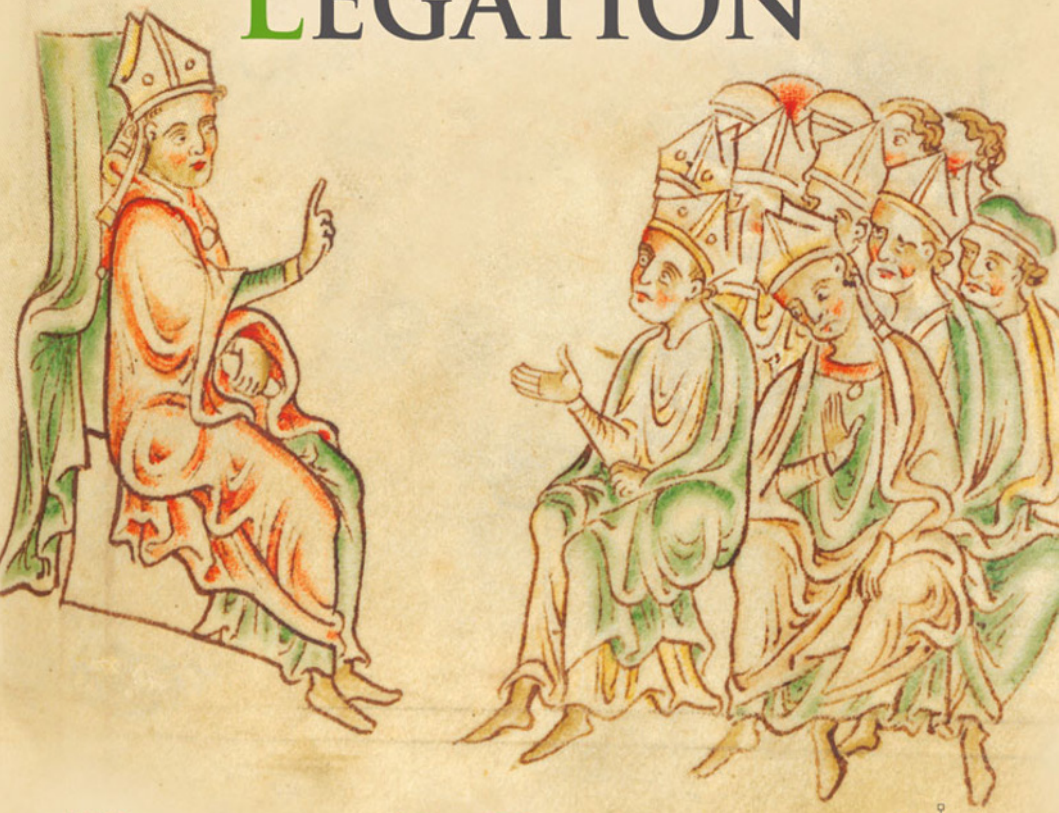
The Foundations of Medieval Papal Legation



Kriston R. Rennie

The Foundations of Medieval Papal Legation

Also by Kriston R. Rennie

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

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

The Foundations of Medieval Papal Legation

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

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Acknowledgements

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

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

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

Abbreviations

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

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

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

1
The Concept of Legation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A grand narrative?

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

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

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

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

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

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

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

From this generation of scholarship on papal legation, however, no study is more deserving of praise than Theodor Schieffer's 1935 masterpiece on legates in Capetian France from the synod of Meerson in 870 to the schism of Anacletus in 1130.[32] Breaking with tradition somewhat, Schieffer's comprehensive work synthesizes the history of legation through a broad, chronological treatment of individual legations. Similar to the methodology applied to the present book, he furnished a collective legatine profile for France between the late ninth and early twelfth centuries. Distinguishing his research from the field, moreover, Schieffer engaged with the growing body of scholarship from his own time, applying a more critical eye to the source materials for France. Significantly, he argued for changing trends in the institutional history and structure of this ecclesiastical office, which distinguished its application in the tenth century from the reforming era of Pope Gregory VII. In outlining these perceptible institutional changes between the pontificates of Hadrian II and Honorius II, he demonstrated the individualistic characteristics of legatine power and jurisdiction, whose application defined the papacy's ability to reach the distant provinces in matters affecting the Roman Church.

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

Like many nationalist histories on legation, the majority of pontifical studies focus on the twelfth and thirteenth centuries.[37] According to Heinrich Zimmermann's important work on legates under the thirteenth-century Popes Innocent III, Honorius III, and Gregory IX, for example, legatine authority correspondingly transformed with the papal curia and its college of cardinals.[38] The contextual material of Zimmermann's work is worth noting here, as it offers much of what previous legatine histories overlook. That means that this study examines (briefly) the institutional origins of this office, with a predominant interest in the post-Gregorian and decretal periods.[39] Distinguishing this work from many others is its brief exposition of the historiography, which, together with the institutional dimensions of legation, frame his concentration on the period between 1198 and 1241.[40] After outlining the numerous legates commissioned in the first half of the thirteenth century, Zimmermann turns in the remainder of his book to the 'reasons for legation', the 'selection and commissioning of legates', the 'classification of legates', and the procuratorial powers of legation.

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

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

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