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**Centralization and the Importance of Legatine Activity under  
the Pontificate of Alexander III (1159-1181)  
Case Study on the Archbishopric of Spalato\***



*Abstract*

By the end of the eleventh century the Church, leaving behind its provincial epoch, became a centralized institution, a Papal Church – which certainly helped the Holy See to develop into a dangerous rival of the imperial “model” of lay power. Although the faithful in the West were subjected to the authority of the pope, enormous geographical distances and political conflicts made it difficult for the curia to enforce this authority on its subjects. The papal legates offered not only the opportunity of continuous correspondence but they, as representatives of the pope, were also important means of the centralized government. The present paper aims at studying the role of papal legates through a case study on the archbishopric of Spalato in the time of Pope Alexander III (1159-1181).

*Key words*

centralization, legates, Spalato, Pope Alexander III

Both the traditional High Middle Ages (1050-1300)<sup>1</sup> and the “Hochmittelalter” dating (1050-1250) take the middle of the eleventh century as a starting point of a new era. It is not the schism of 1054, however, that makes the time around 1050 ideal as a starting point of an epoch. The schism did not cause radical or final geographic changes, since after 1054, as well as earlier in other territories, Western Christendom continued to expand its borders to the north and east, and also on the Iberian-peninsula. Nor in an ideological sense was this break between the east and west a turning point. Although Bartlett, saying that “the Christendom that became newly aware of itself in the eleventh, twelfth and thirteenth centuries was not the Christendom of Constantine, but an assertively western or Latin

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<sup>1</sup> R. W. SOUTHERN, *Western Society and the Church in the Middle Ages* (London: 1990) calls the period of 1050-1300 the Age of Development; M. BARBER, *The Two Cities. Medieval Europe 1050-1320* (London: 1993).

Christendom,”<sup>2</sup> seems to suggest that there was some change in the self-definition of the west by the eleventh century, Ullmann has pointed out that the “ideological conflation of *Romanitas* and *Christianitas*”<sup>3</sup> is observable as early as the time of Charlemagne.<sup>4</sup> This means that *Christianitas* was identified with the West much earlier than the mid-eleventh century.

“The papacy had enjoyed a position of prestige and centrality in Western Europe since the very birth of official Christianity under Constantine”<sup>5</sup> and the city of Rome had an outstanding liturgical role;<sup>6</sup> often, however, other regions or “institutions” proved to be influential on Western Christendom. In a spiritual sense Irish and Anglo-Saxon monks became the cultural-spiritual leaders of Western Christianity from the fifth to the seventh centuries, and later the Frankish Empire and the “official imperial policy” gave impetus to the strengthening of the Church. Nor were the monastic reform movements of the tenth and eleventh centuries (Cluny, Gorze, Hirsau) centred on Rome or directed by the curia. “The directive role” the papacy exercised “from the eleventh century onwards”<sup>7</sup> in the Church as well as in Western Christendom was the result of a series of changes inside the Church.

In the course of the about 150 years that passed between 1073, when Gregory VII was elected to the Papal See, and 1216, when Innocent III died, the Church underwent a period of significant reorganization. The Western Church acquired many of the characteristics of a secular state – it developed into something of a monarchy. Rufinus, the twelfth-century canonist, in his opening speech at the Third Lateran Council (March 1179), characterized the papal government with the following words:

There are many things to wonder at in the sight of an assembly of such noble fathers, and as I look I see this blessed gathering of prelates as presenting the image of a magnificent city, where there is the king,

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<sup>2</sup> R. BARTILETT, *The Making of Europe. Conquest, Colonization and Cultural Change 950-1350* (London: 1994), 254. (Hereafter BARTILETT, *The Making*.)

<sup>3</sup> W. ULLMANN, *The Growth of Papal Government in the Middle Ages. A Study in the Ideological Relation of Clerical to Lay Power* (London: 1955), 61. (Hereafter ULLMANN, *The Growth*.)

<sup>4</sup> Actually, the identification of “Roman” and “Christian” goes back to the fourth century, when – as a result of Constantine’s conversion – “Christianity and the Empire became indissolubly united.” (R. A. MARKUS, “The Latin Fathers,” in *The Cambridge History of Medieval Political Thought c. 350-c.1450*, ed. J. H. BURNS (Cambridge: 1988), 93.) By then, the Empire was certainly the Roman Empire; by the time of Charlemagne, however, it meant the Frankish Empire, as the idea of the *renovatio imperii romani* made this to become the heir of the Roman – even though Byzantium heavily argued this theory up to the fourteenth century. (D. M. NICOL, “Byzantine Political Thought,” in *The Cambridge History of Medieval Political Thought c. 350-c.1450*, ed. J. H. BURNS (Cambridge: 1988), 58-60.)

<sup>5</sup> BARTILETT, *The Making*, 243.

<sup>6</sup> B. SCHIMMELPFENNIG, “Die Bedeutung Roms in päpstlichen Zeremonien,” in *Rom im hohen Mittelalter: Studien zu den Romvorstellungen und zur Rompolitik vom 10. bis zum 12. Jahrhundert* (Sigmaringen: 1992), 47-61.

<sup>7</sup> BARTILETT, *The Making*, 20.

nobles, consuls and also the crowd of people. Is not the chief pontiff the king? The nobles or magnates are his brothers and flanks, the lord cardinals; the archbishops are the consuls; and we other bishops and abbots are not ashamed in so noble city to take the place of people.<sup>8</sup>

The most important phenomena that reflect this “monarchic” character of the Church are connected to different aspects of government. In this period Rome (1) put further emphasis on the governing (sovereign) character of the pope; it developed (2) a judicial-legislative and (3) a financial system of its own, (4) it re-structured the bureaucratic system supporting and serving the different branches of government, and (5) the main political directives of the curia were also established.

1. The undebatable supreme position of the pope in the Church was supported by the doctrine of papal primacy,<sup>9</sup> while the frequent use of some terms referring to him as *gubernator* and *iudex totius ecclesiae*<sup>10</sup> emphasized the “secular” aspect of his leadership, which slowly gained more and more significance. From the time of Alexander III not only his letters and decretals that are good sources

<sup>8</sup> G. MORIN, “Le discours d’ouverture du concile général du Latran (1179),” *Memorie della pontificia Accademia Romana di Archeologia* III.2 (1928): 116-117. Translation by C. MORRIS, *The Papal Monarchy: the Western Church from 1050-1250* (Oxford: 1991), 205. (Hereafter MORRIS, *The Papal Monarchy*.)

<sup>9</sup> The roots of the theory of papal primacy were the ideas emphasizing the superiority of Rome over other churches, by the means of terms *vicarius Christi* and *princeps apostolorum*, Pope Leo I (440-461) was the first to use the simile of *caput-membra* for this relation. Moreover, another formula favoured by Leo, *indignus haeres beati Petri*, suggested that the pope had a dominant role in judicial affairs because he had “succeeded to the same legal powers as St. Peter.” J. CANNING, *A History of Medieval Political Thought* (London: 1996), 31. (Hereafter CANNING, *A History*.) A few centuries later, Nicholas I (858-867) stressed the leading position and outstanding power of Rome and the pope as *vicarius Petri*. Gregory VII (1073-1085) also adopted this idea (“Although not claiming the vicariate of Christ for himself, Gregory nevertheless in his function as vicar of St. Peter applies to himself the same fullness of power with which St. Peter was credited.” ULLMANN, *The Growth*, 280), and finally the theory became an important element of medieval canon law. Another idea supporting and giving impetus to the development of papal primacy theory came from Pope Gregory I (590-604). He claimed that the power of binding and loosing was given exclusively to St. Peter, so he is reasonably called *princeps apostolorum*. First of all, the reform papacy managed to emphasize this doctrine and tried to take the opportunities provided by the theory. However, the theory of papal primacy – referring to St. Peter – became fully developed by adopting the idea of *plenitudo potestatis*, which by the thirteenth century meant “the fullness of Christ’s jurisdictional power given to St. Peter.” (CANNING, *A History*, 32.) In the end, the primacy (and authority) of the Roman pontiff became obvious and undebatable in matters concerning faith (the doctrine of papal infallibility) and the liturgy, in questions related to the canonization of saints and synodal decisions and in the field of ecclesiastical justice (*iudex totius ecclesiae*). See I. S. ROBINSON, “Church and Papacy,” in *The Cambridge History of Medieval Political Thought c. 350-c.1450*, ed. J. H. BURNS (Cambridge: 1988), 277-280. (Hereafter ROBINSON, “Church and Papacy”); Canning, *A History*, 29-38.

<sup>10</sup> According to Gratian, “Sola enim Romana ecclesia sua auctoritate valet de omnibus iudicare; de ea vero nulli iudicare permittitur.” The development of this view led to the point that the pope was considered not only the defender (*defensor*) of the Christian law, but also its creator. ROBINSON, “Church and Papacy,” 286-288.

for the study of the twelfth century political thought, but other contemporary works such as Rufinus' *De bono pacis* and his opening speech at the Lateran Council or Boso's *Vita Alexandri*<sup>11</sup> that are also clear reflections of the papal ideology.

2. By the beginning of the thirteenth century Rome had developed an elaborated, autonomously functioning judicial and legislative system, independent and clearly separated from any secular influence. Canon law developed: sources were organized systematically, law collections were created, and skilled jurists were trained to apply the law.<sup>12</sup> Not only were the elective system and the rules of canonical elections settled, but the work of Church officials was also regulated.

The papacy was also concerned to emphasize and affect the exclusive authority of its own jurisdiction over clerics and ecclesiastical issues. This was not an easy task. In some places, such as northern Europe, where neither the royal power nor ecclesiastical authority was strong and a clear distinction between the clerical and secular was not crucial, it was difficult to make people, even clerics, understand the importance of this issue.<sup>13</sup> In the empire, on the other hand, where both were well developed, the clerical and secular authorities were each unwilling to let the other gain influence easily.

3. The system of finance was another issue.<sup>14</sup> At the end of the eleventh century (from the time of Urban II, 1088-1099) the papacy had introduced the system of asset management used in Cluny, and probably the Clunian monk Peter was appointed as the first chamberlain (*camerarius*). The so-called *Liber censuum*, compiled around 1192 by Cencio Savelli, later Pope Honorius III (1216-1227), shows the Apostolic Chamber in its fully developed form. The weak points of the system, however, became apparent from time to time, and while the curia was able to improve the central administrative aspects (by compiling registers), the collection of the incomes and their transmission to Rome remained a basic problem.

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<sup>11</sup> "Recognoscente itaque toto mundo ipsum pontificem Christi vicarium et beati Petri catholicum successorem..." Boso, "Vita Papae Alexandri III," in *Liber Pontificalis. Texte, Introduction et Commentaire*, vol. 2., ed. L. DUCHESNE, 397-446 (Paris: 1892), 403. (Hereafter *Liber Pontificalis* II); and the legates of Emperor Frederick speaking in the consistory in the peace negotiations: "Dominus noster imperator ... misit nos cum plenitudine potestatis ad presentiam vestram, instanter postulans ut verbum illud concordie ac pacis... auctore Domino compleatur. Notum est enim et indubitatum quod ab initio nascentis Ecclesie omnipotens Deus in orbe duo esse voluit quibus principaliter mundus hic regeretur, sacerdotalis dignitas et regalis potestas." *Liber Pontificalis* II, 434.

<sup>12</sup> J. A. BRUNDAGE, *Medieval Canon Law* (London: 1995).

<sup>13</sup> Alexander III warns his subjects in Scandinavia with the following words: "... nec eum [scilicet Stephanum archiepiscopum] aut alium quemlibet Ecclesie praelatum coram laicis accusare, seu ad saeculare iudicium trahere praesumatis" *Opera omnia Alexandri III. Romani pontificis opera omnia: id est epistolae et privilegia, ordine chronologico digesta; accedunt variorum ad ipsum epistolae*, Patrologiae cursus completus, series latina, ed. J. P. MIGNE, vol. 200 (Paris: 1955) (hereafter PL 200), coll. 610, no. 634, and "Accedit ad haec quod clerici sive ipsi adversus laicos, sive laici adversus eos, litigantes experiri voluerint laicorum iudicia subire, et secundum ipsorum instituta sive leges agere vel defendere se coguntur" (PL 200 coll. 855, no. 979).

<sup>14</sup> On papal finance, see W. E. LUNT, *Papal Revenues in the Middle Ages* (New York: 1934); I. S. ROBINSON, *The Papacy, 1073-1198. Continuity and Innovation* (Cambridge: 1993), 244-291. (Hereafter ROBINSON, *The Papacy*.)

4. The bureaucracy needed to fulfil the requirements of these new systems was also created. The systematic organization of the *Curia Romana* started in the eleventh century as a result of the centralization efforts of the papacy. Among its many different departments (congregations, tribunals, offices) the Apostolic Chamber (*Camera Apostolica*) and the Papal Chancery (*Cancellaria Apostolica*) were of crucial importance at the end of the twelfth century.

The term *cancellaria* was used in the curia only after the 1170s.<sup>15</sup> The basis for an independent department dealing with issuing papal documents was laid down by John of Gaeta, cardinal-deacon and chancellor, at the end of the eleventh century. However, the second half of the twelfth century witnessed some changes worth noting: the number of charters issued by the chancery grew dramatically, trained jurists appeared among the employees of the chancery, and several technical innovations were implemented in this period.<sup>16</sup> To what extent these changes were the result of papal activity is difficult to decide. However, “it is hard to deny that some popes, such as Alexander III and Gregory VIII, as well as Innocent III played the role of *spiritus movens*.”<sup>17</sup>

The lifelong positions of chamberlain and chancellor – who was otherwise the principal advisor of the pope<sup>18</sup> – were by no means negligible. Writing about Hadrian IV, Morris says: “Some historians have seen him as tough and inflexible, but others as a relatively mild man whose policy was fashioned by some authoritative advisors, notably Roland,<sup>19</sup> who was already papal chancellor at the time of Hadrian’s accession, and Boso, the papal chamberlain.”<sup>20</sup> Besides Roland (Alexander III) four of the twelfth-early thirteenth century chancellors later became popes (Gelasius II, Lucius II, Gregory VIII and Honorius III).

Concerning the chancery, one further interesting episode demonstrates the growing importance and power of the departments of the papal bureaucratic network. Alexander III did not appoint a chancellor between 1159 and 1178, and Innocent III kept the chancellor’s office vacant for another eighteen years between 1187 and 1205.<sup>21</sup> It is difficult to say whether these popes, who knew well the

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<sup>15</sup> P. RABIKAIUSKAS, “Die Arbeitsweise der päpstlichen Kanzlei (Ende 12.-Anfang 13. Jahrhundert),” *Archiv für Diplomatik* 41 (1995): 264. (Hereafter RABIKAIUSKAS, “Die Arbeitsweise.”) It was called *scrinium*, the original meaning of which had been archive.

<sup>16</sup> *Ibid.*, 263-271.

<sup>17</sup> *Ibid.*, 271.

<sup>18</sup> ROBINSON, *The Papacy*, 93-98.

<sup>19</sup> Later Pope Alexander III.

<sup>20</sup> MORRIS, *The Papal Monarchy*, 190.

<sup>21</sup> “Es ist bemerkenswert, dass gerade die Päpste, die vorher Kanzler waren, das Kanzleramt lange unbesetzt ließen. Dies geschah beim Kardinal Roland (Bandinelli), der als Alexander III. achtzehneinhalb Jahre lang (Sept. 1159 - Febr. 1178) keinen Kanzler ernannte. Der endlich von ihm erhobene Kardinal Albert (de Morra) waltete dann seines Amtes, bis er selber zum Papst (Gregor VIII.) gewählt wurde. Von da an blieb das Kanzleramt wieder achtzehn Jahre lang (1187-1205) unbesetzt. ... Auch Innocenz III. kam in den ersten fast acht Jahren seines Pontifikats ohne Kanzler aus, bis er dann im Dezember 1205 seinen Verwandten, den Kardinaldiakon Johannes von St. Maria in Cosmedin, zum Kanzler ernannte.” RABIKAIUSKAS, “Die Arbeitsweise,” 266.

mechanisms of the papal chancery (especially Alexander III), considered this function dangerous for their governing power or whether the reason behind this phenomenon was financial.<sup>22</sup>

5. In the eleventh century Rome left the epoch when it was ruled by Roman nobility (the Crescentius family) and the emperor.<sup>23</sup> The ecclesiastical (Gregorian) reform movement, the success of which depended largely on the power and position of the pope, aimed to free the Church from secular influence. In the framework of this “desecularization,” besides the inner purification of the Church (celibacy and the prohibition of nepotism and simony), the Holy See started to form its own political directives, independent of the influence of any secular power. The two main directions of this policy were the strengthening of the papal position in the lands already belonging (or which had once belonged) to Latin Christendom (such as Spalato), and the further expansion of the Western Church by converting people who were not yet Christian.

As a result of these developments the Church, leaving behind its provincial epoch,<sup>24</sup> became a centralized institution, a Papal Church.<sup>25</sup> Moreover, “with control over its clergy, the papacy became an awesome, centralized bureaucratic powerhouse, an institution in which literacy, a formidable tool in the Middle Ages, was concentrated.”<sup>26</sup> And since Christian (Roman) religion, and therefore the Roman Church was the most important unifying factor in the West (*Latinitas-Christianitas*), the centralization of the Church led to some integration of Western Christendom. The terms “Latin” and “Latin Christendom” also gained meaning “in the late eleventh century, as the Spanish Mozarabic rite was replaced by the Roman and the Slavonic liturgy was suppressed in Bohemia.”<sup>27</sup> This statement is even more significant if we recall Bartlett’s definition of Western Christendom, according to which it was “rite and obedience”:<sup>28</sup> rite in the sense of liturgical

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<sup>22</sup> “Geleitet wurde die Kanzlei weiterhin vom Kanzler; doch konnte dessen Funktion – vielleicht aus Finanzgründen – auch vom Papst ausgeübt werden, vor allem wenn dieser wie Alexander III. und Gregor VIII. selbst vorher Kanzler gewesen war.” B. SCHIMMELPFENNIG, *Das Papsttum: von der Antike bis zur Renaissance* (Darmstadt: 1996), 180.

<sup>23</sup> H. ZIMMERMANN, *Das Papsttum im Mittelalter: eine Papstgeschichte im Spiegel der Historiographie* (Stuttgart: 1981), 100-108.

<sup>24</sup> G. TELLENBACH, *The Church in Western Europe from the Tenth to the Early Twelfth Century* (Cambridge: 1993), 185.

<sup>25</sup> Karl Heussi qualifies the period between 900-1300 AD as the “Rise and Bloom of Papal Church” (“Aufstieg und Höhe der Papstkirche”). K. HEUSSI, *Kompendium der Kirchengeschichte* (Tübingen: 1949), 183-240.

<sup>26</sup> E. GRANT, *God and Reason in the Middle Ages* (Cambridge: 2001), 23.

<sup>27</sup> BARTLETT, *The Making*, 19.

<sup>28</sup> *Ibid.*, 243.

uniformity and obedience meaning that the faithful in the West were subjected to the authority of the pope.<sup>29</sup>

Western Christendom in the second half of the twelfth century was an immense and, at least in the plans of the Holy See, constantly growing territory. At the same time, according to the aims of the papacy, Rome itself intended to control its world entirely. The realization of this plan, however, was not so simple; besides the sometimes enormous geographical distances, political conflicts caused further difficulties. The pope and the curia did not have a stable base in Rome, and moreover, during the pontificate of Alexander III it was forced to reside in different parts of Italy and southern France. It was not moveable enough, however, and – largely due to its constant financial problems<sup>30</sup> – it did not have a chance to visit all the lands belonging to its sphere of interest. The papal legates offered the opportunity of continuous correspondence; they, as representatives of the pope, were also important means of the centralized government.<sup>31</sup> Alexander III refers to them with the following words:

*Cum autem longe positus per nos ipsos paternam impendere diligentiam non possumus, dignum est ut vires apostolicas [sic!] illis committamus qui specialius nobis conjuncti sunt, et quorum prudentiam sumus et fidem experti.*<sup>32</sup>

These legates took an active part in papal diplomacy by carrying messages, collecting information, and conducting negotiations. According to the classification of legates, a distinction was made between *legatus natus*, *legatus missus* and *legatus a latere*. The legates of lower rank, usually equal to that of a bishop or papal chaplain, were the *legati missi*, the less important envoys; the cardinal legates were the *legati a latere* commissioned with the more important issues; both were sent out from Rome. Finally, the native prelates of a church province, who combined the office of a bishop or archbishop and the papal plenipotentiary of a legate, were called the *legati nati*. In the second half of the twelfth century, however, this classical form of

<sup>29</sup> It must be noted, however, that by the centralization of the church and strengthening of Rome's position the papacy became the rival of the empire and their controversy caused the political break-up of the Western Christendom.

<sup>30</sup> "The numerous begging letters to French churchmen (notably to Archbishop Henry of Rheims) describe the financial straits of the Alexandrine curia." ROBINSON, *The Papacy*, 247.

<sup>31</sup> "Les légats sont les instruments essentiels de l'autorité pontificale et de la centralisation administrative de l'Église." M. PACAUT, "Les légates d' Alexandre III (1159-1181)," *Revue d'Histoire Ecclésiastique* 50 (1955): 835. (Hereafter PACAUT, "Les légates.") "It was the reform papacy which had developed the legation into one of the most important instruments of papal government. ... These cardinal legates were the principal link between the papacy and those regions which the curia never visited: Spain, England, Scandinavia, eastern Europe and Outremer. ... The political and diplomatic skills of their legates made a significant contribution to the victory of Innocent II in the 1130s and Alexander III in the schism of 1159-1177." ROBINSON, *The Papacy*, 92.

<sup>32</sup> PL 200, coll. 1273, no. 1467; "ut vices illis apostolicas committamus" in T. SMIČIKLAS, *Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae*, vol. 2. *diplomata saeculi 12. continens (1101-1200)* (Zagreb: 1904), 168, no. 66. (Hereafter CDC II.) Most probably *vires* (*vices*) should be understood here as "men". Mixing-up the words *vis* and *vir* is not exceptional in Medieval Latin.

the “emissary-system” had not yet crystallized.<sup>33</sup> Pacaut distinguishes only two types of legates in the time of Alexander III: the *legati nati* and the *legati a latere*. The permanent legates “sont seulement des ‘correspondants’ chargés de contrôler et d’informer,” while “les légats *a latere* sont des exécutants ayant pour fonction d’imposer et de trancher.”<sup>34</sup> At the same time, in Robinson’s understanding “the third category of the Decretalists, the *legatus natus*, was missing from the eleventh and twelfth-century scene. Certainly we can identify numerous legates who were “natives” in their legatine provinces and who combined a permanent papal legation with the office of bishop or archbishop; and historians have often regarded these as the forerunners of the thirteenth-century *legati nati*.”<sup>35</sup>

At this point Wilhelm Janssen agrees with Robinson stating that there is no continuity between the eleventh-century native “Vices-Träger” and the *legati nati*.<sup>36</sup> He also claims that “by the second quarter of the twelfth century the type of *legatus Romanus* did not form a separate group of legates”<sup>37</sup> and in the legal sense we cannot speak about two groups of legates before the 1150s.<sup>38</sup> On the contrary, Willibald M. Plöchl says that the distinction between apostolic vicars (Vikare des apostolischen Stuhls) and Roman legates (römische Legaten) already existed in the time of Gregory VII,<sup>39</sup> and he also assumes some connection between the institution of *legati nati* and that of the standing apostolic vicars.<sup>40</sup>

Contemporary terminology also reflects a “provisorial state” of the development of the legatine system. Boso had already used the phrase *utile consilium pape visum est ut aliquos ... ex latere suo destinare deberet*<sup>41</sup> when he was talking about Alexander’s legates. In the papal letters written to Spalato, however, none of the five cardinals or subdeacons, Julius and Peter,<sup>42</sup> Albert,<sup>43</sup> Raymund of Capella<sup>44</sup> and Theobald<sup>45</sup> were referred to as *legati a latere* by expression.<sup>46</sup> Moreover, the earliest

<sup>33</sup> PACAUT, “Les légates,” 838., and also ROBINSON, *The Papacy*, 147-149.

<sup>34</sup> PACAUT, “Les légates,” 826.

<sup>35</sup> ROBINSON, *The Papacy*, 149.

<sup>36</sup> W. JANSSEN, *Die päpstlichen Legaten in Frankreich vom Schisma Anaklets II. bis zum Tode Coelestins III (1130-1198)* (Cologne: 1961), 171. (Hereafter JANSSEN, *Die päpstlichen Legaten*.)

<sup>37</sup> *Ibid.*, 170.

<sup>38</sup> *Ibid.*, 171-172.

<sup>39</sup> W. M. PLÖCHL, *Geschichte des Kirchenrechts. Vol. 2 Das Kirchenrecht der abendländischen Christenheit 1055 bis 1517* (Wien: 1962), 108.

<sup>40</sup> *Ibid.*, 110.

<sup>41</sup> *Liber Pontificalis* II, 403, but also *Liber Pontificalis* II, 415: “utile tamen visum est ut pontifex ... episcopum et cardinalem ... de latere suo ... ad eiusdem imperatoris praesentiam destinaret.”

<sup>42</sup> PL 200 coll. 122, no. 49.

<sup>43</sup> PL 200 coll. 461, no. 461.

<sup>44</sup> PL 200 coll. 1129, no. 1303 and coll. 1143, no. 1317.

<sup>45</sup> PL 200 coll. 1273, no. 1467.

<sup>46</sup> The term *legatus a latere Romani pontificis* occurs only in two Alexandrine letters: PL 200 coll. 151, no. 76 and PL 200 coll. 1094, no. 1268.



letter does not use the term *legatus* at all, but mentions the two papal emissaries from Italy, Julius and Peter, only by name.<sup>47</sup>

Besides the envoys sent by the curia archbishops Gerard of Spalato (1167-1175) and Rayner (1175-1180) were also *apostolicae sedis legati*. The case of Gerard adds further information to the development of the legatine system, and supports the statement that in practice the different – i.e. “classical” – categories of legates were separated clearly no sooner than by the first half of the thirteenth century.<sup>48</sup>

Pacaut had already drawn the attention to the special status of the archbishops of Milan and Salzburg stating that they had a considerably greater legatine power than they should have had as *legati nati*.<sup>49</sup> Janssen in his work on papal legates in twelfth-century France writes that by the time of Hadrian IV and in the second half of the twelfth century two groups of legates can be distinguished: the *legati a latere*, in other words the cardinal-legates and the “archbishop-legates.” These archbishop-legates, however, cannot be simply identified with the *legati nati*, but the latter should rather be considered as a “phenomenon of the decline” (Verfallerscheinung) of archbishop-legates.<sup>50</sup>

Eleventh Century (Gregory VII)		Twelfth Century (Hadrian IV)		Thirteenth Century
	→		→	
<i>Legati a latere</i>	→	<i>Legati a latere</i>	→	<i>Legati a latere</i>
11 <sup>th</sup> century native “Vices-Träger”		Archbishop-legates	— →	<i>Legati nati</i>
				<i>Legati missi</i>

Figure 1. The Development of Legatine System according to Janssen.

Just like these prelates, Gerard combined the legatine title and the office of an archbishop; he was not, however, a native of Spalato or Dalmatia. He came from

<sup>47</sup> For the activity of Julius and Petrus see W. OHNSORGE, *Die Legaten Alexanders III. im ersten Jahrzehnt seines Pontifikats (1159-1169)* (Vaduz: 1965), 110-116. (Hereafter OHNSORGE, *Die Legaten Alexanders*.)

<sup>48</sup> PACAUT, “Les légates,” 838.

<sup>49</sup> Ibid., 826.

<sup>50</sup> Although not referring to them as archbishop-legates, Robinson also described this group of papal emissaries. He states that the twelfth-century legates, who have been falsely identified by some historians as “the forerunners of the thirteenth-century *legati nati*,” were “in fact legates of a type unknown to the later Middle Ages, created by the needs of the reform papacy and transformed by the changing of circumstances of the twelfth century into less powerful but still influential papal representatives.” They “were more numerous, more active, more powerful” than their thirteenth-century colleagues, and “their legatine title was far from being honorific.” ROBINSON, *The Papacy*, 149.

Italy: he was born in Verona, by 1167 he was *curie capellanus*,<sup>51</sup> and as such he was delegated and consecrated by Alexander to the see of Spalato. In this sense his case (and that of Rayner) is unique, as the archbishop-legates were normally natives in their province.<sup>52</sup>

Gerard was the addressee of five papal letters sent to the Dalmatian coast. His reign in Spalato was not without problems, however – at the beginning of the 1170s he left for Italy and he never returned. He must have had close contacts with the pope, or at least he was an ardent supporter of reform ideas represented by Alexander III. Although his letters to the high pontiff are not available, it is clear from the pope's answers<sup>53</sup> that Gerard wanted to put these ideas concerning marriage, simony etc. into practice at any price. After he came into conflict with bishop Mireus of Senj (1150-1185) (who did not give Gerard the necessary respect and had to be warned by Alexander to obey his prelate<sup>54</sup>), and had problems in the town itself, the pope advised him to be patient.<sup>55</sup>

*Intellectis anxietatibus et sollicitudinibus tuis, quibus vehementer urgeris super conservandis iusticiis ecclesie tue, satis inde tuam sumus prudentiam admirati, eo quod nimis repente super episcopatu et aliis ceperis questiones movere, cum deceat episcopum usque ad annum ita omnia videre, tamquam non videat, et simplicitate dissimulare, que alias essent durius requirenda. Quapropter monemus prudentiam tuam ... ut presentiarum his supersedeas, statum terre et qualitates et mores hominum plenum cognoscere studeas, et paulatim rationes ecclesie tue diligenter inquiras.*<sup>56</sup>

The other three letters addressed to Gerard<sup>57</sup> have a topic related to jurisdiction, such as the one sent to Rayner in 1177.<sup>58</sup> As has been already mentioned above, the development of a centralized government was strongly related to a system of law and jurisdiction that was theoretically well defined and functioning in practice. For the curia, jurisdiction was a way to enforce the authority of the Papal See on its subjects. The “obedience”-element (i.e. obedience to one authority, the pope) of Bartlett's definition also reveals the importance of this issue: where the Holy See could enforce its jurisdictional rights through legates or

<sup>51</sup> Thomas Archidiaconus, *Historia Salonitana*, ed. F. RAČKI, Monumenta Spectantia Historiam Slavorum Meridionalium Scriptorum 26. (Zagreb: 1894) (hereafter *Historia Salonitana*) 68, cap. 20.

<sup>52</sup> In Alexander's letters there are sixteen archbishop-legates mentioned, and Gerard is the only one, who had not had any contacts with his future diocese and had not fulfilled any tasks in the region previously.

<sup>53</sup> PL 200 coll. 627, no. 661 and coll. 632, no. 669.

<sup>54</sup> CDC II 121, no.116.

<sup>55</sup> In Steindorff's understanding the pope warned Gerard as he did not perform his duties. L. STEINDORFF, *Die dalmatinischen Städte im 12. Jahrhundert* (Cologne: 1984), 107. (Hereafter STEINDORFF, *Die dalmatinischen Städte*.)

<sup>56</sup> PL 200 coll. 632, no. 669.

<sup>57</sup> PL 200 coll. 524, no. 533, coll. 633, no. 671 and coll. 1129, no. 1303.

<sup>58</sup> PL 200 coll. 1143, no. 1317.

archbishops/bishops, the subjects obeyed the central authority (pope) meaning that they accepted it.

The personal character of twelfth-century popes, many of whom were educated in law, gave further emphasis to this jurisdictional aspect of papal government. The efforts to give a precisely defined legal status to everything and to enforce the already established laws resulted in an enormous number of judicial cases, difficult to deal with one by one in the curia. This situation was even worse when the problems emerged in places far from the residence of the Holy See; in this case the process of curial decision was quite slow. The legates, who were mobile but at the same time directly responsible to the pope, and most of whom were trained in law, would have been ideal tools in the hands of Rome to solve this problem.

The idea that the pope was *index totius ecclesiae*, the supreme judge, was not only an important element of the theory of papal primacy, but also part of Canon Law since Gratian. In a letter to the clergy of the church of Uppsala<sup>59</sup> the manifestation of this idea can be found in the following form: *Archiepiscopi persona nullius examini praeterquam Romani pontificis noscitur subjacere*. From the point of view of the legates, to act effectively presupposed that their decisions were considered lawful. For this, they had to have the necessary right and authority from the pope. Although the expressions *auctoritate nostra*<sup>60</sup> and *auctore Domino*<sup>61</sup> appear in the letters in connection with the legates' decisions, it was not an easy question, as the theory of *plenitudo potestatis*, which in its classical form was formulated by Bernard of Clairvaux, tended to exclude everyone from sharing any rights with the pope. (This terminology derived from a letter of Pope Leo I, which dealt with the status of the papal vicar in Thessalonica, and Leo I used it "to indicate how the delegated and therefore partial authority of a papal vicar, that is legate, differed from the pope's, which was full in relation to it."<sup>62</sup>)

It is clear that the legates belonged to the privileged category of – according to Bernard of Clairvaux – “those who have received power over others,”<sup>63</sup> since Gregory VII had already stated that “the legate presides over all the bishops in a council even though he is inferior in rank and he can pass sentence of

<sup>59</sup> PL 200 coll. 609, no. 634.

<sup>60</sup> “Ideoque universitati vestrae per apostolica scripta mandamus eum sicut legatum sedis apostolicae curetis honeste recipere, et ad vocationem ipsius humiliter accedentes, quae pro statu Ecclesiae, vel salute fidelium auctoritate nostra decreverit, suscipiatis firmiterque servetis.” (PL 200 coll. 1273, no.1467.)

<sup>61</sup> “Sententiam quam canonicè idem legatus dictaverit nos auctore Domino ratam habebimus, nec patiemur levitate qualibet immutari” (PL 200 coll. 1273, no.1467); but also about Peter of Narni (PL 200 coll. 122, no. 49): “quam idem archiepiscopus in illum propter hoc canonicè promulgaverit, nos auctore Deo ratam et firmam habebimus.”

<sup>62</sup> CANNING, *A History*, 32.

<sup>63</sup> “According to your canons, some are called to share of the responsibilities, but you are called to the fullness of power. The power of others is confined within definite limits, but your power extends even over those who have received power over others.” Bernard, *De consideratione* II.8.16. Translation from ROBINSON, “Church and Papacy,” 282.

excommunication against them.<sup>64</sup> They had the right and duty to settle disputes, and it is also clear that their decisions had to be obeyed:

... *speramus quod eadem causa sub examine suo dignum debeat effectum sortiri. ... Mandamus ... quod ipse inde statuerit, suscipias firmiter et observes.*<sup>65</sup>

The term *potestas*, however, is not mentioned explicitly in connection with legates, which means that their important role in practice was not reflected by the official terminology.

On the other hand, the envoys were given precise instructions concerning their legations.<sup>66</sup> The letter complaining about the capture of Raymund of Capella<sup>67</sup> mentions some *litteras* of the pope,<sup>68</sup> while another, dealing with litigation of the archbishop of Spalato and Zara concerning the right over the bishopric of Fara (Lesina), says *eidem subdiacono dedimus in mandatis*.<sup>69</sup> The rest of this second letter describes the steps of the judicial process, which reflects the existence of an elaborated system under the supreme jurisdiction of the pope. After listening to the reasons and excuses (*rationes et alligationes*), hearing witnesses (*testes*), studiously putting down the testimonies of the witnesses (*juratorum depositiones studiose conscribere*) the legate had to send the whole material to the pope (*nobis*), including the terms asked by the parties when they appeared before the Apostolic See (*terminum competentem quo debeant ... apostolico se conspectui presentare*).

Even from these Alexandrine letters the superior and privileged position of the *legati a latere* over other clergymen and their close relation to the pope as *viri apostolici* is obvious. The papal “propaganda,” however, was shockingly accurate not to mention any terms (for example, *plena potestas*) or emphasize any aspects of the legates’ activity that could threaten or cause even the smallest harm to the theory of papal primacy.<sup>70</sup> Janssen found a charter in France, in which the archbishop-legate Peter of Lyon (1131-1139) decisions were strengthened by “*apostolica potestas*.”<sup>71</sup> As the primacy-theory and the sharp distinction between *auctoritas papae* and *potestas regis* dominated the political thought in Alexander’s time, in his letters

<sup>64</sup> Gregory VII, *Dictatus Papae* 4. Translation from ROBINSON, “Church and Papacy,” 283.

<sup>65</sup> PL 200 coll. 1143, no. 1317.

<sup>66</sup> PACAUT, “Les légates,” 826.

<sup>67</sup> PL 200 coll. 1129, no. 1303.

<sup>68</sup> “... et ei quidquid habebat in navi valens ultra sexaginta marcas argenti et litteras etiam nostras et illas etiam quas praefatus rex nobis mittebat.” It is not quite clear what these “litteras nostras” were, but since Raymund was on his way back from Sicily, we can infer that it was not the letter addressed to the king.

<sup>69</sup> PL 200 coll. 1143, no. 1317.

<sup>70</sup> Nonetheless, it is worth noting – especially if we bear in mind the privileged position of legates – that the term *plena potestas eligendi archiepiscopum* does appear in another letter (CDC II, no. 156) in connection with *clerici et laici*.

<sup>71</sup> JANSSEN, *Die päpstlichen Legaten*, 172.

there are certainly no traces of such phenomenon. The term *subministro nostro*<sup>72</sup> reflects this dual character of the legatine position: although the legates' relation to the pope was unusually close, since they – as his *ministri* – supported him, administered him and stood for him, they were very clearly *subjected* to him and his decisions.

Returning to the Dalmatian region, three letters deal with cases belonging to the judicial-executive<sup>73</sup> authority of the Spalatian archbishop-legate and once a *legatus a latere* was entrusted with proceeding in a debate. In the first case (1167-1169) some men from Šibenik (*homines de Sevenico*) did not hesitate to deprive a certain man named Gottfrid, the son of Bonumir from Siponto, of his properties.<sup>74</sup> Gerard, the archbishop of Spalato and apostolic legate, was ordered to warn the men to give back his *res* and, in the case that they refused to do that, to excommunicate them.

About ten years later a similar crime was committed against the papal legate Raymund of Capella. Some pirates from Šibenik robbed him on his way back from William, the king of Sicily.<sup>75</sup> Raymund suffered great losses, as the list of the stolen things he compiled shows.<sup>76</sup> After Alexander heard about the conflict, he wrote a letter (23<sup>rd</sup> July 1177) to archbishop Rayner of Spalato (1175-1180) and bishop Michael of Trogir (1177-1206) ordering them to warn the pirates and the other robbers, together with the *comites* of Šibenik (Nestros and Perlat,<sup>77</sup> or Nestos and Pocat<sup>78</sup>) to give back everything they had taken from the legate. In case they refuse to do that the prelates should excommunicate the pirates and all the people who were by that time on the board of the ship. Moreover, if the people guilty of the crime hesitated to hand over their spoils in ten days, the performance of all church ceremonies (except infant baptism and penitence) should also be prohibited in Šibenik, as the ship most probably belonged to the town.

Studying the two cases it is noteworthy how vehemently the pope protected his legate. The crime was the same: in the case of Gottfrid *homines de Sevenico Goffrido ... violenter et furtim res suas auferre non dubitarunt*, while the pirates *quidquid habebat in navi ... ei (Raymundo) turpiter et inboneste auferre minime dubitarunt*. In both cases Gerard was ordered to warn the accused to give back everything they had stolen (*ut ea quae ... abstulerint ... eidem proposita cunctatione remittant / ut tam litteras quam etiam ablata ... sine diminutione et dilatazione ... restituant*). The pirates, however, had to pay extra compensation to the legate for his losses derived from the crime (*cum expensis quas propter hoc facere coactus est*), and also the town of Šibenik was ordered to hand over to Raymund everything they possessed from the legate's property (*quidquid de his ad*

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<sup>72</sup> PL 200 coll. 1143, no.1317.

<sup>73</sup> Executive in the sense of imposing penalties.

<sup>74</sup> PL 200 coll. 524, no. 533.

<sup>75</sup> PL 200 coll. 1129, no. 1303.

<sup>76</sup> CDC II 146, no.143.

<sup>77</sup> PL 200 coll.1129, no. 1303.

<sup>78</sup> CDC II 145, no. 142.

*suas manus devenit*). The possible sanction in both cases was the excommunication of the criminals, but once again in the case of Raymund the town and the community were also threatened with a form of interdict.

*Quod si infra congruum terminum a te sibi praefixum facere forte renuerint, eos usque ad dignam satisfactionem excommunicationis vinculo non differas innodare.*<sup>79</sup>

*Si vero ad commonitionem commendati vestram id non fecerint, eosdem et omnes qui tunc in praedicta Sagettia fuerunt, contradictione et appellatione cessante, publice accensis candelis auctoritate nostra excommunicetis, et si nec infra decem dies resipuerint, in civitate Sevenici, si eius fuit ipsa Sagettia, omnia divina, praeter baptismum parvulorum et poenitentiam prohibeatis officia celebrari. Illos autem qui in praedictum subdiaconum nostrum violentas manus injecerunt sublato appellationis remedio publice excommunicatos sine dilatione denunciatis.*<sup>80</sup>

Archbishop Gerard had to deal with a debate between L. [Lampridius] *Scardonensis episcopus* and the *dilecti filii militiae Templi* (1169), too.<sup>81</sup> At the time of Gregory VII the monastery of Vrana *cum omnibus mobilibus suis et immobilibus* was donated to the Roman Church by Demetrius (perhaps Zvonimir), *Dalmatiae Croatiaeque dux*. This led to a debate over the status of monastery: the bishop and the Templars argued whether it fell under the bishop's authority or not.<sup>82</sup>

Then, in 1177 papal legate Raymund de Capella got the task to handle the litigation between the archbishopric sees of Spalato and Zara.<sup>83</sup> According to a charter issued by Pope Anastasius IV<sup>84</sup> in 1154 Zara was raised to the rank of a metropolitanate and as such the dioceses of Absor (Osor), Arbe (Rab), Veglia (Krk) and Fara/Lesina (Hvar) were subjected to it.<sup>85</sup> Although Anastasius donated

<sup>79</sup> PL 200 coll. 524, no. 533.

<sup>80</sup> PL 200 coll. 1129, no. 1303.

<sup>81</sup> Since the fifth century clerics were judged on ecclesiastical courts and since the twelfth century the judicial authority of ecclesiastical courts extended to all the cases, in which a cleric was involved as one of the parties. (G. BÉLI, *Magyar jogtörténet* (History of the Hungarian Law and Jurisdiction) (Budapest-Pécs: 2000), 249.) Besides, "resolving disputes among the bishoprics" was an important task of the metropolitan. J. DUSA, *The Medieval Dalmatian Episcopal Cities. Development and Transformation* (New York: 1991), 56. (Hereafter DUSA, *Medieval Dalmatian*.)

<sup>82</sup> PL 200 coll. 633, no. 671.

<sup>83</sup> In the other case in which the archbishop of Spalato was also involved the pope ordered the archbishop of Zara to proceed. In 1160, after Spalato enacted a statute according to which "nulli de civitate ipsorum liceat aliquas possessiones vel bona immobilia ecclesiae alicui donare vendere seu legare" (Gy. FEJÉR, *Codex diplomaticus Hungariae ecclesiasticus ac civilis*, vol. 2. (Buda: 1829), 159. (Hereafter FEJÉR, *Codex II.*)), Lampridius was instructed to excommunicate the officials and put the town under interdict. By that time archbishop Absolon of Spalato (1158-1161) stayed at the Hungarian king's court (FEJÉR, *Codex II.*, 156-157).

<sup>84</sup> CDC II 76-79, no. 78.

<sup>85</sup> On the origins of Zara-Split controversy according to Thomas see *Historia Salonitana* 62-63, cap.19; on the dioceses Absor, Arbe and Veglia *Historia Salonitana* 66, cap.20.

these dioceses *in perpetuum* to Zara, a few years later Spalato argued Zara's right to Fara. In 1177 Raymund got the task to deal with the case<sup>86</sup> but only in 1181, another papal legate, Theobald made the final decision. He decided for Spalato, as the representatives of Zara did not attend him to support their argument with suitable evidences (*ad diem et terminum denunciatum prefatus clerus nec venisset nec responsalem misisset*<sup>87</sup>). When pope Coelestin III confirmed the rights and possessions of the Spalatian archbishop and sent the pallium to Peter (1188-1196) in 1192, he again listed the bishopric of Fara among dioceses belonging to the metropolitan see of Spalato.<sup>88</sup>

Besides these judicial cases the Spalatian citizens received two "letters of recommendation" on behalf of papal legates Julius, Peter<sup>89</sup> and Theobald.<sup>90</sup> On the basis of these documents, however, nothing special can be said about the legates or their position. They are characterized by the same words (*litteratus, honestus, providus, discretus*) as other prelates, for instance Peter of Narni (1161-1166)<sup>91</sup> or archbishop Michael of Ragusa (1153-1188).<sup>92</sup>

A papal legate plays the central role in the last case, which, although not of judicial character, can be connected to the eleventh-twelfth century centralization efforts of the curia. It is the matter of bishop/archbishop elect.

The election of Pope Alexander III and the schism is a well-studied topic, not to be dealt with here in detail.<sup>93</sup> The rules of the election of bishops, as well as that of the pope, were included in the *Corpus Iuris Canonici* in the form settled in the Third Lateran Council (1179).<sup>94</sup> Bearing these facts in mind, the case of Albert of Morra, later pope Gregory VIII (1187), appears to be handled by Alexander III in a strange way.

In 1166, after the death of Peter of Narni (1161-1166), the metropolitan see of Spalato became vacant.<sup>95</sup> The citizens elected Albert of Morra, staying there<sup>96</sup> as

<sup>86</sup> CDC II 147, no. 144.

<sup>87</sup> CDC II 178, no.176. By that time Zara caused some problems for the papacy as well, as archbishop Theobald "refused to offer proper allegiance" to the patriarch of Grado, while his successors, Damian (1183-1185) and Petrus (1187-1193), did not request the pallium from their primate at all. (DUSA, *Medieval Dalmatian*, 64.)

<sup>88</sup> CDC II 251-253, no. 237.

<sup>89</sup> PL 200 coll. 122, no. 49.

<sup>90</sup> PL 200 coll. 1273, no. 1467.

<sup>91</sup> PL 200 coll. 122, no. 49.

<sup>92</sup> CDC II 118, no.112.

<sup>93</sup> Besides the general works of Zimmermann, Schimmelpfennig, Morris, Robinson, see H. JEDIN, ed, *Handbuch der Kirchengeschichte. Band III/2. Die mittelalterliche Kirche: Vom Hochmittelalter bis zum Vorabend der Reformation (1124-1517)* (Freiburg: 1985), 77-83; J. LAUDAGE, *Alexander III. und Friedrich Barbarossa* (Cologne: 1997); W. MADERTONER, *Die zwiespältige Papstwahl des Jahres 1159* (Wien: 1978); M. MEYER, *Die Wahl Alexander III. und Victor IV.: 1159. Ein Beitrag zur Geschichte der Kirchenspaltung unter Kaiser Friedrich* (Göttingen: 1871); M. PREISS, *Die politische Tätigkeit und Stellung der Cisterzienser im Schisma von 1159 – 1177*, (Berlin: 1934); R. SOMMERVILLE, *Pope Alexander III and the Council of Tours (1163)* (Berkeley, Los Angeles: 1977).

<sup>94</sup> *Corpus Iuris Canonici, Decretales Gregorii IX I.6.6.; Corpus Iuris Canonici, Decretales Gregorii IX I.6.7.*

<sup>95</sup> *Historia Saloniata* 67, cap. 20.

papal legate in 1166 and 1167, archbishop, but “he – because the pope was not willing to confirm him – rejected the election.”<sup>97</sup> From Alexander’s letter dated 31<sup>st</sup> August 1167, it is not quite clear why he rejected politely but clearly Albert’s petition to confirm him as the archbishop of Spalato.

*...super eo quod nobis significasti quod clerus et populus Spalatensis te in pastorem suum voluerunt assumere, tibi voluntatem nostram et animum aperimus, quod si etiam tu velles, et major pars fratrum nostrorum instaret, nulla ratione consentiremus, nec unquam possemus induci, quod a nobis absenteris, a quibus ita pure et sincere diligeris, et tam charus acceptusque haberis.*<sup>98</sup>

Another source, Thomas the Archdeacon refers to the disagreement between the clergy and citizens in connection with Albert’s election:

*Factum est autem, ut eo tempore congregaretur clerus spalatine ecclesie pro archiepiscopo eligendo. Et tandem premissis tractatu de electione cuiusdam in archiepiscopum, ut moris est, omnium vota in personam eiusdem cardinalis concorditer convenerunt. ... protinus Johannes comes, coadunata populari multitudine ... veniunt ad eundem legatum ... Et tunc concinari incipiunt dicentes, quod alias eum diligerent, et vellent per omnia revereri; sed non consentiunt, ut eorum archiepiscopus efficiatur.*<sup>99</sup>

Kornél Szovák says that after the death of Géza II (1141-1162) Alexander’s positions in Hungary weakened significantly.<sup>100</sup> The situation in Dalmatia was even worse: as a result of Manuel’s continuous attacks and conquests he could hardly enforce his authority on the region. Moreover, “the situation in Dalmatia worsened as the see of the archbishop became vacant in 1167 and Spalato elected the papal legate Albert of Morra ... archbishop, but he – because the pope was not willing to confirm him – rejected the election. Finally, the situation was solved in a way that between 1167 and 1180 the archbishop of Spalato was the permanent legate of the Holy See in Dalmatia”.<sup>101</sup>

Taking these facts into consideration it is even more difficult to find an explanation for Alexander’s step. We have to suppose that Albert was elected canonically – Alexander’s letter supports this argument, as according to that Albert

<sup>96</sup> “Hic cum non modicam fecisset moram Spalati residendo, effectus erat familiaris omnibus et amicus” *Historia Salomitana* 67, cap. 20.

<sup>97</sup> K. SZOVÁK, “Pápai-magyar kapcsolatok a 12. században” (Papal-Hungarian Connections in the Twelfth Century) in: *Magyarország és a Szentszékek kapcsolatának ezer éve*, ed. I. ZOMBORI (Budapest: 1996), 36. (Hereafter SZOVÁK, “Pápai-magyar kapcsolatok.”)

<sup>98</sup> PL 200 coll. 461, no. 461.

<sup>99</sup> *Historia Salomitana* 67-68, cap. 20.

<sup>100</sup> SZOVÁK, “Pápai-magyar kapcsolatok,” 35.

<sup>101</sup> *Ibid.*, 36.



was elected “by the clergy and people.”<sup>102</sup> With his confirmation Alexander could have solved the problem of the vacant see, moreover, Albert could have been the ideal representative of the papal authority in Spalato: he had close contacts with the Holy See but he knew the political-ecclesiastical circumstances of the town as well. Why did Alexander reject the confirmation then?

It is possible that his answer was rather a political-diplomatic reaction to those internal conditions in Spalato Thomas described. In 1167 Byzantine control was already established in the city and – although he was busy in dealing with the papal-imperial conflict and the schism – probably the pope did not want to give up his positions on this part of the Dalmatian coast. The fact that after Manuel had taken control of the city Alexander did not incorporate the bishoprics of Nin, Senj<sup>103</sup> and Krbava in the church province of Zara shows that he intended Spalato to play an important role in the curial policy. Therefore in this fragile situation it would not have been a wise decision to make somebody an archbishop against the will of the citizens. (Interpreting Alexander’s “*clerus et populus*” as a reflection of Spalato’s inner conditions – as Ohnsorge does<sup>104</sup> – this explanation might be argued, since then no controversy between the clergy and laity can be revealed. In my opinion, however, these words are rather an expression of twelfth century political thought, used not only by the papal curia but also in Coloman’s Dalmatian privileges<sup>105</sup> and in Thomas’ work.<sup>106</sup>)

A further solution for Alexander’s negative answer would be Albert’s legatine title or his non-Dalmatian origin. Both suggestions can be argued, however, as Gerard and Rayner, the next archbishops of Spalato were also from Italy and they bore the legatine title as well.<sup>107</sup>

The next thing that comes to mind is that Albert was inappropriate for a position like this. This is not likely, either; probably, he fulfilled the “official

<sup>102</sup> For *clerus* and *populus* see below.

<sup>103</sup> See the above mentioned letter of Alexander, dated from 30<sup>th</sup> January 1168-1170, in which he warns bishop Mireus of Senj to show loyalty and proper obedience towards archbishop Gerard of Spalato. (CDC II 121, no. 116)

<sup>104</sup> OHNSORGE, *Die Legaten Alexanders*, 120. “So kam es, daß der Klerus nach langer Vakanz des Erzstuhles im Sommer 1167 Albert zu seinem künftigen Oberhaupte wählte. Auch die Laienschaft war damit durchaus einverstanden.“

<sup>105</sup> In general, the Hungarian kings accepted the special rights of the Dalmatian towns and in 1108 Coloman confirmed the previous privileges of Trogir, Zara and Spalato. According to the results of recent research, these documents, providing a broad frame of self-government exceptional in southeastern Europe at that time, are authentic and from the same period. The privilege of Trogir, the entire text of which has survived, says “Who is elected by the clergy and people I ordain bishop and comes.” L. KATUS, *A délszláv-magyar kapcsolatok története* (History of Southern Slav-Hungarian Relations) (Pécs: 1998), 17.

<sup>106</sup> M. KONDOR, *Uppsala and Spalato – Parallels and Differences between Two Archbishoprics on the Rims of Western Christendom in the Time of Pope Alexander III (1159-1181)*. Manuscript, 9.

<sup>107</sup> Although one can suppose that in spite of the large number of archbishop-legates, it was not common to make a papal legate an archbishop in a foreign country. There is no evidence, however, of such a canonical prohibition, or any examples for the possible existence of such a “custom.”

requirements,”<sup>108</sup> and it is hard to imagine that he was lacking in personal skills if we consider his later career as a legate in France,<sup>109</sup> as papal chancellor, and finally as pope.<sup>110</sup> Still, we have to infer that the cause of rejection lies largely in Albert’s person and in the letter the real cause is revealed. The pope needed him for his plans (*nec unquam possemus induci, quod a nobis absenteris*) – although presumably less because of his good character (*a quibus ita pure et sincere diligeris, et tam charus acceptusque haberis*), than because of his talent (*injunctae tibi legationi prudenter et studiose intendas, ut Ecclesia Romana de diligentia et studio tuo laetum incrementum recipiat*).<sup>111</sup> This means that Albert’s application for the archiepiscopal see was refused because of the “higher” general interests of the papacy (pope) – in spite of his canonical election.

How did the legatine activity in Spalato fit into the “general trends” then? The relative large number of legates who spent some time in Spalato demonstrates that the papal Church intended to use the legatine institution as a crucial means of control and correspondence. On the other hand, it also shows the importance of the Dalmatian region in curial policy – especially after Manuel gained territories in the area and he took control of the city. Between 1159 and 1163 the first *legati a latere* were destined to the Hungarian court and their stop in Spalato was a short-term stay. Julius and Peter, just as Albert a few years later (1165-1166), fulfilled diplomatic tasks in Hungary. Although not in Hungary, Raymund also performed a diplomatic legation when he had the affair with the pirates. These facts correspond with the general trends in the sense that the twelfth-century *legati a latere* dealt rather with politics and diplomacy instead of jurisdiction and the implementation of church reforms.<sup>112</sup> Most probably the importance of this political-diplomatic activity of the legates made Alexander III unwilling to confirm Albert’s election for the Spalatian metropolitan see.

There is no doubt the Dalmatian coast was of politically outstanding importance for the Holy See. Venice, Byzantium and Hungary, Rome’s rivals but at the same time its potential allies against the Empire sought for the control of the coastal towns. The Hungarian authority was driven back by the mid 1160s and while the North (Grado, Zadar) was controlled by Venice Byzantium gained footholds in the South (Ragusa, Spalato). The conquests of Manuel threatened with the strengthening of the Eastern Church and the spread of Greek rite<sup>113</sup> in

<sup>108</sup> Which were laid down officially only later, in the Third Lateran Council – although we have to take into consideration what Vauchez quoted from Grosjean in connection with canonization: the law was “what Alexander III believed to be law, possibly unwritten, but still law in force.” A. VAUCHEZ, *Sainthood in the Later Middle Ages* (Cambridge: 1997), 26.

<sup>109</sup> After Becket’s death, to negotiate with Henry II at Caen. *Liber Pontificalis* II, 425.

<sup>110</sup> Gregory VIII, although only for 8 weeks in 1187.

<sup>111</sup> Albert of Morra was born in Campagna, studied in France and became “canonicus” in the monastery of St. Martin in Laon. Hadrian IV appointed him cardinal, he was chancellor from 1178 and pope in 1187.

<sup>112</sup> JANSSEN, *Die päpstlichen Legaten*, 181.

<sup>113</sup> CDC II 110, no. 104. (In connection with Arbania.)

the Adriatic. In this situation the best means to keep the Roman positions and to exercise papal authority in the area was a “curial” archbishop (of Italian origin) in the see of Spalato.<sup>114</sup> Moreover, Gerard and Rayner – as representatives of Spalato – performed or could have performed some kind of diplomatic tasks on Rome’s (Western Church’s) behalf in/with Byzantium. While Gerard refused to go to and take the oath of fidelity to Manuel,<sup>115</sup> Rayner – at the behest of the citizens of Spalato – travelled to Constantinople<sup>116</sup> and with Byzantine help he was able to regain some possessions of the Church of Spalato in the Narentan area.<sup>117</sup>

The legatine activity in Spalato supports Robinson’s statements that by the 1150s the *legati a latere* were considered as more efficient means of papal government than their native colleagues<sup>118</sup> and that the idea according to which the *legatus a latere* is superior to the (future) *legatus natus* already existed by the mid-twelfth century. Five (Julius, Peter, Albert, Raymund and Theobald) of the seven legates were *legati a latere*, and the two archbishop-legates (Gerard and Rayner) were neither natives of Dalmatia nor had they had any positions in the region before.<sup>119</sup> Most probably the reason for this deflection from the “classical” type of archbishop-legates lies in the above mentioned special circumstances of Spalato. These archbishop-legates were the “executive” delegates of Rome, maintaining judicial functions as well. Especially Gerard’s intense correspondence with Alexander proves that he first of all carried out the papal orders. Although in the case of Rayner we rather lack source evidence, we can suppose that he played a similar role.

Gerard’s and Rayner’s examples suggest that the archbishop-legates were by no means negligible for twelfth-century legatine activity. The archbishop-legates, however, do not seem to have the same position all over the Western Christendom. Gerard – although entrusted with “traditional” metropolitan tasks<sup>120</sup> – was designated to the metropolitan see by the high pontiff. He maintained intense correspondence with the pope and he always acted according to his orders. Moreover, to some extent the archbishops of Spalato could (have) act(ed) in the field of diplomacy as well. In this sense they had some characteristics of the *legati a latere*. At the same time there’s no evidence that in France, for instance, the archbishop-legates were intended to play such a diplomatic role<sup>121</sup> – the *legati a latere* performed that instead of them. In Northern-Europe archbishop Eskil of Lund

<sup>114</sup> See also STEINDORFF, *Die dalmatinischen Städte*, 108.

<sup>115</sup> *Historia Salonitana* 68-69, cap. 20.; D. FARLATI, *Illyricum Sacrum* (Venice: 1751-1819), 191-192.

<sup>116</sup> *Historia Salonitana* 73, cap. 21.

<sup>117</sup> STEINDORFF, *Die dalmatinischen Städte*, 108.

<sup>118</sup> ROBINSON, *The Papacy*, 160.

<sup>119</sup> Between 1156 and 1175 Rayner was the bishop of Cagli.

<sup>120</sup> DUSA, *Medieval Dalmatian*, 56.

<sup>121</sup> JANSSEN, *Die päpstlichen Legaten*, 156-169. They fulfilled the “normal” metropolitan tasks of imposing penalties, conducting synods, solving disputes among clerics, witnessing contracts and issuing charters. The peace negotiations in which they sometimes intermediated took place on local level. The archbishop-legate (William of Embrun) sent to the Iberian lands in 1151 performed an investigation in the simony-case of bishop Bernhard of Urgel.

could be the representative of a third “type” of archbishop-legates. He was not necessarily involved in diplomatic matters and although he is mentioned in some papal letters<sup>122</sup> there are no missives suggesting that he dealt with jurisdictional issues or he actually exercised papal authority in his province. He could be, therefore, an early representative of the “fallen” archbishop-legates.

Answering the question of whether the case of the Spalatian archbishops between 1167 and 1180 was unique – Rome’s necessary accommodation and answer to the challenge of the special Dalmatian circumstances –, or there were parallel phenomena in the Western Christendom requires further research on archbishop-legates’ activity and relations to the Holy See.

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<sup>122</sup> PL. 200 coll. 428, no. 415; coll.429, no. 416; coll. 607-608, no. 632; coll. 849, no. 974.

List of the letters mentioned in the article<sup>1</sup>

Coll. no. in PL 200	Letter	Date	Addressee	Legate mentioned	Matter
122	49	1161	Clergy and people of Spalato	Julius (Episcopus Praenestinus) Peter (S. Eustachii diaconus cardinalis)	The pope recommends the legates
461	461	1167	Albert (S. Laurentii in Lucina presbyterus cardinalis)		The pope declines to confirm Albert's election as archbishop
524	533	1167-1169	Gerard (archbishop of Spalato)		A "civil" case between Gottfrid of Siponto and some men from Sibenik
627	661	1168-1170	Gerard (archbishop of Spalato)		Advice (how to govern the archbishopric wisely)
632	669	1168-1170	Gerard (archbishop of Spalato)		Advice (how to govern the archbishopric wisely)
633	671	1169	Gerard (archbishop of Spalato)		Litigation between the Templars and the bishop of Scardona
1129	1303	1177	Gerard (archbishop of Spalato) Michael (bishop of Trogir)	Raymund (subdiaconus)	Raymund was captured by pirates; the pope orders Gerard to excommunicate them
1143	1317	1177	Rayner (archbishop of Spalato)	Raymund (subdiaconus)	Litigation between the archbishops of Spalato and Zara
1273	1467	1180	Archbishops, bishops, <i>comites</i> , barons, clergy and people of Dalmatia	Theobald (subdiaconus)	The pope recommends Theobald

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<sup>1</sup> The table contains only Alexander III's letters sent to Spalato.