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The Place in Papal History of the Roman Synod of 826

THOMAS F. X. NOBLE

The ecclesiological problem posed by the authority of the pope in the Roman church is almost as old as the church itself. Likewise, the bases for the exercise of authority by the pope have long been a matter of dispute not only among churchmen but also among scholars. However, it can be stated with certainty that during the most critical years in papal history, the period from the mid-eleventh to the late fourteenth centuries, the papacy gained, and then lost, a considerable measure of leadership in western Europe. Most of the gains came as the popes affirmed what they interpreted to be their spiritual prerogatives—mention may be made, for example, of the priestly power to judge a penitent even if that penitent were a German emperor or a king of England—in a world which called its states *regni Christianissimi* and *imperii Christianorum* and assigned to its rulers similarly religious appellations.¹ The losses resulted from an increasing secularization of the affairs of state and from a loss of the urgency once attendant upon the appeals and protestations of the papacy.²

It cannot be denied that the papacy often employed its spiritual prerogatives, or what the popes were pleased to regard as their spiritual prerogatives, in manifestly political issues. Perhaps this was a problem inherent in the medieval admixture of things spiritual and temporal, but one may still ask how the papacy had come to wage its political battles with essentially spiritual weapons. This question may be posed because, despite the fairly long and consistent application of Petrine, Leonine, and Gelasian theories, the papacy had, in its earlier history, often used more obviously secular words and methods in its political disputes.

The eighth century, in particular, provides numerous examples of intrigues, disputes, and rebellions which found the papacy allied with or against Byzantines, Lombards, Franks, and Roman factions. Theological issues, the patrimonies of St. Peter, the jurisdictional rights of the pope in Rome and Italy, familial squabbles in the curia, these and many more problems evoked palpably political responses.³ It was not until the third decade of the ninth century that a change to the regular use of spiritual prerogatives, a shift which in many ways foreshadowed the Hildebrandine years, began slowly but surely to take place. The key event of the 820s was a synod convoked in Rome by Eugenius II. The following pages will attempt to show that this synod was a major episode in papal-imperial relations and that it was also a crucial indicator of the new willingness on the part of the papacy

1. See, in general, Walter Ullmann, *The Growth of Papal Government in the Middle Ages*, 3rd ed. (London, 1970), pp. 262-309, esp. 299ff.
2. This theme is well treated in Joseph R. Strayer, "The Laicization of French and English Society in the Thirteenth Century," *Change in Medieval Society*, ed. Sylvia Thrupp (New York, 1964), pp. 103-115.
3. The fundamental treatment of the eighth-century papacy remains Erich Caspar, "Das Papsttum unter fränkischer Herrschaft," *Zeitschrift für Kirchengeschichte* 54 (1935): 132-264. For an interesting recent treatment of some key developments at mid-century see David H. Miller, "The Roman Revolution of the Eighth Century," *Mediaeval Studies* 36 (1974): 79-133.

Mr. Noble is assistant professor of history in Texas Tech University, Lubbock, Texas.

to use spiritual prerogatives to resolve political problems. In other words, the focus of this article will rest upon the early use of a tactic that later produced an enormous enhancement of the authority of the papacy in the western, Christian world.

However, before turning to an analysis of the importance and implications of this synod, there are several relatively minor events which should be studied in order to place the Roman gathering in its proper perspective. In each of these events the papacy can be seen to have affirmed vigorously its spiritual primacy. Very important, however, is the diverse nature of these events, which provides some insight into the huge number of areas in which the spiritual authority of the Bishop of Rome could be put into operation. There is another kind of background to the synod, and to the minor events just mentioned, which, if it could be described adequately, would provide additional valuable insights into papal aspirations in the third decade of the ninth century. This is the personality and character of Paschal I and Eugenius II. The Carolingian age saw several popes, Hadrian I, Nicholas I, and John VIII to mention only a few, who emerge from the documents as recognizable and distinctive personalities. A great deal has been written about each of these popes and this literature is all the richer for its appreciation of the complexities and subtleties of the personalities of these men. In dealing with the pontificates of Paschal and Eugenius, however, it is on the whole necessary to judge the affairs in which they played a part on their own merits. The extent to which these affairs derived from the personalities of Paschal and Eugenius can hardly be grasped.

The problem is a lack of source material of the kind which allows judgments about character and personality to be made. The *vitae* of Paschal and Eugenius in the *Liber Pontificalis* are rather short, filling eleven and one pages respectively, minus space for notes.⁴ These *vitae* contain remarkably few facts and focus on the traditional and rather formulaic listing of ancestry, virtues, and building projects in Rome. Letters are always a valuable and frequently intimate source but, again, these do not exist in any substantial quantity and do not help much in forming a full and nuanced picture of either pope. Annalistic and other sources note papal activities, to be sure, but usually only in connection with various *causes célèbres*. Seldom, if ever, do narrative sources pause to reflect upon papal activities and, almost without exception, they say nothing about the character of Paschal and Eugenius.

Still, a few observations on these popes are possible. Paschal demonstrated a certain insolence in his dealings with Emperor Louis the Pious⁵ at the time of the murders of Theodore and Leo in Rome. These men, both of whom were im-

4. *Liber Pontificalis*, ed. Louis Duchesne, 2nd ed. (Paris, 1955), 2:52-63, 69.

5. Louis lacks a full modern treatment. The standard accounts of his reign are Bernhard Simson, *Jahrbücher des fränkischen Reichs unter Ludwig dem Frommen*, 2 vols. (Berlin, 1876-1878); Englebert Mühlbacher, *Deutsche Geschichte unter den Karolingern* (Stuttgart, 1896), pp. 321-424; Louis Halphen, *Charlemaigne et l'empire carolingien* (Paris, 1947; reprinted 1968), pp. 197-262. Recent and useful, though incomplete, are Eleanor Shipley Duckett, "Louis the Pious, King and Emperor," *Carolingian Portraits: A Study in the Ninth Century* (Ann Arbor, 1962), pp. 20-57; Walter Schlesinger, "Die Auflösung des Karlsreichs," *Karl der Grosse*, ed. Wolfgang Braunfels (Düsseldorf, 1965), 1:792-857. The last chapter of Heinrich Fichtenau, *Das karolingische Imperium* (Zurich, 1949) contains many insightful remarks but was left out of Peter Munz' English translation. Two studies which provide valuable points of departure for future work are F. L. Ganshof, "Louis the Pious Reconsidered," in his *The Carolingians and the Frankish Monarchy*, tr. Janet Sondheimer (Ithaca, 1971), pp. 261-272; and Theodor Schieffer, "Die Krise des karolingischen Imperiums," in *Aus Mittelalter und Neuzeit: Festschrift Gerhard Kallen*, eds. J. Engel and H. Klinkenberg (Bonn, 1957), pp. 1-15.

portant officials of the papal government, were killed, probably with papal complicity, for supporting imperial interests in Rome. When Louis tried to investigate the matter Paschal bluntly informed him that it was none of his business since it concerned the *familia Sancti Petri*, that is, the clergy of the Roman church.⁶ What Paschal had done, *mutatis mutandis*, was to plead benefit of clergy. His extraordinarily haughty tone, however, affords some insight into his character. Paschal ventured two other bold strokes which will be analyzed in more detail presently. All of this suggests that he was a rather headstrong man possessed of a very lofty conception of the importance of both himself and his office. As we shall see, he seems to have lacked an understanding of the process of compromise. The sources do not justify any conclusions beyond these, but one can feel confident in suggesting that if there existed more material touching on Paschal's pontificate he would emerge as one of the more interesting popes of the Carolingian age.⁷

Of Eugenius even less can be said. Apparently the important Carolingian abbot and statesman Wala expended some effort, certainly on behalf of the emperor, to get Eugenius elected. Perhaps Louis and his advisers regarded Eugenius as a man through whom they could work; his agreement to the *Constitutio Romana* certainly makes him appear in this light.⁸ But he was most assuredly not a tool in the hands of his Frankish masters. This conclusion is justified on the basis of his firm conduct in the second iconoclastic controversy, which will be discussed below, and by the offensive which he launched with the calling of the Roman synod in 826. Perhaps he had a greater appreciation of the art of compromise than his predecessor. It is also possible that he willingly sacrificed the purely political aspirations of the papacy in order to concentrate on religious issues which he judged to be more properly incident to his office. It is difficult to say and Eugenius remains, at best, a shadowy figure. After all, he sat less than three years on the throne of Peter.⁹

If little or nothing can be learned from the personalities of these popes, at least their actions speak an unmistakable language. The first two such actions concern Paschal. In neither case can the whole chronology be set down precisely, so attention will be directed here first to the one for which there exists the least source

6. Details of the affair may be found in Simson, *Jarrbücher*, 1:202-204; Halphen, *Charlemagne*, pp. 221-222. For Paschal's remarks to Louis see *Annales regni Francorum*, ed. Kurze, *Monumenta Germaniae Historica* (hereafter *MGH*), *Scriptores in usum scholarum*, p. 162.
7. Information on Paschal's pontificate may be found in Horace K. Mann, *The Lives of the Popes* (London, 1925), 2:122-155; Albert Hauck, *Kirchengeschichte Deutschlands*, 5th ed. (Leipzig, 1935), 2:492-495; Emile Amann, *L'époque carolingienne, Histoire de l'église depuis les origines jusqu'à nos jours*, ed. A. Fliche and J. Martin (Paris, 1947), 6:205-208; F. X. Seppelt, *Geschichte der Päpste* (Munich, 1955), 2: 202-207; G. Schwaiger, "Paschalis I," *Lexikon für Theologie und Kirche* 8 (1963):128; Richard E. Sullivan, "Paschal I," *New Catholic Encyclopedia* 10: 1048-1049.
8. Paschasius Radbertus *Vita Wala* 1.28, in Migne, *Patrologia Latina* (hereafter *PL*): 120:1640D: "in cuius nimirum ordinatione plurimum laborasse dicitur." See also Lorenz Weinrich, "Wala: Graf, Monch und Rebell," *Historische Studien* 386 (1963): 51-52; Amann, *L'époque carolingienne*, p. 208. Hans von Schubert, *Geschichte der christlichen Kirche im Frühmittelalter* (Tübingen, 1920), p. 398, calls Eugenius a "gefügiger" man but Mann, *Lives of the Popes*, 2: 161 goes too far in calling Eugenius "a man of the most conciliatory disposition." The role of the *Constitutio Romana* in Eugenius' pontificate is discussed below on pp. 441-442.
9. On Eugenius' pontificate see Mann, *Lives of the Popes*, 2: 156-182; Hauck, *Kirchengeschichte*, 2:496-503; Amann, *L'époque carolingienne*, pp. 208-210, 229-240; Seppelt, *Geschichte der Päpste*, 2:207-214; Schwaiger "Eugen II," *Lexikon für Theologie und Kirche* 3:1171-1172; Auguste Dumas, "Eugene II," *Dictionnaire d'histoire et de géographie ecclésiastique* 15 (1963):1347-1349; H. G. J. Beck, "Eugene II," *New Catholic Encyclopedia* 5:625.

material and about which least is known. Sometime between late 822 and early 824¹⁰ Hrabanus Maurus, abbot of Fulda, wrote a letter to Paschal concerning the privilege conferred upon his monastery by Pope Zachary in 751. This privilege had exempted Fulda from any and all ecclesiastical jurisdictions except the Roman authorities.¹¹ Lamentably, Hrabanus' letter is not extant and there is no full description of its contents preserved anywhere else in the sources. We know only that it concerned Fulda's privilege. Paschal's response to this letter is what makes it so regrettable that it has been lost. Paschal incarcerated the monks who had brought Hrabanus' letter to Rome and then, under circumstances about which we are uninformed, he scolded the Carolingian clergy generally and stated that he almost had it in mind to excommunicate Hrabanus. In a fragment from the Fulda epistolary collection, which contains the clearest statement of the little that is known about the case, we are told that Hrabanus described the whole affair in a letter to Bishop Hatto. Unhappily, this letter is not extant either.¹²

Long ago Hauck recognized the importance of this forthright action by Paschal, but neither he nor any other scholar has ever been able to determine the precise cause of Paschal's wrath.¹³ Without Hrabanus' letter¹⁴ the puzzle will probably never be solved, but a few inferences can be drawn from the affair. It was well within the prerogative of the pope to use the threat of excommunication to bring any errant Christian into line. What is important here is that, for virtually the first time, the pope had used the threat of such a sanction against a great and influential member of the Carolingian clergy.¹⁵ For generations the papacy had left the Carolingians a very free hand in dealing with their clergy, so it is important to grasp the significance of this personal intervention by the pope. Moreover, it is difficult to imagine that Hrabanus' offense was worse than those

10. Jaffé, *Regesta Pontificum Romanorum*, no. 2557. The basic facts, so far as they are known, are presented by Simson, *Jahrbücher* 1:213. Michael Tangl, "Die fuldaer Privilegienfrage," *Mitteilungen des Instituts für Österreichs Geschichtsforschung* 20 (1890): 236 n. 2 dates the affair in 823 because Hrabanus became abbot in late 822 and Paschal died in early 824.
11. For the privilege, see *Urkundenbuch des Klosters Fulda*, ed. E. E. Stengel (Marburg, 1958), no. 15, pp. 30-32. It is dated Nov. 4 and was granted to Boniface. For his request for the privilege see no. 13, pp. 22-24.
12. *Epp. Fuld. Frag.*, 26, *MGH, Epistolae*, 5, 528: "Paschalis pontifex eius epistolam de privilegio coenobii Fuldensis molestissime tulit et monachos eam offerentes incarceravit ipsumque coram episcopo Franciae vituperavit et parum absit, quin Hrabanum excommunicasset, ut ipse testatur in epistola ad Hattonem."
13. Hauck, *Kirchengeschichte*, 2:495. Mann, *Lives of the Popes*, 2:146-147, thinks that Paschal's trouble may have stemmed from a judgment by Paschal on behalf of Fulda's diocesan bishopric, Würzburg. The sources say clearly, however, that Paschal was angry about a letter concerning Fulda's privilege, so it is difficult to go as far as Mann does. Tangl, "Fuldaer privilegienfrage," pp. 235-236, reviews Dümmler's discussion of the sources and prefers to suggest that Hrabanus may, quite innocently it seems, have submitted to Paschal for confirmation an altered form of Fulda's privilege. This is possible since Tangl makes a good case for the existence of two versions of the document by 823. Even this, however, does not explain Paschal's extreme reaction which Hauck calls "rätselhaft."
14. Whatever the case may be, it is interesting to note that in 828, apparently with no difficulty, Gregory IV confirmed Fulda's privilege on Hrabanus' request. Jaffé, *Regesta Pontificum Romanorum*, no. 2568. For the document see PL 129:991D-993B. This document makes no mention of the affair in question here. Moreover, Hrabanus must have been restored to Paschal's good graces because he wrote a poem to Paschal, which cannot be dated precisely, that begins: "Pontificalis apex, primus et in orbe sacerdos / Petri successor, Pauli dignissimus heres." *MGH, Poet., Lat.*, 2, 170.
15. Hauck, *Kirchengeschichte*, p. 495, notes that Paschal commanded Barnard of Ambournai to occupy the see of Vienne to which he had been elected. It seems that Barnard had some reservations and that Paschal threatened him with censure. See also Jaffé, *Regesta Pontificum Romanorum*, no. 2549. So little is known about this affair that it would be dangerous to draw conclusions from it.

of which other Frankish bishops and abbots could have been accused. Some of these clerics were somewhat less than pure and holy and had committed acts which were deserving of censure of some kind. Yet never before had a pope launched a threat such as the one Hrabanus faced. It is necessary, therefore, to see in this affair a very strong assertion by Paschal of the right of the papacy to oversee and to judge all other members of the clergy. This point was driven home very forcefully by the fact that Hrabanus was singled out. He was a good friend and loyal supporter of Emperor Louis and abbot of one of the great houses of the empire, in short, no mean personage. It is perhaps indicative of Paschal's character but certainly indicative of the importance that he attached to his office that he elected to threaten so imposing a figure with anathema.

At about the same time that he was contending with Hrabanus, Paschal asserted his spiritual authority in another area. He seized control of the Carolingian mission to the north. Here again Paschal employed a spiritual prerogative, for his actions can be seen as a consequence of papal authority in missionary activity. It goes without saying that in the medieval scheme of things whenever any group of Rome's faithful set out to win new converts, they were in fact creating new faithful for Rome and the pope. However, even if Paschal's tactic involved the use of a spiritual prerogative, his motives may have been rather political. By interfering in a decisive way in a Carolingian project, which the northern mission unquestionably was, Paschal explicitly renounced the missionary policies which had characterized Charlemagne's reign. From the 760s, if not before, the papal role in missionary activity had been a demonstrably subordinate one. Missionary, military, and political endeavors had been inextricably tied together during Charlemagne's reign and the great king had refused to tolerate any interference in his projects. At the same time, and with remarkable docility, the papacy had acceded to Charlemagne's wishes. In turning now to an analysis of the efforts of Louis and Paschal in the northern mission it is important to bear in mind Richard Sullivan's observation that "at least by implication Paschal was reasserting the policy of Gregory II towards missions and he was again pressing the papacy into missionary affairs."¹⁶

Almost since his accession, Louis had been involved in complicated diplomacy in the territory of the Danes. Familial strife had split the area into rival factions and Louis had sought to increase his own influence in the area by supporting one faction against another. In about 822 Louis found a way to make his influence more permanent in the north. He decided to establish a mission in what is now Denmark.¹⁷ Scholars have long recognized that Louis hoped to facilitate the expansion of his political influence through the conversion of the Danes. But

16. "The Papacy and Missionary Activity in the Early Middle Ages," *Mediaeval Studies* 18 (1955):85.

17. Simson, *Jahrbücher*, 1:210, believes that this decision was made at Attigny in August of 822. It is more likely that it was made at Frankfurt in November. The assembly at Attigny dealt with Louis' reconciliation with those implicated in Bernard of Italy's revolt, Louis' public penance and things which Louis or his father had done which required emendation: *Annales regni Francorum*, p. 158. A capitulary was issued at the same time and, judging from what it and the *Annales* say, it does not seem that a mission was discussed. See *MGH, Capitularia regum Francorum* (hereafter *Cap.*), 1, no. 174, pp. 357-358. In Frankfurt, we are told, Louis handled "necessaria quaeque ad utilitatem orientalium partem regni sui pertinentia" (which could include the northeast) and, second, that legates from the Danes appeared: *Annales*, p. 159. It is known that Ebbo spent the summer of the following year in the north with *missi* sent there by Louis: *Annales*, p. 163. All of this makes it likely that the mission received its mandate in November at Frankfurt.

authorities such as Hauck have noted that Charlemagne conquered and then evangelized, whereas Louis sought to do more or less the opposite.¹⁸ That this view is correct emerges quite clearly from one of the key sources for the northern mission, Rimbert's life of the famous missionary Anskar. Rimbert indicates Louis' feeling that friendlier relations between the two peoples and a more willing acceptance of his rule would be a likely consequence of their sharing a common religion.¹⁹ In addition, when the mission really got underway in 823, Ebbo, the founder of the mission, was sent north with two counts who had been entrusted by Louis with the responsibility of surveying the situation in Denmark and of reporting back to him.²⁰ Finally, in 819 Louis had repatriated to the Wigmodigau a number of Saxons whom his father had transplanted during his bloody campaigns in Saxony. This won for Louis some firm and lasting friends among the Saxons but, more important, it also safely opened for the first time the land route to the north.²¹ This suggests that Louis may have had the mission in mind as early as 819.

The central point in all of this is that Louis was the driving force behind the mission. This is even evident in his choice of Ebbo to head the mission. Louis and Ebbo had been friends since youth and shortly after his accession Louis entrusted Ebbo with the great see of Reims.²² Moreover, Ebbo was a Saxon and thus more closely related to the Danes than any Frank.²³ Finally, Ebbo was well acquainted with Danes and other Northmen.²⁴ These peoples frequently navigated the Schelde and Meuse for mercantile purposes. Both of these rivers penetrated the church province of Reims and, as a further recommendation for Ebbo, it would have been from clerics of the province of Reims that the Northmen had obtained their first introduction to Christianity, however superficial it may have been.²⁵ As a prelude to the commencement of the actual mission Louis sent Ebbo to Rome to get papal approval for it. This must have been in early 823.²⁶ Ebbo then went north "on the plan of the emperor and by the authority of the Roman Bishop," in the clear and simple language of the *Royal Annals*.²⁷

If the whole affair were judged solely on the basis of these facts one would not be inclined to attach much significance to the role played by the papacy. If,

18. *Kirchengeschichte*, 2:692; See also Simson, *Jahrbücher*, 1:210.
19. Rimbertus *Vita Anskarii*, ed. Waitz, p. 26: "quo scilicet inter eos maior familiaritas esse posset populisque Christianus ipsi ac sui promptiori voluntati in adiutorium sic veniret, si uterque unum coleret Deum."
20. *Annales regni Francorum*, pp. 162-163.
21. Böhmer-Mühlbacher, *Regesta Imperii* 1, no. 696; Simson, *Jahrbücher*, 1:55-56; C. Reuter, "Ebbo und Ansgar," *Historische Zeitschrift* 105 (1910):256.
22. Ermoldus Nigellus, ed. Faral, vs. 1908ff. See also Peter McKeon, "Archbishop Ebbo of Reims: A Study in the Carolingian Empire and Church," *Church History* 43 (1974): 437-447.
23. Flodoard *Hist. Rem. Ecc.* 2.19, *MGH, Scriptores*, 13, p. 467.
24. Simson, *Jahrbücher*, 1:209; Werner Trillmich, "Missionsbewegung im Nordseeraum," *Festschrift Hermann Aubin* (Hamburg, 1950), p. 230-231.
25. Reuter, "Ebbo und Ansgar," pp. 251-254.
26. Jaffé, *Regesta Pontificum Romanorum*, no. 2553, and many others following him, hold for 822. If I am correct that the decision to send Ebbo was made in November of 822 (above n. 17) then early 823 seems more likely. *Annales regni Francorum*, p. 162, in narrating the events of November 823, says that Ebbo spent the past summer, that is the summer of 823, in the north and that he was already equipped with papal authority at that time. Again only early 823 may be suggested. Reuter, "Ebbo und Ansgar," p. 255, raises some doubt that Ebbo went to Rome at all. This is contrary to the language of the papal bull: "ante corpus et confessionem ipsius apostolorum principis." The authenticity of this bull is beyond question according to Jaffé, no. 2553.
27. P. 163: "consilio imperatoris et auctoritate Romani pontificis." Sullivan, "Papacy and Missionary Activity," p. 85, says "Christian society must have placed some value on this aspect of papal authority; otherwise Louis would not have taken the trouble to send Ebo on a special journey to Rome."

however, the mission is viewed from the perspective of the bull which Paschal issued at its commencement, then a very different interpretation arises. At the very least, it becomes clear that Paschal viewed his role in rather grand terms. The bull never mentions Louis. It is as though the whole idea were Paschal's in the first place. The bull says that by the authority of Peter and Paul Paschal conceded permission to spread the gospel in the north.²⁸ Then, Paschal made Ebbo papal legate for the north.²⁹ There is not a scrap of evidence that Louis had had this in mind. Finally, Paschal provided Ebbo with a colleague, Bishop Halitgar of Cambrai,³⁰ whose duty it was to see that the interests of the Holy See were preserved in the northern mission³¹ This was certainly a papal stroke; in fact, it was the crowning blow in the papal cooptation of Louis' mission. Modern scholars such as Hauck³² and von Schubert³³ have interpreted Paschal's actions in this way and one must agree with them. Perhaps the mildest conclusion that can be drawn is that Paschal put a decidedly Roman stamp on an essentially Carolingian endeavor.³⁴ It may be noted that Eugenius II and Gregory IV each renewed papal authority for this mission.³⁵ Gregory IV, in particular, whose confirmation came in 834, followed fully in Paschal's footsteps. Some years before Louis had decided to send Anskar to the north³⁶ and then after Ebbo was discredited in the great rebellion of 833, Gregory named Anskar papal legate for the north.³⁷ It also appears that Louis desired the swift erection of an archbishopric at Hamburg to ease the political incorporation of the north into the empire and that Gregory thwarted him in his plans.³⁸

As in the case of its attack on Hrabanus, the papacy had used a spiritual prerogative. This time, however, it had the result of interfering in a Carolingian project. Papal authority in missionary activity had never really been questioned but in past times the popes and the Carolingians had worked hand in hand while, of course, initiative had rested solely in the hands of Charlemagne. Missionary

28. Paschal I *Epistola* no. 4, *PL* 129:938A: "Auctoritate beatorum principum apostolorum Petri ac Pauli . . . evangelizandi publica auctoritate liberam tradidimus. . . ."

29. *Ibid.*: "Nostra fraterna vice."

30. Simson, *Jahrbücher*, 1:210 n. 4, argues that the Halitgar in question must have been a cleric of the Roman Church. Jaffé, *Regesta Pontificum Romanorum*, no. 2553; Hauck, *Kirchengeschichte*, 2:668; and Reuter, "Ebbo und Ansgar," p. 255, rightly consider him to have been the Bishop of Cambrai. Simson, like the other scholars just listed, noticed the close and friendly relations between Ebbo and Halitgar and decided that Paschal would not have chosen as his "eyes and ears" a good friend of Ebbo. This is ingenious but not convincing. Halitgar was, for many of the same reasons as Ebbo, a perfect candidate for the northern mission. One needs to focus on what Paschal expected of him, not on who he was. That Halitgar soon became involved in the Paris synod of 825 and a legation to Constantinople does not disqualify him either, for at just about this time Ebbo requested and received the services of another man who was closely tied to him, Gauzbert: Rimburtus *Vita Anskarii*, p. 36. This suggests to me the possibility that Ebbo and Halitgar may have been envisioned as dual missionaries in the first place and that our sources have lost sight of this fact. There is simply no reason, however, to invent an otherwise unattested Halitgar.

31. Paschal I *Epistola* no. 4, *PL* 129:983B-C: "Collegam denique huic divinae administrationis legationi ei providentes, Halitgarium . . . constituimus, quatenus ad sedem apostolicam opportuno valeat tempore de credito negotio facilius, praestante Domino, intinere et nunquam se in qualibet parte huius nostrae auctoritas ministerio commisso negligere."

32. *Kirchengeschichte*, 2:691-692.

33. *Kirche im Frühmittelalter*, pp. 398, 504.

34. Reuter, "Ebbo und Ansgar," p. 255.

35. Jaffé, *Regesta Pontificum Romanorum*, nos. 2564 and 2574.

36. Rimburtus *Vita Anskarii*, pp. 26-27.

37. I did not have access to Lappenberg's edition of Gregory's bull. However, Reuter, "Ebbo und Ansgar," pp. 260-261 reproduces the key portions of three recensions of it. The pertinent words from the genuine version read "Ansgarium legatum . . . delegamus."

38. *Ibid.*, pp. 267-268, again from the bull.

projects had long served the interests of the Frankish kings, but Paschal was making it clear that his interests were to be served first. This is certainly the thrust of Paschal's bull, and if one compares this bull with Hadrian's rather docile missives to Charlemagne concerning the Saxon or Slavic missions, it will be clear that a new, or perhaps renescent, papal attitude had emerged.³⁹

Even before calling the synod of 826 Eugenius showed himself to be in accord with the policies of Paschal. Shortly after he became pope Eugenius had to deal with the Carolingians in the second iconoclastic controversy. In 824 the Byzantine emperor Michael II appealed to Louis the Pious for his aid in getting the pope to countenance the new Byzantine view on images. Michael II was at heart an iconoclast, but he was more conciliatory than the Isaurian emperors of the eighth century. Moreover, his empire had been racked by decades of controversy and, with a Bulgar threat on the horizon, he needed to establish peace internally. One of the key obstacles for Michael was a number of uncompromising iconodules, some of whom were adherents of the famous Theodore of Studion, who had fled to Italy and found a favorable hearing there. Michael seems to have felt that if he could, through Louis' good offices, convince the pope of the propriety of his position on icons he would discredit his opponents and take a long step toward easing nearly a century of strife.⁴⁰

Louis agreed to take the matter under consideration and assigned the task of preparing a *libellus* to several of his most trusted allies among the Carolingian clergy.⁴¹ Louis doubtless saw this as an opportunity to bring the papacy to a full acceptance of the Carolingian position on images, a feat which not even his powerful father had been able to accomplish. When the bishops had completed their work a deputation was sent to Rome to persuade Eugenius of the correctness of their views. Eugenius refused to budge; that is, he would not yield to Louis and the Carolingian clergy on the definition of dogma. Of course, some years before Hadrian had also depicted himself as the font of orthodoxy and he likewise refused to submit fully to either the Carolingian or the Byzantine view on images. But Hadrian had willingly associated with the Franks in the plays and counterplays which made up the controversy of the 780s and 790s. Eugenius would have no part of any compromise and announced that he alone would deal with the Byzantines on the complicated matter of images.⁴²

Again the papacy had used a spiritual prerogative, the right to define orthodox dogma, and again the use of the prerogative appeared amidst dealings with secular powers. Eugenius' action threatened the hard-won good relations between the Carolingians and Byzantium and it certainly threatened a diminution of the emperor's authority within the church. At the same time, by asserting his rights

39. Hadrian's letters to Charlemagne are cited and discussed by Sullivan, "Papacy and Missionary Activity," pp. 82-84.

40. For the preceding see C. J. Hefele and J. Leclercq, *Histoire des conciles* (Paris, 1907), vol. 4, pt. 1, pp. 40-48; von Schubert, *Kirche im Frühmittelalter*, p. 400; Hauck, *Kirchengeschichte*, 2:496ff, 499, 502; Karl Voigt, *Staat und Kirche von Konstantin dem Gross bis zum End der Karolingerzeit* (Stuttgart, 1936), pp. 415-417 and n. 169; Amann, *L'époque carolingienne*, pp. 235ff.; Seppelt, *Geschichte der Päpste*, 2:211-212; George Every, *The Byzantine Patriarchate* (London, 1962), pp. 102-112, esp. 105-106; A. A. Vasiliev, *A History of the Byzantine Empire* (Madison, 1964), 1:283ff.; Georg Ostrogorsky, *A History of the Byzantine State*, rev. ed., trans. Joan Hussey (New Brunswick, 1969), pp. 182-209; Louis Bréhier, *Vie et mort de Byzance* (Paris, 1969), pp. 96-104.

41. Carlo Declercq, *La législation religieuse franque*, vol. 2, *De Louis le Pieux à la fin du IXe siècle* (Antwerp, 1958), pp. 56-57, notes that the bishops to whom this task was assigned were chosen specifically because of their close association with Louis.

42. *MGH, Concilia aevi Karolini* (hereafter *Conc.*) 2,2, pp. 533-534.

against the independent, or even associate, rights of the Carolingian clergy in matters touching on dogma, Eugenius strongly affirmed papal leadership within the church. Once Paschal had chastised Hrabanus, and now Eugenius did something of the same sort to other Carolingian clerics but for different reasons. The two actions certainly point in the same direction, as do Paschal's and Eugenius' attacks on imperial intervention in what these popes regarded as ecclesiastical affairs.

One final event which occurred four years after the Roman synod may also be cited here because it bears on the synod in the same ways as the events just discussed. During the revolt of 830 the rebels against Louis seized his wife, Judith, and forced her to enter a monastery. Among other things, the rebels insisted that she had been exerting an evil influence on Louis.⁴³ When the rebellion had run its course, and Louis had been restored to power, his wife was returned to him at Aachen. It is interesting, however, that Louis' biographer, Thegan, tells us that Louis received his wife honorably "on the order of the Roman bishop, Gregory."⁴⁴ Ullmann lays some emphasis on this event,⁴⁵ as does Hauck, who notes that it marked the first time that a pope had ordered an emperor to do something.⁴⁶ Perhaps these scholars, Hauck in particular, assign too much practical significance to Gregory's order. In the first place, Gregory seems to have made a virtue of necessity, for it is senseless to assume that without a papal order Louis would not have taken his wife back. Moreover, there are no grounds for arguing that Louis needed a papal order to retrieve his wife from a monastery. In Frankish law it was illegal for anyone to force another into the religious life, and Judith was obviously forced.⁴⁷ Finally, the Roman synod of 826 had itself taken over this Frankish prohibition.⁴⁸ Quite simply, Judith had to be restored to Louis, papal order or not.

The real importance of Gregory's order is that it is yet another example of the willingness on the part of the papacy to expand and to exercise its spiritual authority in all sorts of cases. Taken by themselves these relatively minor cases are suggestive of this new attitude on the part of the papacy, but they are not really conclusive. When, however, they are viewed as events peripheral to the great synod which met in Rome in 826, and when that synod itself is properly interpreted, then the whole thrust of papal policy from the pontificate of Paschal takes on an unmistakable clarity and coherence.

In November of 826 Eugenius convened in Rome a synod of sixty-two bishops drawn from the Roman church province and from parts of what had been Lombard Italy.⁴⁹ For the first time since the Carolingians had become a major force in the west a great synod met which they had not called and at which they were not represented. In addressing the opening sessions of the synod Eugenius consistently emphasized two themes. First, he noted that there were many problems in the church which were in need of reform. Second, and this is crucial, he stressed the duty of the papacy to undertake this reform. Closely related to this are Eugenius' pleas for the reform to be carried out in accordance with the precepts of his

43. Thegan *Vita Hludowici* 37, *MGH, Scriptores*, 2, 597.

44. *Ibid.*, p. 598: "Iubente Gregorio Romano pontifice."

45. *Papal Government*, p. 167 n. 2.

46. *Kirchengeschichte*, 2:513. Ullmann, as in n. 45, is more reserved than Hauck, noting that this marked the "first papal order to an emperor in a matrimonial affair."

47. *MGH, Cap.*, 1, no. 138, c. 20, p. 278.

48. Below, Appendix, c. 32.

49. The synod commenced November 15: Jaffé, *Regesta Pontificum Romanorum*, no. 2561. For a list of the participants see *MGH, Conc.*, 2.2, pp. 560-563.

predecessors.⁵⁰ It had been a long time since a Roman synod had undertaken church reform on a scale as massive as that undertaken in 826. The thirty-eight canons of this synod are all reform canons in one way or another, and most of them deal with abuses that had long existed and against which reform measures had already been directed.

The earlier reforms, whose provisions the Roman synod frequently adopted, had not, however, been accomplished by the papacy. Since at least the time of Carloman and Pepin in the middle of the eighth century the Carolingians had taken over leadership of a massive reform of the church in their far-flung realm. Mention may be made of the reform synods of 742 and 743, of the numerous reform measures scattered throughout Charlemagne's legislation, and of the huge body of reforms undertaken by Charlemagne and Louis from 813 to 819. In many cases the Carolingians had worked with the papacy. For example, in liturgy and canon law Charlemagne had made a genuine effort to bring the Frankish church into line with Roman practices. In the rest of the Carolingian reform program, which was so broad in scope that it cannot be characterized in a few words, the Carolingians professed themselves to be bringing their church into harmony with the teachings of the fathers, the dictates of church law, and even the precepts of the papacy. There was thus little that was new or original in the individual measures adopted by the Carolingians. What was novel was that the reform was sustained over three generations and that kings were its driving force. So, too, there was little that was new or original in the canons of the Roman synod. What is striking about these canons is that thirty-three of them have direct models in earlier Carolingian legislation. Even more interesting is the fact that more than thirty of them have models in the legislation of Louis himself. When the Roman canons are viewed alongside their Carolingian counterparts,⁵¹ there is only one possible conclusion that can be drawn. The papacy, in the person of Eugenius, was attempting to take over the leadership of the church reform initiated so long before and nurtured so carefully by the Carolingians.⁵² Eugenius' action in calling the synod may be seen in either or both of two ways. Perhaps he was implicitly commenting on the successes, or lack of them, of the Carolingian reform effort. Or, and this seems more likely, he may have been announcing that it was more fitting and proper for the papacy to take the lead in church reform.

Because the canons of the Roman synod range so widely over various areas of reform, I have summarized them, along with their Carolingian models in the thirty-three cases where these exist, in an appendix. It would be superfluous to repeat here the points which emerge so clearly from this appendix, but it is worthwhile to reflect a little on the general character of the thirty-eight Roman canons and their Carolingian counterparts. The most striking point about these canons is the wide range of topics covered by them: episcopal elections, clerical education, the daily life of the clergy, secular activities of clerics, duties of priests,

50. *Ibid.*, pp. 554-558.

51. Ullmann, "Public Welfare and Social Legislation in the Early Medieval Councils," *Studies in Church History* 7 (1971):1-39, notes that many of the Carolingian measures replicated in 826 have histories reaching far back into Merovingian and Visigothic conciliar enactments. For all that concerns Merovingian conciliar legislation see Declercq, *La législation*, vol. 1, *De Clovis à Charlemagne* (Louvain, 1936), pp. 3-114.

52. Hauck, *Kirchengeschichte*, 2:503; Seppelt, *Geschichte der Päpste*, 2:211; and Schwaiger, "Eugen II," p. 1172 are the only standard authorities who interpret the synod this way. Beck, "Eugene II," p. 625 seems to take this position by mentioning the synod in a paragraph beginning "Other acts of this pontificate indicating the return of papal initiative. . . ."

monastic observances, prohibitions against Sunday labors, and marriage regulations are only a few of the issues considered. This certainly points to the comprehensive nature of the reform undertaken by Eugenius. Noteworthy too, however, is the fact that virtually every one of the topics enumerated above had already been dealt with by a Carolingian reform measure. This serves to demonstrate the comprehensive character of the long Carolingian effort at reform. But most important are the parallels between Eugenius' reform canons and the Carolingian canons or *capitula*, which suggest that one reform was being superimposed on another. That is, what the Carolingians had long been doing in general and in particular, Eugenius was now going to do in general and in particular. One need not conclude from the parallels that Eugenius had become exasperated with the Carolingian reform either generally or in the thirty-three cases where he duplicated their measures. The Carolingian record was by no means one of total failure in these areas. Rather, one ought to focus on the fact that Eugenius launched a reform that was directed specifically to the problems on which the Carolingians had long been applying themselves with some success. This points to Eugenius' desire to be not only the leader of the reform but also the definer of what matters stood in need of reform. This is a very important point, for the definition of matters in need of reform, as well as the leadership of the reform itself, conferred enormous influence in a world like the Carolingian, in which church and state were so inextricably bound up with one another. The Carolingians had long used the church as an organizing and civilizing influence in their realm and it boded ill for the future of the Carolingians that Eugenius, like his predecessor, was determined to take over vigorous leadership of the church. This deprived, or threatened to deprive, the Carolingians of one of the key props in the system which they had fashioned to govern the *populus Christianus*.

However, as in the other cases described above, it was perfectly and undeniably within Eugenius' prerogative to take over the reform of the church. After all, he was its highest spiritual officer and church reform, however construed, is essentially spiritual business. But since enacting measures on behalf of the church had for so long been an important part of the social, institutional, and even political life of the empire, it is easy to see how, with a rather simple but effective extension of his spiritual prerogative, Eugenius threatened to interpose himself between the Carolingians and the world over which they ruled.

There is only one group of canons from the Roman synod which call for separate comment beyond the general remarks provided already and the analysis supplied in the appendix. These canons can be placed under the heading "proprietary church legislation." Several canons could be studied under this heading, but there are three particularly important ones. Canon 21 allowed laymen to institute priests in churches constructed on their lands, although it required such priests to be subject to their diocesan bishops. Canon 7 required that all baptismal churches be supplied with priests and, finally, canon 19 demanded that all clergy have advocates. It has long been recognized that these canons gave ecclesiastical approval to the proprietary church system⁵³ for the first time at the papal level.⁵⁴ There

53. The best general introduction to the proprietary church system remains Ulrich Stutz, "The Proprietary Church as an Element of Mediaeval Germanic Ecclesiastical Law," in Geoffrey Barraclough, *Mediaeval Germany* (Oxford, 1938) 1:35-70.

54. Originally by Stutz, *Geschichte des kirchliche Benefizialwesens*, 3rd ed. by H. E. Feine (Aalen, 1972), pp. 285ff. In the tradition of Stutz see H. E. Feine, *Kirchliche Rechtsgeschichte*, 5th ed. (Cologne, 1972), pp. 168-169. See also von Schubert, *Kirche im Früh-*

are some very interesting and important implications which can be drawn from this.

Von Schubert believed that the recognition of the proprietary church system in 826 marked the completion of the *Constitutio Romana* of 824. His view was that the Carolingians imposed their own idea of church law on the papacy in 826 after already imposing Frankish law on Rome and the pope in some important respects in 824.⁵⁵ The problem is more subtle than this because it is difficult to interpret the Roman synod, or any of its individual provisions, as Carolingian impositions on the pope. If anything it is just the opposite. The Franks had long used the proprietary church system, in one form or another, as the basis of much of their dealings with the church. Indeed, many of their paternalistic attitudes towards the church derived from this system, as did their views on church property and the uses to which it could be put. Not until 813 and 819, however, had the Carolingians set down a clear and precise set of laws on proprietary churches. This had the effect of giving to a system that had long been in an ambiguous position a clear and precise legal standing.⁵⁶ It is not surprising that shortly after 819 the first major ecclesiastical attacks on lay use of church lands appeared.⁵⁷ It may be, therefore, that the church had resigned itself to a *fait accompli* in recognizing proprietary churches. The papacy seems to have been acknowledging the enormous extent to which Germanic law had, over several centuries, penetrated the law of the church.⁵⁸ Ullmann notes, quite perceptively, that it must have been an act of considerable statesmanship on the part of Eugenius to recognize and approve explicitly a system which was so inherently inimical to the interests of the church.⁵⁹

Perhaps Eugenius' action should be seen as an attempt to hold the line. By sanctioning the proprietary church system, he at least gave the church the possibility of controlling it and of checking its spread. Eugenius' decision must have been that it was better to admit legally to the existence of a system against which the church was and had long been fighting a losing battle than to go on struggling and risk losing control of practically all rural churches in Carolingian Europe. It should be noted, however, that proprietary churches could never be reconciled with a free and independent church and that by the time of Nicholas I the papacy returned to its former position of unrelenting hostility to the system.

The case being made here for the significance of the Roman synod can not be pushed too far. If the political consequences of Eugenius' actions are quite clear, their legal consequences are less so. Certainly a Roman synod had more prestige than any other synod. In fact, Ullmann says, perhaps a little vaguely, that a Roman synod "was of considerably higher standing."⁶⁰ The problem is that synodal law does not seem by 826 to have assigned clear legal preeminence to a

mittelalter, p. 548, who observes that the acceptance of the system by the pope in 826 marked the high point of its development. Finally, Heinrich Brunner, *Deutsche Rechtsgeschichte*, vol. 2, 2nd. ed. (Leipzig, 1928), p. 432.

55. *Kirche im Frühmittelalter*, p. 399.

56. Stutz, *Benefizialwesen*, pp. 236-239, 248ff. See also Emile Lesne, *Histoire de la propriété ecclésiastique en France* (Lille, 1922-1926), 2:1, 149-156, 2.2, passim; Declercq, *La législation*, 2:24-25, 27-36.

57. The most vitriolic of all these writings is Agobard *Liber de dispensatione rerum ecclesiasticarum*, PL 104:227ff. Egon Boshof, *Erzbischof Agobard von Lyon* (Cologne, 1969), p. 85 dates this treatise "nach dem November des Jahres 823."

58. Stutz, *Benefizialwesen*, pp. 260-261. Interesting is the title of the section in Feine's *Kirchliche Rechtsgeschichte* dealing with the early Middle Ages: "Das germanisch geprägte Kirchenrecht."

59. *Papal Government*, p. 138.

60. *Ibid.*, pp. 137-138.

Roman, or papal synod. In the Carolingian period, at least until after the death of Louis in 840, the king or emperor always called major synods, and royal or imperial approval of their canons was necessary. There were several kinds of synods, of course, ranging from the ecumenical through the national, provincial, and diocesan. Each of these had a different legal significance. The ecumenical council was generally recognized as the greatest organ of church government, but these met rather infrequently. In fact, there were none in the ninth century. Diocesan synods were usually called by a bishop to deal with specific problems concerning his diocese. It was only in these councils, and then only in very restricted localities, that the clergy could exercise much initiative. Provincial synods were, in the Carolingian era, frequently called by kings so that pressing problems could be dealt with efficiently within reasonably confined areas. The several synods of 813 and 829 are examples. Finally, there were the national synods such as those often held at Aachen. In Carolingian times these were the most important.⁶¹

In the context of the synodal activity of the Carolingian period the Roman synod of 826 was, basically, a provincial synod. It is a little hard to characterize, however, because Italian bishops from outside the Roman province itself attended. This led Simson to characterize Eugenius' synod as "almost an Italian national council."⁶² In reality, then, the Roman synod was less important legally than the great Carolingian national synods, some of whose measures it adopted. This is so even if it were to be viewed as an Italian national synod, because its effects would have been of a more limited applicability than the effects of enactments rendered at, for example, Aachen and binding on the whole Carolingian Empire. Prestige it did possess, and this is important, as is the general tendency which the synod represents. In interpreting the synod, however, it is safest to avoid a juristic line of reasoning and be satisfied with an appreciation of the political and spiritual strivings of the papacy.

One juristic point may be made nonetheless. Hinschius has observed that Roman synods may be likened to patriarchal synods in the Byzantine Empire but that, unlike their eastern counterparts, they did not rise early to become regular organs of church government. Roman synods did become more frequent in the later ninth century, and John VIII used them to establish clear papal leadership in all of Italy. By the tenth century Roman synods did become regular organs of church government in western Europe.⁶³ In view of these facts it is necessary to emphasize again that Eugenius' synod had no clear legal preeminence. But is it not, by the same token, reasonable to ask whether the synod of 826 set in motion the chain of events, that is the rise in juristic significance of Roman synods, which Hinschius describes?

If one asks why it was Eugenius who called the Roman synod, or why he convened it when he did, one cannot obtain a fully persuasive answer. The synod fits remarkably well chronologically with the minor events described above, but this establishes possibility and little more. Louis' attitude toward church reform and ecclesiastical legislation may have been a factor, but his clearest pronouncement on these subjects was issued in 819, seven years before the synod: "If we should discover anything in ecclesiastical affairs or in the condition of the republic

61. Hans Barion, *Das fränkisch-deutsch Synodalrecht des Frühmittelalters*, *Kanonistische Studien und Texte* 5-6 (Bonn, 1931), pp. 254ff. and passim.

62. *Jahrbücher*, 1:280.

63. Paul Hinschius, *System des katholischen Kirchenrecht* (Berlin, 1879), 3:508-510.

which merits emendation, we shall zealously make the necessary changes, in so far as the Lord shall give us the ability."⁶⁴ It has already been stated that the Roman synod was directed against just this sort of self-sufficient and self-righteous attitude on the part of the Carolingians.⁶⁵ Still, Louis' remarks and the attitude they represent would have been no less alarming to the papacy in 819 than in 826.

In recent years scholars have noted a nascent conciliarism on the part of the Frankish clergy in the early decades of the ninth century.⁶⁶ Agobard of Lyon is one of the best representatives of this point of view. In one of his letters he wrote the following:

Indeed there are those who say that Gallican canons or others are not to be received because Roman (i.e. papal) or imperial legates were not involved in their constitution. This is like saying that the doctrines, teachings and diverse treatises of the sacred and distinguished fathers such as Cyprian, Athanasius, Hilary, Jerome and Augustine are not to be received because when they were contemplating and expounding there were no Roman or imperial legates present. This, in part, makes Agobard's position on papal supervision of ecclesiastical legislation quite clear. In another place in the same letter he detailed his belief that the position of the pope was no greater than that of any other "rector" of the church:

It seems more fitting to me to speak with the words of the Lord: 'Wherever two or three have come together in the name of the Lord it is not to be doubted that the Lord is there with them'. . . . Wherever Catholic officials (*rectores*) of churches convene with fear of the Lord and in His name to treat ecclesiastical affairs, then whatever they establish that is in consonance with the scriptures is absolutely not to be despised but rather deeply revered by all.⁶⁷

This line of reasoning might have impelled the papacy to affirm its leadership of the church but, again, Agobard's letter was written in the early 820s, so that any time after, say, 822, it would have been possible to call the synod, if that act were a direct response to this set of ideas.

A conjecture may be hazarded as to why it was Eugenius and why he called the synod when he did. The Roman synod may have been a response to the *Constitutio Romana* of 824. This Carolingian settlement with the pope blocked more effectively than ever before all straightforward political action by the papacy.⁶⁸ For some years Ullmann has been urging that the *Constitutio* was designed to protect the papacy from the turbulent Roman nobility. Recently he has written

64. *MGH, Cap.*, 1, no. 137, p. 274. On the Carolingian attitude towards ecclesiastical legislation see Declercq, *La legislation*, 1:v; on Louis' attitude see *ibid.*, 2:36, 38, 40ff. and 5-51 *passim*.
65. For the connections between Louis' attitudes and ninth century political theories see R. W. and A. J. Carlyle, *A History of Medieval Political Theory in the West* (London, 1930), 1:253-292; Lotte Knabe, *Die gelasianische Zweigewaltenlehre bis zum Ende der Investiturstreits*, *Historische Studien* 292 (1936):45-95; Voigt, *Staat und Kirche*, pp. 418-425; F. L. Ganshof, "Over het idee van het keizerschap bij Lodewijk de Vrome tijdens het eerste deel van zijn regering," *Mededelingen van de Koninklijke Vlaamse Academie, Klasse der Letteren* 15 (1953), no. 9; Josef Semmler, "Kirchliche Gesetzgebung und Reichsidee," *Zeitschrift für Kirchengeschichte* 71 (1960):37-65; Walter Mohr, *Das karolingische Reichsidee* (Münster, 1962), pp. 70-105; Ullmann, *The Carolingian Renaissance and the Idea of Kingship* (London, 1969), pp. 43-110; H. X. Arquilliere, *L'augustinisme politique*, 2nd ed. (Paris, 1955).
66. Karl F. Morrison, *The Two Kingdoms: Ecclesiology in Carolingian Political Thought* (Princeton, 1964), pp. 68-98; *idem*, *Tradition and Authority in the Western Church* (Princeton, 1969), pp. 228-233; Yves Congar, *L'ecclésiologie du haut moyen age* (Paris, 1968), pp. 158ff.
67. Agobard *Epistola* no. 5, c. 20, *MGH, Epistolae*, 5, 174. On this passage see Boshof, *Agobard*, pp. 77-78.
68. *MGH, Cap.*, 1, no. 161, pp. 322-324. Sound, basic discussions of the document may be found in Simson, *Jahrbücher*, 1:225-233 and Halphen, *Charlemagne*, pp. 221-225.

that "no control of the papacy as an institution was envisaged."⁶⁹ Ullmann's views run contrary to the scholarly tradition. The weight of authority holds that the *Constitutio* was directed against the pope and that it marked the high point of Carolingian control over Rome and the pope. Moreover, the fact that the *Constitutio* made provisions for the widows and orphans of the murdered Theodore and Leo and others suggests that the document was designed to protect the Romans from the pope and the grasping machinery of the papal government.⁷⁰ The fact that the *Constitutio* was a political setback for the pope cannot be denied. This alone might have elicited a response, couched in spiritual terms, such as the Roman synod. There is in fact a piece of evidence that contributes to the idea that Eugenius' actions in 826 were a response to Carolingian actions in 824. In his *Collectio Canonum*, Cardinal Deusdedit says that papal elections, in precisely the form that these had been provided for in 824, were discussed in the synod of 826.⁷¹ This measure is not preserved among the canons of the Roman synod, but scholars do not doubt Deusdedit on this point.⁷² The implication is clear. If Eugenius called to the attention of the synod one aspect of his setback in 824, it is hardly fanciful to see the synod in a larger sense as a broad response to that setback.

The timing of the synod may still raise a question or two. The *Constitutio* was issued in November of 824 and a good part of 825 may have been occupied by the iconoclastic controversy. It could have been as late as 826—although it is difficult to explain the late month, November—before Eugenius could take account of his political losses and respond in the only way he could, by means of his spiritual authority. Eugenius certainly knew of Paschal's use of the spiritual powers of the papacy. Indeed, he had successfully employed such methods in the iconoclastic controversy of 825. By 826 Eugenius seems to have been ready, perhaps compelled, to improve and diversify the spiritual authority of his office. This interpretation of Eugenius' motivation and of the timing of the synod has a good deal to recommend it. But it is only a conjecture. The sources are silent. The Roman synod's canons are easy enough to understand and the broader implications of the synod—a wide affirmation of papal leadership within the church and western society—are plainly to be seen. It is upon these implications, therefore, that it is necessary to focus. The synod must be seen, quite simply, as the longest concrete step yet taken on the path which led to papal primacy in Europe. The disciplining of a great Frankish cleric, the cooptation of a Carolingian mission, the assertion of primacy in dogma, the issuance of an order to an emperor, and the assumption of leadership in church reform: all of these were highly important acts. In each case the pope acted on the basis of a spiritual prerogative which contemporary wisdom judged almost undeniably to be his. However, each

69. *A Short History of the Papacy* (London, 1972), pp. 91-92 (the quote is at p. 92); see also his "The Origins of the Ottonianum," *Cambridge Historical Journal* 9 (1953): 114-128.

70. See, in addition to the works in n. 68, Louis Duchesne, *Les premiers temps de l'état pontifical*, 3rd ed. (Paris, 1911), p. 198; Amann, *L'époque carolingienne*, p. 209; Ottorino Bertolini, "Osservazione sulla 'Constitutio Romana' dell'824 e sul 'Sacramentum Cleri et Populi Romani,'" *Studi Medievali in Honore A. de Stefano* (Palermo, 1956), pp. 43-78; Schwaiger, "Eugen II," p. 1172. Examples could be multiplied considerably. Some, however, like Theodor Schieffer, "Die Krise des Karolingischen Imperiums," *Festschrift für Gerhard Kallen* (Bonn, 1957), p. 7, go too far in seeing the *Constitutio* as a return to Byzantine type control over the papacy.

71. Ed. Wolf von Glanville (Paderborn, 1905), 1, c. 123, p. 98.

72. Amann, *L'époque carolingienne*, p. 209; Dumas, "Eugene II," p. 1348.

of these cases, whether viewed symbolically or practically, carried with it the possibility of a diminution of the social and political power of the Carolingian Empire and its rulers because church and state were so thoroughly intermingled in the ninth century.

So it was during the twenties of the ninth century, and particularly in the Roman synod of 826, that the papacy initiated the policy of applying spiritual prerogatives in its inherently political dealings with secular rulers. Without denying either the importance or the frequent originality of Gregory VII and his successors, scholars have from time to time observed that these popes often embraced theoretical positions dating back in some cases to the fourth century. Perhaps it is time for scholars to note more fully that during the eleventh and subsequent centuries the papacy sometimes adopted tactics that were first successfully used in the ninth century.

APPENDIX

AN ANALYSIS OF THE CANONS OF THE ROMAN SYNOD OF 826 COMPARED WITH EARLIER CAROLINGIAN LEGISLATION

This appendix provides very brief summaries of each of the canons of the Roman synod, followed by representative examples of identical or similar measures previously adopted by the Carolingians. In some cases the parallels are not too precise, but wherever there is a considerable discrepancy an explanatory footnote has been supplied. In most cases these discrepancies concern Roman canons for which several pieces of exemplary Carolingian legislation had to be cited. In a few rather obvious cases there are so many models for a particular Roman canon that only a few are cited. Generally, the Carolingian models have been drawn from the legislation of Louis the Pious to give greater immediacy to the arguments presented above. No attempt has been made to be exhaustive in citing Carolingian models, since this would have been superfluous.

This appendix, indeed this article, does not address one interesting and important subject which, as Ullmann has recently pointed out, is badly in need of study.¹ Simply stated, this subject is the extent to which ecclesiastical legislation affected secular, royal legislation. The point of the present study is the superimposition of papal reform upon Carolingian and the broader implications of this process. However, many of the Carolingian measures duplicated in 826 have histories reaching far back into Merovingian and even Visigothic history. Ullmann and Declercq have analyzed much of this earlier material but no one has yet determined its influence on the tradition of Carolingian ecclesiastical legislation after 742 when the first reform councils were held. I must therefore add my voice to Ullmann's in calling for a speedy remedy to this serious deficiency in our understanding of the early medieval church and its relations with and impact upon secular authorities.

1. Only worthy bishops should be elected. *MGH, Conc., 2.2*, pp. 566-567.
MGH, Cap., 1, no. 138, c. 2, p. 276.
2. Prohibition against simony. *MGH, Conc., 2.2*, p. 567.
MGH, Cap., 1, no. 138, c. 2, p. 276; no. 174, c. 6, p. 358.
3. Bishops should do good works, watch over their flocks and attentively teach the word of God. *MGH, Conc., 2.2*, p. 568.
MGH, Cap., 1, no. 138, c. 2, p. 276, c. 28, p. 279; no. 150, c. 4, p. 303.
4. Metropolitans should see to it that their clergy are not illiterate. Where illiterate clerics are found they are to be educated and, in the meantime, suspended from duties. *MGH, Conc., 2.2*, p. 568.
MGH, Cap., 1, no. 174, c. 2, p. 357.
5. Bishops should not delay outside their dioceses and should not stay away from their churches more than three weeks except by order of their metropolitan or prince. *MGH, Conc., 2.2*, p. 569.
MGH, Conc., 2.1, no. 39, c. 43, p. 361, c. 44, p. 361.²

1. "Public Welfare Legislation," p. 39.

2. This may be an oblique reference to the large number of bishops employed on secular concerns by the Carolingians. Numerous similar prohibitions against priests or monks tarrying away from their churches or monasteries could be cited. Priests: *MGH, Cap., 1*, no. 177, c. 13, p. 364, c. 18, pp. 364-365; no. 178, c. 4, p. 367; Monks: no. 170, c. 26, p. 345, c. 80, p. 348.

6. Churches should have a common refectory and dormitory and cloisters should be established. Persons of good character should be elected to supervise. *MGH, Conc., 2.2*, pp. 569-570.
MGH, Conc., 2.1, no. 39, c. 117, p. 398; *MGH, Cap., 1*, no. 163, c. 7, p. 327³ no. 170, c. 41, p. 346, c. 52, p. 447,⁴ c. 58, p. 347.⁵
 7. Bishops should see that baptismal churches have priests when there is need. *MGH, Conc., 2.2*, p. 570.
MGH, Cap., 1, no. 138, c. 9, p. 277; no. 164, c. 1, p. 328.
 8. No more clerics than necessary should be ordained and no more than revenues will provide for. *MGH, Conc., 2.2*, p. 570.
MGH, Cap., 1, no. 149, c. 7, p. 305.⁶
 9. Priests should live in churches or monasteries and bishops should see that they do and that they fulfill their duties. No women are to be allowed to enter. *MGH, Conc., 2.2*, p. 571.
MGH, Cap., 1, no. 138, c. 17, p. 278; no. 150, c. 5, p. 304; no. 164, c. 5, p. 328; no. 168, c. 7, p. 336.⁷
 10. Canonical rules are to be observed in electing bishops. Bishops not requested by clergy and people are not to be consecrated. *MGH, Conc., 2.2*, p. 572.
MGH, Cap., 1, no. 138, c. 2, p. 276.
 11. Bishops should see to it that their clergy avoid idle activity and if they will not they are to be judged. *MGH, Conc., 2.2*, p. 572.
MGH, Cap., 1, no. 179, cc. 3,4, p. 369.
 12. Priests should engage in clerical duties and not in hunting or similar activity. They should not appear in public without clerical garb. *MGH, Conc., 2.2*, p. 573.
MGH, Conc., 2.1, no. 22, c. 7, p. 199.⁸
 13. Priests should not be asked to appear as witnesses or to confirm documents. They may do so only when a suitable layman is not present. *MGH, Conc., 2.2*, p. 573.
No model found.⁹
 14. Clerics who have been deposed should be handed to their bishops who will have disposition of them. *MGH, Conc., 2.2* pp. 573-574.
No model found.
 15. Clerics suspected of fornication should be thrice warned and if found again with a woman canonically judged. *MGH, Conc., 2.2*, p. 574.
MGH, Cap., 1, no. 138, c. 17, p. 278; no. 166, c. 2, p. 332.¹⁰
3. Required bishops to provide proper dwellings for clergy.
 4. Refectories are taken for granted in these *capitula*.
 5. Reference only to dormitory.
 6. This is not a general measure. It refers only to the monastery of St. Croix at Poitiers.
 7. Ullmann, "Public Welfare Legislation," pp. 25-29 notes that the Roman enactment here with respect to women took up a harsher tradition, frequently found in Merovingian legislation, than the Carolingian model cited. For some comments on this Merovingian legislation see Declercq, *La legislation*, 1:10, 57ff.
 8. This measure was issued under Charlemagne, but Friedrich Prinz, *Klerus und Krieg im früheren Mittelalter* (Stuttgart, 1971), pp. 81ff., proves that it remained in force later.
 9. It may be noted that this canon is consonant with several of the others and that prohibitions of this sort became more important in later centuries.
 10. See above n. 7. I could find no reference in Carolingian legislation to the requirement for three warnings. The so-called *Strafcodez* of the *Rule of St. Benedict* often required several warnings, in some cases three. Could this have been the source here?

16. Bishops should not allow the alienation of the moveable goods of churches. *MGH, Conc.*, 2.2, p. 574.
MGH, Cap., 1, no. 154, c. 15, p. 314; no. 163, c. 10, p. 327.¹¹
17. Priests should not receive oblations for penance. *MGH, Conc.*, 2.2, p. 575.
MGH, Cap., 1, no. 138, c. 7, p. 277.
18. Bishops should not make *dimissoriae*¹² unless asked to do so. Then a papal, metropolitan, or imperial seal shall confirm. *MGH, Conc.*, 2.2, p. 575.
MGH, Cap., 1, no. 93, c. 2, p. 196; no. 94, c. 3, p. 198.¹³
19. Bishops and all clergy are to have advocates. *MGH, Conc.*, 2.2, p. 575.
MGH, Cap., 1, no. 158, c. 7, p. 319; no. 163, c. 4, p. 326.
20. Bishops should call before themselves those who cannot find advocates and investigate the reason why. *MGH, Conc.*, 2.2, pp. 575-576.
 No model found.
21. Laymen may institute priests but they are to be subject to their diocesan bishops. *MGH, Conc.*, 2.2, p. 576.
MGH, Cap., 1, no. 138, c. 9, p. 277; no. 166, c. 4, p. 332.
22. Persons who invade the property of churches should make restitution, or their heirs. *MGH, Conc.*, 2.2, p. 576.
 No model found.¹⁴
23. Bishops should see to it that hospitals and the like are put to the uses for which they were intended. *MGH, Conc.*, 2.2, pp. 576-577.
MGH, Cap., 1, no. 157, c. 1, p. 316; no. 164, 7, pp. 328-329; no. 166, c. 3, p. 332; no. 179, c. 6, p. 369.
24. Holy places without priests are to be supplied with them within three months. These priests are to be ordained by their diocesan bishops. *MGH, Conc.*, 2.2, p. 577.
MGH, Cap., 1, no. 138, c. 11, p. 277.¹⁵
25. Churches and holy places which have been destroyed should be restored. Congregations should help when sufficient funds are lacking. *MGH, Conc.*, 2.2, pp. 577-578.
MGH, Cap., 1, no. 138, c. 28, p. 279; no. 140, c. 5, pp. 287-288; no. 141, c. 10, p. 290; no. 150, c. 24, p. 307; no. 163, c. 8, p. 327.
26. Bishops should not demand donations from the clergy subject to them. *MGH, Conc.*, 2.2, p. 578.
MGH, Cap., 1, no. 138, c. 16, p. 278.¹⁶
27. Only competent, educated abbots, capable of fulfilling their ministries, are
11. These are general prohibitions against the alienation of moveable property with no particular reference to bishops.
12. Ducange, *Glossarium* 3:861: "Litterae, quas Synodus in Trullo can. 17 apolutikás vocat, et Clerici ab Episcopos impetrabant, ut in alienam diocesim transirent, in ea manerent, aut ab aliis Episcopis ordinaretur."
13. These measures are from Italian capitularies of Pepin. The only other mention of *dimissoriae* I could find is *MGH, Conc.*, 2.1, no. 3, c. 9, p. 17, a Roman synod of 743. Perhaps it was a peculiarly Italian problem.
14. Though this canon has no direct Frankish model it is certainly consonant with the spirit of the church property legislation issued by Louis I in 819. See Stutz, *Beneficialwesen*, pp. 236-271.
15. No reference to the three month time limit.
16. This refers particularly to the Lombard kingdom.

- to be chosen. They should watch over their monks and see that the rule is observed. *MGH, Conc., 2.2, p. 578.*
MGH, Cap., 1, no. 179, cc. 9, 10, p. 369.
28. Bishops should see to it that monks observe the rule, their vows, tonsure, refectory, dormitory, etc. *MGH, Conc., 2.2, p. 579.*
MGH, Cap., 1, no. 138, c. 3, p. 276; no. 150, c. 4, pp. 303-304; no. 160, cc. 1-4, pp. 321-322; no. 170 c. 1, p. 344.¹⁷
29. Bishops should see to it that nuns observe their vows and never associate with men. *MGH, Conc., 2.2, p. 579.*
MGH, Cap., 1, no. 158, c. 6, p. 319; no. 179, c. 12, p. 369.
30. Persons should not engage in mercantile or other labors on Sunday. *MGH, Conc., 2.2, p. 580.*
MGH, Conc., 2.1, no. 21, c. 13, p. 194.
31. Courts should not sit in judgment of crimes on Sunday. *MGH, Conc., 2.2, p. 580.*
MGH, Conc., 2.1, no. 34, c. 16, p. 252; no. 35, c. 35, p. 256; no. 36, c. 37, p. 270; no. 38 c. 40, p. 285.¹⁸
32. Persons sent into a monastery by force are not to be kept there. *MGH, Conc., 2.2, p. 580.*
MGH, Cap., 1, no. 138, c. 20, p. 278; no. 149, c. 21, p. 285.
33. Laymen should not enter the prebysterium during mass. *MGH, Conc., 2.2, p. 581.*
 No model found.¹⁹
34. In every bishopric schools are to be established for the study of letters, liberal arts, and dogma. *MGH, Conc., 2.2, p. 581.*
MGH, Conc., 2.2, c. 3, p. 471; MGH. Cap., 1, no. 150, c. 6, p. 304; no. 163, c. 6, p. 327.²⁰
35. Persons, especially women, should observe the feast days of the saints in the proper way and not in imitation of pagan rituals. *MGH, Conc., 2.2, pp. 581-582.*
MGH, Conc., 2.1, no. 3, c. 9, p. 15.²¹
36. No man should be permitted to leave his wife and take another except in cases of fornication. Divorce is to be allowed only for the purpose of entering religious orders. *MGH, Conc., 2.2, p. 582.*
MGH, Cap., 1, no. 138, c. 24, p. 279.²²
17. The models cited do not directly require episcopal supervision. This was required in *MGH, Cap., 1, no. 169, "Epistola ad archiepiscopos," pp. 338-342.* This document was printed among the capitularies because the capitulary issued at the time has not survived.
18. Ullmann, "Public Welfare Legislation," pp. 30-33, has much to say on the long history of Sunday prohibitions.
19. Ullmann, *Papal Government*, p. 128 (wrongly referring to c. 23), is certainly right in saying that this was an attempt to emphasize the special character of priests.
20. Von Schubert, *Kirche im Frühmittelalter*, pp. 673, 707, 709, notes that this was the first time that the papacy had seriously legislated on education. Can this have been a response to the educational program of the Carolingian Renaissance?
21. I found twelve such references in early legislation stemming from Pepin and Charlemagne but none from Louis. None of these Carolingian prohibitions refer especially to women. Ullmann, "Public Welfare Legislation," pp. 34-36, discusses the history of Frankish sanctions against pagan practices.
22. *Ibid.*, p. 38, noting that marriage legislation in the early Middle Ages was in a state of flux. Thus the models cited here, and for canons 37 and 38, are not exact in the sense that other items could be cited which take slightly different stands on the issues at hand.

37. No man should have two wives or concubines. *MGH, Conc.*, 2.2, p. 582.
MGH, Cap., 1, no. 142, c. 4, p. 292; no. 177, c. 21, p. 365.
38. Incestuous marriages should not be tolerated. If found they should be dissolved and the guilty parties excommunicated. *MGH, Conc.*, 2.2, pp. 582-583.
Concilium Aquisgraniense (819), c. 1, p. 18, ed. Emil Seckel, *Neues Archiv* 49 (1922).