
TRANSILVANICA

The Institution of the Papal Legation (12th–14th Centuries) Historical and Historiographical Benchmarks

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Of the three types of legates (de latere, missi, nati), the first category was the most commonly used in this period, due to Rome's universalist tendencies, through which the Holy See attempted to centralize European politics as strongly as possible.

THE SUBJECT of the medieval hierarchy,¹ generally, and the institution of the papal legation between 12th and 14th centuries,² specifically, in the western European space is not new. This historical stage is reproduced in the form of various materials published in the specialized journals edited by various Western historiographical schools. In the historiography of the subject, perspectives are quite consistent as regards the functioning mechanisms of the institution of the papal legation between 12th and 14th centuries.

However, there are few writings within the sphere of Romanian historiography that have addressed the period of medieval hierarchy. This

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aspect extends to the institution of the papal legation, which is fairly well-known in Romanian historiography. The motivation for choosing this subject rests on the absence of historical writings reflecting the institution of the papal legation between the 12th and 14th centuries. Therefore, this article aims to present diachronically a few historical and historiographical benchmarks regarding the emergence, evolution and functioning of the institution of the papal legation.

The point of origin or the foundational document that enacted the practical dimension of hierocracy was the “*Dictatus Papae*” issued by Pope Gregory VII³ in 1075, a document that legitimized papal supremacy in relation to all terrestrial dignities.⁴

A classical interpretation of the impact this document exerted is found in Walter Ullmann’s exegesis.⁵ According to this interpretation, the European Christian world formed an *ecclesia* or *corpus Christi*, a political body that encompassed all Christian kingdoms and even attempted to incorporate the Western empire, laying claims on the “Greek” empire as well.⁶ The spiritual and political leader of that *corpus* was the pope. The kings and the western (Holy Roman) emperor had only a ministerial-auxiliary role, that of defending the Church. This entire political system took on a pyramidal garment of monarchic extraction, in the form of *Societas Christiana* or *Christianitas*, where most of the leaders of the European kingdoms and the Holy Roman Emperor had recognized the papal supremacy and fell under papal suzerainty (*patrocinium Beati Petri*).⁷ Based on the document issued by Pope Gregory VII, papal power was universal. In short, the Bishop of Rome, who legitimized himself in the continuity of St. Peter, as vicar, “controlled” all the European kingdoms and prevailed over the Western empire.⁸

After all those stated above, we can see the centralizing character of medieval hierocracy. The concreteness of the popes’ power was expressed through legates.⁹

The papal legate (Lat. *legatus*) meaning an envoy who is sent or entrusted with a mission. Unlike the nuncio, who is only a transmitter of pontifical letters, the legate acts freely, according to his judgment, but on behalf of the pontiff who sent him. This means that he behaves like a pope, assuming a part of the pontifical responsibilities for the Churches entrusted to him.¹⁰

Legates thus became a key instrument in spreading the Gregorian reform and they also proclaimed the authority of the pope over all the churches, the clergy and the laity, so towards the end of the 12th century, pontifical legates could be found in all the areas of *Christianitas*, the underlying reason concerning the subordination of the churches and of the secular authorities.

The Italian historian Paolo Prodi has associated the Curia with the formula of a “pontifical government” and even made a ranking of this “government”: 1. the Roman Pontiff; 2. the College of Cardinals; 3. the bishops; 4. the priests.¹¹

According to the hierarchy Prodi described, the College of Cardinals¹² occupied the second place, after the pope. In other words, this college functioned like a kind of Senate that constituted a powerful support for the pontiffs. It is important to highlight these aspects because most of the legates during this period came from the ranks of the cardinal-bishops and subsequently became pontiffs.

According to Ian S. Robinson, in the period 1073–1198,¹³ there were nineteen pontiffs and only four of them had not been legates; all the others, prior to being consecrated, had also served as legates in different regions of Europe. Urban II (1088–1099) had been a legate in the Holy Roman Empire, Paschal II (1099–1118) was specialized in legations to Spain, while Calixtus II (1119–1124) had been a papal envoy to the kingdoms of France and England. Honorius II (1124–1130) and Innocent II (1130–1143) had both participated as legates in the negotiations with the imperial party, resulting in the 1122 Concordat of Worms (*Pactum Calixtinum*).¹⁴ Between 1152 and 1153 Hadrian IV (1154–1159) had been a legate in the northern regions, where he had set up a new ecclesiastical organization, in Trondheim.¹⁵ Lucius III (1181–1185) had also actively participated in the conclusion of the Venice agreement in 1177, which resulted in the symbolic defeat of Emperor Frederick I Barbarossa (1155–1190) before Pope Alexander III (1159–1181). Gregory VIII (1187) travelled for a legatine purpose to various German, Spanish and Adriatic regions. Celestine III (1191–1198) had two long missions to Spain between 1154 and 1174, and was mandated to the court of the French King Louis VII (1137–1180).

According to the statistics¹⁶ provided, “between 1198 and 1276 there were created eighty-one cardinals, 80% of whom came from two regions: France—46 and Italy—18, and throughout the entire 13th century there was only one cardinal of German origin.”

During the abovementioned period, there was a series of six successive popes who created cardinals. Innocent III (1198–1216) raised twenty-seven prelates to the rank of cardinal, Honorius III (1216–1227)—five cardinals, Gregory IX (1227–1241)—ten, Innocent IV (1243–1254)—sixteen, Urban IV (1261–1264)—fourteen, and Gregory X (1271–1276) elevated five clerics to this dignity. Their number by regions was as follows: Italy (30), France (33), England (5), the Iberian Peninsula (6), Germany (1) Hungary (1).¹⁷

Acceding to the dignity of cardinal entailed having already filled positions such as that of chancellor or vice-chancellor, chaplain, papal notary, etc. Also, a degree in Theology or Canon Law¹⁸ obtained at a prestigious university like Bologna and Paris were considered an advantage.

Turning to the subject, legates were usually the cardinals in immediate proximity to the pontifical throne. W. Ullmann claims that they were, in fact, the “extended arm of papal power” whereby the pope was omnipresent and omniscient.

As regards the categorization of the legates, there were three types: *de latere*, *missi*, *nati*.¹⁹

Legates *de latere* were, most often, elected from among the cardinals. The name of these legates means that they were sent by the pope and they were an extension of his spiritual and physical body (*pars corporis papae*).²⁰

Legates *missi* were also sent by the pope, but in most cases they were not part of the Curia, so they were only assigned less difficult missions.

Legates *nati* were the archbishops primates, the rulers of the ecclesiastical provinces, which automatically involves assuming the title of legate.²¹

Of the three types of legates, the *de latere* ones had the highest decision-making powers also due to the pontifical power ceded to them by the pope. Legates, therefore, had full powers (*plenitudo potestatis*) in making decisions.

The legates' field of action was particularly large.²² All legates had sufficient authority to convene synods and councils.²³ Legates could impose constitutions in the administrative and disciplinary fields, elect holders of the vacant episcopal sees and depose bishops. Also, they could distribute minor benefices, excommunicate and place interdicts, and their authority could be exercised over the religious orders as well. They also travelled to settle any conflict that required papal intervention, such as problems concerning the succession to the throne or disputes between various kingdoms. The legates' interventions concerned not only ecclesiastical, but also political matters. We mentioned above the fact that they could depose not only bishops, but also kings, excommunication being the most serious punishment imposed in this era.²⁴

Apostolic delegates travelled not only to the Holy Roman Empire or to the European kingdoms, but even to the proximity of Rome, where pontiffs demanded it, as no geographic area was exempt or privileged in this regard.²⁵ They had to be present everywhere, with a clear mission to accomplish, applying sanctions if the situation demanded it. Pontifical diplomacy used legates in all the extremities of *Christianitas*.

The largest number of pontifical legates were sent in the 13th century, also thanks to the Innocentine²⁶ conception that the pope played the role of an arbiter and not of a participant in any battle, so the pontificate was superior to all terrestrial dignities, which received the charisma along divine channels, bearing the title "from the Grace of God," while the pope emerged directly from the Divine. We should emphasize once again that according to the Innocentine concept, the pope was the "vicar of Christ"²⁷ because he was above all the faithful, but beneath God.

During the time of Innocent III (1198–1216), the number of legates *de latere* increased impressively, perhaps also because he tried to keep the "Christian society" under strict control.

A concrete example of a principle defining the Innocentine conception of pontifical universalism that was put into practice occurred in 1204, when Rome “conquered” the Constantinopolitan Empire,²⁸ and thus the hierocracy reached not only its ideological, but also its geographic apogee.

The action of the Holy See sparked much discussion concerning the legitimacy of Rome’s action to occupy Constantinople, because this too was a Christian capital and the general idea adopted by the Holy See was to liberate the Holy Places and not the Empire of Constantinople. If we look at things through the lenses of Pope Innocent III’s universalistic policy, then this was a correct maneuver, for he was the vicar of Christ and everyone, including the Greeks, had to recognize him as suzerain.²⁹

Regarding the legatine institution, as of this moment there appeared a new function, that of permanent legate to Constantinople.³⁰ In 1205, Rome sent Benedict,³¹ cardinal-priest of Santa Susanna, as pontifical legate (*Apostolicae Sedis Legatus*) to Constantinople. He was mandated with spreading and imposing the idea of uniting the “Greeks” with the “Romans.” Among the later opponents of this situation, mention should be made of Patriarch Athanasius (1231–1244), who criticized Rome’s legatine institution (Lat. *apocrisiarius*) to Constantinople.³²

The institution of the papal legation also operated in the eastern areas of *Christianitas*. For instance, in the 12th–14th centuries, more precisely from 1191 until 1311, there were ten legatine missions, most of them *de latere*, organized in the Kingdom of Hungary.

Cardinal Gregory of Santa Maria in Portico served as a legate (*Gregorius de sancto Apostolo Dei gratia sancte Marie in Porticu diaconus cardinalis, apostolice sedis legatus*) to the Kingdom of Hungary from 1191 until 1196.³³ The role entrusted to him was that of “breaking” the ancient ties of this kingdom with the Empire of Constantinople and of channeling the general “attention” of the Hungarian royalty exclusively to Rome. The legate *de latere* had to consolidate the influence of the Roman Curia in this area of Christendom.

Specifically, papal influence was exerted by way of “tying” certain newly established ecclesiastical institutions directly to Rome—as in the case, for example, of the Provostship of Sibiu (Nagyszeben, Hermannstadt).³⁴ As of then, the Hungarian archbishop primate of Esztergom became an “official” in the service of Rome (*legatus natus*), who represented the pontifical interests in the Kingdom of Hungary. Besides the archbishop primate, the Hungarian king also started to be regarded as such an “official,” in light of the fact that his coronation was carried out by the Hungarian primate after receiving Rome’s assent in this respect.

In this context of hierocracy, it should be noted that King Andrew II (1205–1235)³⁵ was a monarch who did not comply with all the directives from Rome

and even acted against the papal Curia when the local interests demanded it. The functioning of the hierocratic current in the Kingdom of Hungary was most clearly visible during the reign of this king.

After fourteen years of “royal tolerance” (1211–1225), Andrew II expelled the Teutonic Knights³⁶ from the Kingdom of Hungary, a gesture that caused the dissatisfaction of the papal authorities because these knights upheld the pontifical policies in the area. As a reaction to the Hungarian king’s gesture, the papal Curia reactivated the institution of the papal legation in this region of *Societas Christiana*. Therefore, because of the tense relations between the Hungarian monarchs and the Holy See, three legations *de latere* were organized during the reign of Andrew II: the legation of Bishop Conrad of Urach in 1225,³⁷ the legation of Archbishop Robert of Esztergom to “Cumania” in 1227,³⁸ and the legation of Cardinal Jacob of Preneste, from 1232 until 1234.³⁹

The son of Andrew II, Béla IV (1235–1270), did not perpetuate his father’s “rebellious” attitude to Rome; on the contrary, he strove to maintain good relations with the Holy See. Thus, in 1238,⁴⁰ urged by Rome, Béla IV attempted to attack the Bulgarian tsarate amid the tensions that had arisen between the Holy See and the leaders of the tsarate south of the Danube. However, the legatine mission of the Hungarian King Béla IV was cancelled on account of the Mongols drawing near the borders of Christianity. The Mongolian invasion of 1241, followed by a certain lack of concern on the part of the Holy See as regards the difficulties faced by the Hungarian royalty, deteriorated the good relations between Béla IV and the papal authorities.

The grandson of Béla IV, Ladislaus IV (1272–1290), took this royal “frustration” to extremes by adopting a deviant behaviour towards the centralizing policies of the Holy See. The papal Curia sent Bishop Philip of Fermo (*Philippo episcopo Firmano, Apostolice Sedis Legato*)⁴¹ as a legate, entrusting him with bringing the Hungarian King back to normality—as desired by Rome. Even though Bishop Philip of Fermo served as a legate to the kingdom ruled by Ladislaus IV for four years, from 1278 until 1282, he was unable to fulfil the envisaged objective because of the particular local circumstances.

Up until the beginning of the 14th century, there were three other legatine missions to the Kingdom of Hungary: the legation led by Bishop Benvenuto of Gubbio (*Benevenuto episcopo Eugubino, Apostolice Sedis Legato*), in 1290, the legation of Bishop John of Jesi, in 1291, and the legation of Cardinal Nicholas Boccassini, in 1301.⁴² However, none of these was as successful as the papal Curia had intended.

The last legatine mission to the Kingdom of Hungary during the age of hierocracy (1307–1311) was the one led by Cardinal Gentile Montefiore⁴³ (*Gentilis Dei gratia tituli S. Martini, in Regno Hungariae, ac partibus illi conter-*

minis Apostolicae Sedis Legatus), who was sent by the papal Curia as legate *de latere* at a rather difficult historical moment, during the first years of the 14th century, when a dynastic change occurred in the Kingdom of Hungary. Cardinal Montefiore's legatine mission consisted in attempting to bring the situation in the Kingdom of Hungary back to normal, by proving assistance to the new king, Charles Robert of Anjou (1301–1342), the first monarch in the Hungarian Angevin dynasty. Compared to the previous failed legatine missions, the legation led by Cardinal Gentile Montefiore was successful and met the expectations of the Holy See.

In this context, for example, not all the legatine missions undertaken in the Kingdom of Hungary over the course of these 120 years (1191–1311) accomplished their objectives. In other words, because of the peculiar local circumstances, not all of these missions succeeded in fully complying with the hierocratic demands of the papal Curia. Thus, the ten legations to the Hungarian Kingdom concretely attested to the hierocratic centralization that the papal Curia endeavoured to achieve, via the legatine institution, in this monarchy situated at the edges of Christianity.

AS WE have seen throughout this text, medieval hierocracy represented the historical timespan of the 12th–14th centuries, when most European kingdoms accepted papal suzerainty and entered the medieval system known as *Christianitas*. The Bishop of Rome, who legitimized himself in the continuity of St. Peter as vicar, “controlled” the European kingdoms and exerted his guardianship over the western empire using legates or apostolic envoys. The latter acted as an “extended arm of pontifical power,” through which the papacy was omnipresent and omniscient. Most legates came from among the cardinals who formed the College of Cardinals, that is, from the immediate vicinity of the pontifical throne. Of the three types of legates (*de latere*, *missi*, *nati*), the first category was the most commonly used in this period, due to Rome's universalist tendencies, through which the Holy See attempted to centralize European politics as strongly as possible.

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(Translated by CARMEN-VERONICA BORBÉLY)

Notes

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- christiana* aux XI^e et XII^e siècles: diocèses, pievi et paroisses. Problèmes et recherches (Milan, 2–7 septembre 1974),” *Mélanges de l’École française de Rome. Moyen Âge, Temps modernes* 86, 2 (1974): 561–565.
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 3. Jacques-Paul Migne, ed., *S. Gregorii VII Romani Pontificis Epistolae et Diplomata Pontificia*, Patrologiae cursus completus, Series Latina, 148 (Paris, 1853), 9–12; Joannes Dominicus Mansi, ed., *Sacrorum conciliorum nova et amplissima collectio*, vol. 20, 1070–1109 (Paris, 1902), 168–169; Brian Tierney, *The Middle Ages*, vol. 1, *Sources of Medieval History*, 6th edition (New York, 1998), 142–143.
 4. Mansi, 20: 168–169: “II. Quod solus Romanus pontifex iure dicatur universalis. . . . IV. Quod legatus eius omnibus episcopis presit in concilio etiam inferioris gradus et adversus eos sententiam depositionis possit dare. . . . VIII. Quod solus possit uti imperialibus insigniis. . . . IX. Quod solius pape pedes omnes principes deosculentur. . . . XII. Quod illi liceat imperatores deponere. . . . XIX. Quod a nemine ipse iudicare debeat.”
 5. Walter Ullmann, *The Growth of Papal Government in The Middle Ages: A study in the ideological relation of clerical to lay power*, 2nd edition (London, 1962), 1–25.
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 11. Paolo Prodi, ed., *Forme storiche di governo nella Chiesa universale: Giornata di studio in occasione dell’ultima lezione del prof. Giuseppe Alberigo, 31 ottobre 2001*, Quaderni di discipline storiche, 18 (Bologna, 2003), 7–8.

12. Paravicini Bagliani, 137–138. The College of Cardinals was composed of cardinal-bishops (*episcopi cardinales*), cardinal-priests (*presbyteri cardinales*), and cardinal-deacons (*diaconi cardinales*).
13. Robinson, 146–178.
14. Mary Stroll, *Symbols as Power: The Papacy following the Investiture Contest*, Brill's Studies in Intellectual History, 24 (Leiden–New York–København, Cologne, 1991), passim; Mansi, 20: 273–274; Bruce Bueno de Mesquita, “Popes, Kings, and Endogenous Institutions: The Concordat of Worms and the Origins of Sovereignty,” *International Studies Review* 2, 2 (2000): 93–118.
15. Robinson, 147.
16. *Storia del cristianesimo: Religione–Politica–Cultura*, vol. 5, *Apogeo del papato ed espansione della cristianità (1054–1274)*, transl. Paolo Petrucci, Italian edition by Augusto Vasina (Rome, 1997), 534–535.
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19. Robinson, passim.
20. Ernest F. Henderson, transl. and ed., *Select Historical Documents of the Middle Ages* (London–New York, 1910), 366–367; Robinson, 160–161. In the time span between 1130 and 1159, the pontifical sources mention a number of 109 legates *de latere*, these positions being occupied by fifty-one cardinals; thus, almost half of the legates were cardinals.
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22. Robert C. Figueira, “The Medieval Papal Legate and His Province: Geographical Limits of Jurisdiction,” in *Plenitude of Power*, 74.
23. Raymonde Forville, *Latran I, II, III et Latran IV* (Paris, 1965), passim.
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25. Figueira, 74.
26. Hans-Joachim Schmidt, “The Papal and Imperial Concept of *plenitudo potestatis*: The Influence of Pope Innocent III on Emperor Frederick II,” in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot–Brookfield–Sydney, 1999), 305–314.
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29. Jean Darrouzès, “Les documents byzantins du XII^e siècle sur la primauté romaine,” *Revue des études byzantines* 23 (1965): 45.
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32. Erriquenz, 336–347.
33. *Documente privind istoria României* (hereafter cited as *DIR*), *Veacul XI, XII și XIII, C. Transilvania*, vol. 1 (1075–1250) (Bucharest, 1951), doc. 19, pp. 361–362; Gusztáv Wenzel, *Árpádkori új okmánytár. Codex diplomaticus Arpadianus continuatus*, vol. 6, 890–1235 (Pest, 1867), doc. 114, pp. 182–183; Zsigmond Jakó, *Erdélyi okmánytár*, vol. 1 (1023–1300) (Budapest, 1997), 129.
34. *DIR*, *Veacul XI, XII și XIII, C. Transilvania*, vol. 1, doc. 19, pp. 361–362.
35. János Barta et al., *Magyarország uralkodói*, Magyar Századok (Budapest, 2003), 98–105.
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Bakay, *Az Árpádok országa: Östörténetünk titkai* (Kőszeg, 2000), 280–348; Jakó, doc. 166, p. 175.

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Abstract

The Institution of the Papal Legation (12th–14th Centuries):
Historical and Historiographical Benchmarks

There are few writings within the sphere of Romanian historiography that have addressed the period of medieval hierocracy. This aspect extends to the institution of the papal legation, which is fairly well-known in Romanian historiography. The motivation for choosing this subject rests on the absence of historical writings reflecting the institution of the papal legation between 12th and 14th centuries. Therefore, this article aims to present diachronically a few historical and historiographical benchmarks regarding the emergence, evolution and functioning of the institution of the papal legation. Medieval hierocracy represented the historical timespan of the 12th–14th centuries, when most European kingdoms accepted papal suzerainty and entered the medieval system known as *Christianitas*. The Bishop of Rome, who legitimized himself in the continuity of St. Peter as vicar, “controlled” the European kingdoms and exerted his guardianship over the western empire using legates or apostolic envoys. The latter acted as an “extended arm of pontifical power,” through which the papacy was omnipresent and omniscient. Most legates came from among the cardinals who formed the College of Cardinals, that is, from the immediate vicinity of the pontifical throne. Of the three types of legates (*de latere, missi, nati*), the first category was the most commonly used in this period, due to Rome’s universalist tendencies, through which the Holy See attempted to centralize European politics as strongly as possible.

Keywords

12th–14th centuries, hierocracy, *Christianitas*, centralization, institution of the papal legation