

ON THE TEMPORAL POWER OF THE POPES.

II.

CHARLEMAGNE AND HIS SUCCESSORS.

MR. DUCHESNE traces the gradations in the acquirement of temporal sovereignty by the Popes, showing how their moral influence all along, especially as the Empire in Italy became more and more inefficient, had been such as to give them the command over the Roman people even in civil concerns. The Roman Bishop was like no other Bishop as regards his control over men, and this fact was declared in the ordinal for the consecration of a Pope, where he is styled Apostolical Lord, Vicar of St. Peter, High Priest of the Roman Sanctuaries, Primate of the Bishops in the whole world, Universal Doctor. "Such a Bishop," remarks Mgr. Duchesne, "could not have been subject to the Duke of the Roman Duchy, as the Bishops of Venice and Naples were subject to their Dukes." The idea is borne out by the address of St. Leo I. to Rome: "Saints Peter and Paul have raised thee to this glory that thou art a holy nation, an elect people, a city at once priestly and kingly, with a presidency wider by divine religion than by earthly domination!"

As for the Lombards, the rivals and possible enemies of the Papacy, their Princes gradually became Catholic and showed themselves amenable to the Pope's will when their conquests put it in their power to be recalcitrant. Mgr. Duchesne thinks that what greatly stood in the way of their being chosen, instead of the Franks, protectors of the Holy See was their near neighborhood, which would make them more interfering, but especially their barbarous manners and repulsive features, which were bars to equality of intercourse. Their Kings, Luitprand, Rachis and Didier, were religious men. Astolphus, on the contrary, was aggressive, and it was against his encroachments that Stephen II. invoked the aid of Pepin, who with his Franks lent assistance rather out of reverence for St. Peter than out of any desire to supplant the Byzantine Emperors in their hereditary lordship over Italy. When the iconoclast, Leo the Isaurian, persecuted the Popes instead of defending them, not only the weakness, but also the violence of Constantinople became urgent reasons for throwing off the allegiance to it and seeking a better over-lord. So it was to Charlemagne that Hadrian I. appealed against the Lombards, whose King the Franks thereupon conquered and deposed. The next summons to Charlemagne for

protection was made because of an internal revolution at Rome, which the Pope was not physically strong enough to hold under control, with the consequence that his own life was in danger. The result of the application was that the Pope received confirmation of his sovereignty over his temporal States, and in return Leo III. crowned Charles Emperor of the West, with the special duty to be the secular arm of the Church. The new title of Emperor was much more significant than the previous one of Patrician, and later ages tried, by recourse to Roman law, to stretch to the very utmost the power of the revived imperialism over the Popes. It was the battle between Sacerdotium and Imperium as two universal powers. Herodian had written: "Where the Emperor is, there is Rome." A Christian Father wrote: "Where Peter is, there is the Church."¹ Eginhard says that the coronation came to Charlemagne as a surprise. How much of prearrangement there was about the whole matter is left in dispute. It is certain that no exact theory of the situation was elaborated from the first. It was in later times that the extreme imperialists, strong in Roman law, held that Charlemagne was Emperor by conquest, with all the powers of the Augustan line, while the Papal party, on the other hand, said that the Christian empire was an institution of the Pope, who made it what primarily it was—namely, his instrument for the service of the Church—and yet further a third theory was in the field, that of patriotic Romans, who held that they as heirs to the capital city were the inheritors of the old rights. A curious setting aside of the several pretensions is made by M. Laurent in his book, "La Papauté et L'Empire," a work which forms part of the series "Histoire des Droits des Gens et des Relations Internationales." As an evolutionist he thinks that he sees in the contest a necessary step towards the production in Europe of free countries and free peoples through two powers which were both tyrannies. The Papacy, he allows, did the supreme service of moralizing the barbarians and educating Europe for freedom, while the empire acted as a needful check on the Papal aspirations to be simply dominant. We have come thus, thinks the theorist, to independent nationalities, with liberty for their component individuals, the price of this boon having been a time of subjection to two universal dominations, neither of which were in themselves admissible on the true principles of human freedom. Such is M. Laurent's view. We may leave alone the abstract precision of theories to see how in practice the power of the Emperor in relation to the Pope began to work on the general but not narrowly and jealously defined principle of friendly coöperation. We may find the materials for a judgment in Migné's "Latin

¹ St. Ambrose Migné, t. 14, col 1,082.

Fathers," tome 98, which shows a very different spirit from that which arose not long afterwards, when the investiture controversy waxed hot and competition supplanted coöperation. Mgr. Duchesne dwells rather one-sidedly on the admonitory and almost pedagogic tone in which Charlemagne wrote to Leo III. concerning the conduct which the Pope should pursue to prevent a future outbreak among his subjects. The accusations against Leo III. had been very grave indeed. Alcuin says they went as far as charges of gross immorality, but in those days it was usual to let the urgency of the desire to destroy a character settle the gravity of the allegations. When Charlemagne arrived at Rome to quell the faction he could not as judge summon the Pope to his tribunal, but the Pontiff undertook to expurgate himself on oath from the crimes alleged, and with this policy we may compare the act of Pope Damasus, who had, when pressed by the Anti-Pope's party, submitted his case to the Emperors.² We shall never understand the position of Leo III. and subsequent positions unless we bear clearly in mind that Rome in the Middle Ages was one of the turbulent Italian cities, and not the least turbulent. Constantly the people got quite out of hand as regards the Pontiff who tried to hold the reins, and he had to throw them down and take to flight. No single governing power over Italy ever succeeded to the Augustan Empire; nothing more than an Augustus could have any permanence, and at intervals a strong man brought a strong hand to bear on the peninsula. There was in name, from the time of the Lombard invasion, a King of Italy, but he meant very little. He was either the Emperor or a vassal of his, at least titularly. The southern part of the peninsula was broken off from the rest, being under the dominion of Greeks, or Saracens, or Angevins, or Aragonese. A number of free cities lapsing into petty tyrannies, along with a few larger States, kept up a perpetual warfare, in which foreign mercenaries were largely hired, and the Popes had to live as they could, while to this sad condition of things was added the further misfortune that on several occasions they were elected by a faction irrespective of qualities fitting them for their sacred post.³ Popes and Emperors had a very fluctuating control over their nominal charges and they weakened each other by mutual disagreements.

If we look now to the correspondence that passed between Leo

² Similarly Pascal I. swore to his innocence before the plenipotentiaries of the Emperor Louis when these were sent to investigate a charge of murder at Rome.

³ The irregularities following on the ill-treatment of the corpse of Pope Formosus led to the condition that the Papal election should take place, *preventibus legatis imperatoris*. Lambert was then emperor; Otho I. later acquired the right to approve a Papal election before the elect was consecrated.

and Charlemagne, we find that the former remonstrates on occasion thus: "Your Serene Highness despatched to us imperial missi for the execution of justice, but it is harm rather than that they are doing." All the same the Pope does not repent of having assigned to Charles his office: "We beseech your imperial clemency so to treat the donation which you received from God to give it over to the Apostle Peter, that it may in no manner suffer diminution, but by your strenuous exertions may ever abide in security."⁴ Again the Pope has to write about the imperial missi in Rome, adding trustfully: "After all we commend everything to your most wise decision."⁵ If we look next to the letters of Charlemagne in reply, we find a good disposition to do his duty to the Church. We must not be surprised at or take too technically language which in the time of later quarrels would have signified a usurped authority. For instance, Charlemagne writes: "*Praelectis Excellentiae vestrae litteris valde gavisi sumus . . . in humilitatis vestrae obedientiae et promissionis ad nos fidelitate.*"⁶ This is the language of a strong Prince who had given—but not simply given where there was no other title—domains to a Pope, and had rescued him from rebellious subjects afterwards, and now was speaking not as a trained theologian, nor yet as a polite gentleman most careful to use language with no possible offensiveness in its terms. It is the speech 'from a plain-tongued conqueror of domains imperially wide, who was obviously the greatest potentate of his age' and accustomed to wield authority. It is true that not everywhere in the books called *Caroline*, when they magnify ecclesiastical power, is the voice that of Charlemagne; nor, on the other hand, are the words which were uttered in the Council of Frankfort held in 794, six years before he was made Emperor, proved to be personally his utterances. For example, these: "*Cujus ecclesiae, quoniam in sinu regni, gubernacula Domino tribuente suscepimus.*" It is pure conjecture to suppose here some pique at not having been consulted about the second Council of Nicea, which gave decisions on the cultus of images that were not pleasing to the Westerns.

As to the capitularies of Charles, which embody much real history, we find therein how Church and State worked together by joining their two distinct but not uncombinable authorities for the good of the Christian peoples. National assemblies and ecclesiastical synods

⁴ Migne, tom. 98, col. 522.

⁵ Col. 526.

⁶ Col. 907.

⁷ The friendly offices of Charlemagne may be compared to those of Valentinian and Gratian towards Pope Damasus, who submitted to their judgment the case against the anti-Pope, because he had not himself the temporal power to control the insurgents, but his spiritual jurisdiction he most firmly asserted all the while.

legislated in concert, and some members belonged to both bodies. The nation took up a number of the synodal decrees, making the enactments its own. The Capitularies⁸ forbid clerics to bear arms and to fight. In accordance to arrangements made after consultation with the Pope, the manner is laid down after which accused clerics are to expurgate themselves or receive penalty for offenses.

Charlemagne did as England gradually came to do after the throne had been humiliated by the reverence paid to St. Thomas of Canterbury—he put clerical offenses, even the criminal cases, under episcopal jurisdiction.⁹ The Justinian law for the greater crimes was degradation from clerical rank and then judgment by the lay tribunal: "*Spoliari sacerdotali dignitate et ita sub legum fieri manu.*"¹⁰ The Capitularies thus continued their regulations; the imperial *missi* might examine into the conduct of clerical officials;¹¹ priests must qualify for ordination by a previous examination;¹² those summoned to appear before the imperial commission must obey the mandate—*ut episcopi et potentiores quicumque ad nostram jubeantur venire praesentiam.*¹³ More than once it is noted that the Pope had been consulted upon the matter decreed, and we must further observe that the decrees just mentioned affected not Rome, but various other dioceses in the Empire.

Mgr. Duchesne lays much stress on the Constitution of Lothaire, whom his father, the Emperor Louis the Pious, sent to Rome for the purpose of quieting a disturbed state of affairs. It seems to us that too much is attributed by our author to the authority displayed in the document, which is to be found in Harduin, c. iv., 1261-1262. Persons under Papal and imperial protection are to be held inviolable: "*Et hoc decernimus ut domino apostolico in omnibus justa servetur obedientia.*" Those Romans only whose right is established by ancient custom are to be the electors when a new Pope is to be chosen;¹⁴ *missi* are to be appointed by Pope and Emperor to give to each of these sovereigns a yearly account as to how officials have discharged their functions; complaints are to be laid first before the Pope, who may refer the cases to the Emperor; the inhabitants must name the law¹⁵ under which they are going to live, and accord-

⁸ Harduin, IV., 943.

⁹ Capit., c. 28, anno 789; c. 39, anno 803.

¹⁰ Novell. Pref., Sect. 2.

¹¹ The Northern invaders were wise enough to see that the Roman law was a better code than their own customaries, and therefore they left a choice of systems to their subjects. In the present case Romans may have escaped penal law by escaping Roman law by recourse to Lombard and to Sallc law.

¹² P. 953.

¹³ P. 954.

¹⁴ P. 956.

¹⁵ This may have helped the lay party in Rome to recover their votes.

ing to the code of their choice Pope and Emperor will see that they are judged; while the Emperor is at Rome, in order that he may have the opportunity to become acquainted with the men responsible in various departments, these must come into his presence and receive instruction. Everywhere in the document we find the Pope named before the Emperor, and if we grant the necessity of the imperial control, its office is not too much magnified. Then there is the concluding decree, which is wholly favorable to the Pope: "*Novissime precipimus et monemus ut omnis homo, sicut Dei gratiam et nostram habere desiderat, ita praestet in omnibus obedientiam atque reverentiam Romano Pontifici.*" The reigning Pontiff was Eugenius II.

A further indication how Charlemagne did not assume that he had won for himself and still retained the rulership over the Roman States is sought in the terms of the division which he made of his realm among his three sons. After assigning to them their three portions respectively, which did not include the Papal territories, he adds with regard to the Pope that all should jointly act as his defenders: "*Super omnia autem jubemus ut ipsi tres fratres curam ac defensionem ecclesiae Sancti Petri simul suscipiant, sicut quondam ab avo nostro Carolo et beatæ memoriae genitore nostro Pippino rege, et a nobis postea suscepta est.*"¹⁶ Charles never forgot that the Popes, besides the claim due on the score of the donations made by himself and Pepin, had a title in the choice of the peoples over whom they ruled and who had been free to choose after the failures of the Byzantine Emperors. Also there was a title, if not a complete one, in the Papacy itself and in the necessities of its condition during the early formation of Christendom, when clerics were almost the only educated and competent administrators. Some will here recall Newman's description of the Pope's claim, inasmuch as the Pontiff was "heir by default" to Rome.

It is urged that before the coronation by the Popes, which came later, Charlemagne appointed Louis Emperor and Louis appointed Lothaire. As to these facts Hergenröther favors the inference that Papal agreement had previously been attained.

In any case there is no proof that the force of the original derivation of the title from the Pope was thereby nullified or set at defiance in order to assert a right by conquest. As to the Emperor's share in the making of a new Pope, he was first content with a notice sent to him what election had been made; later he claimed a more positive power of approval, and there was some reason for this when the elections became less pure in their proceedings. From the Byzantine Emperor the last Pope to ask confirmation had been Zachary.

¹⁶ Harduin, IV., 446.

Lothaire's Constitution limited the electors to Romans having a prescriptive right; the rules were afterwards variously modified, and unfortunately rules sometimes were set at defiance in the strifes of the ambitious of the factious.¹⁷ The Empire which started with Charlemagne did not fulfill its early promise, for though his grandson, Charles the Fat, reunited under his rule the previously divided dominions, he proved unequal to his position, and with him the first line in the new empire came to an end, 800. Yet we must give the Carolingians credit for what they did or what was done under their favoring reign. "Under the early Frankish Kings the Church was the main source and principle of civilization—the dominant power of society. All important acts of legislation emanated from its councils. Its prelates were ministers of States; its priests were civil magistrates; justice was ordinarily dispensed through its tribunals. Church and State were so intimately blended as scarcely to be distinguishable. Feudalism brought the important change, turning Bishops, abbots and the higher dignitaries into territorial feudatories."¹⁸

This feudalism had much to do with secularizing the clergy; with filling its ranks from the needy sons of the barons and squires; with violating the canons that forbade the clergy to become soldiers on the battlefield,¹⁹ and with many other evils which spoil the good which ought to have been derived from the union of the Church with the State, and from the large concessions made to the spiritual powers to have their decrees enforced by the magistrates and to judge cases in their own tribunals till the time should arrive the civil law should find a laity more fitted for its administration.²⁰ It is not needful to

¹⁷ Alexander Noel, de Marca and others denied that the Pope held his temporal estates independently; they asserted a joint tenure with the Emperor.

¹⁸ "The Church in France," by W. H. Jevons. When, in England, William of Wykeham and other clerical statesmen were deposed to make way for laymen, the last proved exceedingly corrupt and had to be prosecuted by the Good Parliament.

¹⁹ The eightieth of the apostolic canons said: "Ne quis episcopus, presbyter, aut diaconus militiae vacet." Under pressure of Norman invasion, St. Leo IX. appeared in arms; Julius II. was also ready to fight in the Crusades. One of the latest decrees on the subject is dated July 12, 1900: "Quisquis de clero ut bellis et politicis contentionibus opem utcumque ferat, proplae residentiae locum absque justa causa, quae a legitima ecclesiastica auctoritate recognita sit, deseruit et clericales vestes exuerit, quamvis arma non sumpserit, et humanum sanguinem minime fuderit; et eo magis qui in civili bello sponte sua militiae nomen dederit, aut bellicas actiones quocumque dirigere praesumerit, etsi ecclesiasticum habitum retinere pergat, ab ordinum et graduum exercitio, et a quolibet ecclesiastico officio et beneficio suspensus ipso facto maneat."

²⁰ Some question has been raised about the decree in the Capitularies apud Baluze Capit. Reg. Franc. Lit., VI., n. 866, p. 985: "Quicumque litem habens, sive possessor sive petitor fuerit, si iudicem elegerit legis antis-

follow Mgr. Duchesne into the sad history of the Papacy when family ambitions decided Papal elections and two bad women, Theodora and Merozia, were using their baleful influence. The Emperor Otho I. (936-973) brought the beginnings of better things, but was quite unable to become a second Charlemagne. A greater reform was started by Gregory VII. in conflict with the Emperor Henry IV. (1073-1080), who continued the struggle against Victor III., Urban II. and Paschal II. (1073-1106). Then Henry V. imprisoned Paschal II. and his Cardinals till they yielded investiture rights, which afterwards they could not conscientiously confirm. The compromise was the Concordat of Worms, 1122, when Calistus II. was Pope. There followed the Conflict of Frederick I. against Hadrian IV. and Alexander III. (1154-1180) and that of Frederick II. against Honorius III., Gregory IX. and Innocent IV. (1216-1250). Here in a substantial sense may be said to have ended the long duel between *Sacerdotium* and *Imperium*, with the defeat of the latter and with a severe wound left in the former.

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ORIGIN AND DEVELOPMENT OF THE EASTERN QUESTION.

ONCE more the attention of the world is directed toward the East, and its eyes are fixed upon Constantinople. Although it was known that the party of "Young Turkey" had been at work for a long time, we could hardly expect such a complete, though peaceful revolution, and such a complete emancipation as we have witnessed in the last months. Newspapers and magazines have kept us busy with rumors of war in Turkey and the neighboring provinces, and it is hard to foresee what is in store for the Turkish Empire and, consequently, for the Mahomedan world.

I shall endeavor to give a bird's-eye view of the history of what was once the Empire of Byzantium, and thus lead up to the events of the present year.

The early history of Hellas, and of that more ancient people that

titem, etiamsi altera pars refragatur, ad episcoporum iudicium cum sermone litigantium dirigatur. Omnes itaque causa quae vel praetorio jure vel civili tractantur, episcoporum sententiis terminatae, perpetuo stabilitatis jure firmantur, nec licet alterius tractari iudicium, quod episcoporum sententiae decident." Charlemagne also took up the old rule of Chalcedon (Mani, VII., 981), that a civil law which contravened the canons should be invalid.