ac ecclesiasticis personis secularibus et religiosis et aliis ecclesiarum capitulis et conventibus exemptis et non exemptis Cisterciensis, Cluniacensis, Praemonstratensis, Camaldulensis, Vallis Umbrosae et Sancti Benedicti, Sancti Augustini et aliorum ordinum, necnon a magistris et praeceptoribus domorum Militiae Templi et Hospitalis Sancti Johannis Jerosolimitani, Sanctae Mariae Theotonicorum et Calatraven[sis] partium ejus legationis, et contradictores compescendi.

**Partial ed. ut per litteras, Martin IV, 472w**

*Eidem.* Cum te etc. usque destinemus recipiendi tam in absentia quam in presentia procurationes a venerabili frater noster patriarchis archiepiscopis et episcopis et a dilectis filiis electis abbatibus prioribus decanis archidiaconis prepositis archipresbyteris et aliis ecclesiarum prelati ac ecclesiasticis personis secularibus et religiosis et aliis ecclesiarum capitulis et conventibus exemptis et non exemptis Cisterciensis Cluniacensis Premonstratensis Camaldulensis Vallis Umbrosae et Sancti Benedicti Sancti Augustini ac aliorum ordinum necnon a magistris et preceptoribus domorum Militiae Templi et Hospitalis Sancti Johannis Ierosolimitani Sanctae Marie Theotonicorum et Calatravensis partium earumdem et contradictores auctoritate nostram per te vel alius aut alios appellatione postposita compescendi non obstante etc. ut in proxima precedenti.

*Datum ut supra.*

(30)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472x : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut si unus locus ejus legationis per se integram procuracionem commode praestare non valeat, a pluribus hujusmodi procuracionem exigere possit.

*Eidem.* Cum te etc. usque destinemus Romane ecclesie vel monasteria seu alia loca ecclesie tue legationis ad que te declinare contigerit in exhibendis tibi procuracionibus nimium aggravatum personum tibi auctoritate concedimus ut si ima ecclesia vel monasteria aut locus dicte legationis per se integram procuracionem comode prestare non possit possis a pluribus huiusmodi procuracionem exigere ab eis prout expedire videris iuxta facultates proprias proportionaliter exhibendam contradictores etc.

*Datum ut supra.*



(31)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472y : B[ernardo] episcopo Portuensi Apostolicae Sedis legato conferendi beneficia ecclesiastica in legationis terminis, quorum collatio ad Sedem Apostolicam devoluta fuerit, concedit facultatem.

*Eidem.* Cum te etc. usque destinemus sperantes quod huiusmodi negotium obtate prosecutoris exitum tuis auctore domino studiis consequantur beneficia ecclesiastica universa et singula cum cura vel sine cura dignitates seu partus qui infra commisse tibi legationis terminos tanto tempore iam vacarunt quod eorum collatio ei ad sedem apostolicam secundam Lateranensis statuta concilii legitime devoluta conferendi per te vel alium seu alios personis ydoneis ac faciendi eas ad ipsa recipi quibus de ipsis duxeris providendum eisque de ipsorum fructibus et proventibus integre responderi et contradictores etc. usque compescendi non obstante si cedem persone quibus beneficia ipsa duxeris conferenda alias beneficiari existant aut si aliquibus ab eadem collationem seu presentationem spectantibus nulli valeat providenti per litteras apostolicas cuiuscumque tenoris existant qui de indulto huiusmodi plene et expresse seu de verbo ad verbum non fecerint mentionem et qualibet alia eiusdem sedis indulgentia generali vel speciali cuiuscumque tenoris existant per quam presentibus non expressam vel totaliter non insertam effectus huiusmodi nostre gratie impediri possit quomodolibet vel differri et de qua cuiuscumque toto tenere in nostris litteris habenda sit mentio specialis plenam et liberam fraternitati tue auctoritate presentium concedimus facultatem .

*Datum ut supra.*

(32)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472z : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit ut clerici ejus proventus beneficiorum suorum durante legatione integraliter percipere valeant, "etiam si aliqui ex clericis ipsis fortasse primam residentiam non fecerint".

**Partial ed. ut per litteras, Martin IV, 472z.**

*Eidem.* Cum te etc. usque destinemus fraternitati tue presentium auctoritate concedimus ut clerici tui qui tecum moram traxerint huiusmodi legatione durante vel quas ad alia loca pro eisdem negotiis te destinare contigerit quandum obsequiis ipsis institerint proventus beneficiorum dignitatum et partium ipsorum cum cura vel sine cura cotidianis distributionibus duntaxat exceptis cum ea integritate percipere valeant cum qua illos perciperent si **peraliter** in ecclesiis in quibus ipsa beneficia dignitates et partus obstinent residerent tuque illos possis per te vel per alios predictis clericis etiam si aliqui? ipsis proximam residentiam fortasse non fecerint in ecclesiis supradictis quam facere teneantur a tuis obsequiis recedentes facere ministrari contradictores etc. non obstante contradictoriis ecclesiarum ipsarum consuetibus ut statutis iuramenta **confirm** apostolica seu quacumque alia **firmate? aut** si aliquibus indulgentiis sede apostolice quibuscumque collegiis locis vel dignitatibus sub quacumque forma verborum concessis per quas id impediri valeat vel differri proviso quod in affirmandis clericis qui predicam proximam residentiam non fecerunt necessitatem vel evidentem utilitatem observet quodque partus et dignitates huiusmodi debitis non fraudenter obsequiis et animarum cura in eis quibus ipsa imminet nullatenus negligenter.

*Datum ut supra.*

(33)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472ii : B[ernardo] episcopo Portuensi Apostolicae Sedis legato, cum nonnulli clerici et laici partium ejus legationis pro fractionibus ac incendiis ecclesiarum et locorum ecclesiasticorum excommunicationis sententiam incurrerint, absolvendi dictos excommunicatos "etiam si per locorum diocesanos excommunicati denunciati fuerint, dummodo injuriam et dampna passis satisfaciant competenter", concedit facultatem.

**Ed. part. ut per litteras, Martin IV, 472ii.**

*Eidem.* Cum sicut accepimus nonnulli clerici et laici partium tue legationis pro fractionibus ac incendiis ecclesiarum et locorum ecclesiasticorum excommunicatis sententiam incurrisse noscantur nos de circumspectione tibi plenam in domino fidutiam obstinentes absolvendi per te vel per alium aut alios iuxta formam ecclesie predictos excommunicatos etiam si per locorum

diocesanos excommunicati denunciati fuerint dummodo iniuriam et dampna passis satisfaciant competente liberam tibi concedimus auctoritate presentium facultatem.

*Datum apud Urbemveterem .X. kalendas julii anno tertio.*

(34)

1283, 17 June - Orvieto

**Regestes :**

Olivier-Martin n. 472jj : B[ernardo] episcopo Portuensi Apostolicae Sedis legato concedit facultatem dispensandi cum viginti clericis legationis ejus partium defectu natalium patientibus, quod huiusmodi non obstante defectu possint ad omnes ordines promoveri, et ecclesiasticum beneficium, etiamsi curam animarum habeat, obtinere "dummodo non sint de adulterio vel incestu seu regularibus aut presbyteris procreati, sive paterne incontinentie sectatores".

*Eidem.* Volentes ut spiritualium largitionem munerum nonnullos de partibus legationis tibi commisse reddas deo et sedi apostolice plus devotos presentium tibi auctoritate concedimus ut cum viginti clericis earumdem partium defectum natalium patientibus quod huiusmodi non obstante defectu eorum singuli possint ad omnes ordines promoveri et ecclesiasticum beneficium etiam si curam animarum habeat obtinere dummodo non sint de adulterio vel incestu seu regularibus aut presbyteris procreati sive paterne incontinentie sectatores sed bone conversationis et vite sufficientis scine et etatis legitime liberam tibi concedimus auctoritate presentium facultatem. Ita tamen quod iidem clerici prout requiret onus beneficiorum que ipsos partus dispensationem huiusmodi **obstinere** contigerit ad ordines se faciant statutis temporibus promoveri et pluraliter resideant in **eiusdem** alioquin huiusmodi gratia quo ad beneficia ipsa nullius penitus sint momenti. *Datum ut supra.*

## Honorius IV (1285 - 1287)

### (1)

1286, 5 November - Rome, near Santa Sabina

#### **Regestes :**

M. Prou n. 812 : B[ernardo], episcopo Portuensi, ecclesie Sancte Praxedis de Urbe, que titulus cardinalatus existit, curam et regimen committit, donec ordinata fuerit de proprio cardinali.

*venerabile frater B[ernardo] Episcopo Portuensis :*

Officii nostri debitum exigit ut de statu ecclesie sancte praxedis de Urbe qui titulus Cardinalatus existit benigne Sollicitudinis studio cogitemus ut Rectoris providi fulta presidio preservetur a noxiis Et spiritalibus ac temporalibus profici sit incrementis de tua itaque circumspectione provida et providentia circumscripta plenam in domino fiduciam obtinentes ac volentes ut ecclesia eadem auxilio gaudeat defensoris fraternitati tue curam et regimen ipsius ecclesie cum domibus iuribus et parti..tiis suis in spiritalibus et temporalibus donec ordinata fuerit de proprio cardinali presentium auctoritate committimus ut de illis prout expendere videris ordines et disponas contradictores etc. usque compescendo.

*Datum Rome apud ecclesiam Sabinam nona novembris anno secundo.*

### (2)

1286, 5 November - Rome, near Santa Sabina

#### **Regestes :**

M. Prou n. 812 : In eundem modum abbati et capitulo ecclesie Sancte Praxedis de Urbe mandat quatinus eidem episcopo intendere studeant.

*In eundem modum dilectis filiis abbati et capitulo ecclesie Sancte Praxedis de Urbe.*

Officii nostri debitum exigit ut de statu [fol. 209v] ecclesie vestre, qui titulus cardinalatus existit etc. ut in proxima superiori verbis competenter mutatis usque compescendo ; ideoque rogamus universitatem vestram et hortamur attente, per apostolica vobis scripta mandantes, quatinus eidem episcopo super hiis juxta nostre commissionis formam devote ac reverenter intendere

studeatis, ita quod exinde apud nos digna laudibus et favoris augmento vestra sinceritas habeatur, alioquin sententiam quam ipse propter hoc rite tulerit in rebelles et ratam habebimus etc., usque observari. usque observari.

*Datum ut supra.*



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