CHAPTER X.

STRUGGLE OF THE EMPIRE AND THE PAPACY.

Reformed by the Emperors and their Teutonic nominees, the papacy had resumed in the middle of the eleventh century the schemes of polity shadowed forth by Nicholas I, and which the degradation of the last age had only suspended. Under the guidance of her greatest mind, Hildebrand, the archdeacon of Rome, she now advanced to their completion, and proclaimed that war of the ecclesiastical power against the civil power in the person of the Emperor, which became the center of the subsequent history of both. While the nature of the struggle cannot be understood without a glance at their previous connection, the vastness of the subject warns one from the attempt to draw even its outlines, and restricts our view to those relations of Popedom and Empire which arise directly out of their respective positions as heads spiritual and temporal of the universal Christian state.

The eagerness of Christianity in the age immediately following her political establishment to purchase by submission the support of the civil power, has been already remarked. The change from independence to supremacy was gradual. The tale we smile at, how Constantine, healed of his leprosy, granted the West to Bishop Sylvester, and retired to Byzantium that no secular prince might interfere with the jurisdiction or profane the neighborhood of Peter's chair, worked great effects through the belief it commanded for many centuries. Nay more, its ground-
work was true. It was the removal of the seat of government from the Tiber to the Bosphorus that made the Pope the greatest personage in the city, and in the prostration after Alaric’s invasion he was seen to be so. Henceforth he alone was a permanent and effective, though still unacknowledged power, as truly superior to the revived senate and consuls of the phantom republic as Augustus and Tiberius had been to the faint continuance of their earlier prototypes. Pope Leo the First asserted the universal jurisdiction of his see,* and his persevering successors slowly enthralled Italy, Illyricum, Gaul, Spain, Africa, dextriously confounding their undoubted metropolitan and patriarchal rights with those of œcumenical bishop, in which they were finally merged. By his writings and the fame of his personal sanctity, by the conversion of England and the introduction of an impressive ritual, Gregory the Great did more than any other pontiff to advance Rome’s ecclesiastical authority. Yet his tone to Maurice of Constantinople was deferential, to Phocas adulatory; his successors were not consecrated till confirmed by the Emperor or the Exarch; one of them was dragged in chains to the Bosphorus, and banished thence to Scythia. When the iconoclastic controversy and the intervention of Pipin broke the allegiance of the Popes to the East, the Franks, as patricians and Emperors, seemed to step into the position which Byzantium had lost.† At Charles’ coronation, says the Saxon poet,

"Et summus eundem
Præsul adoravit, sicut mos debitus olim
Principibus fuit antiquis."

* "Roma per sedem Beati Petri caput orbis effecta."—See note *, p. 30.

† "Claves tibi ad regnum dimisimus."—Pope Stephen to Charles Martel, in Codex Carolinus, ap. Muratori, S.R.I. iii. Some, however, prefer to read "ad regum."
Their relations were, however, no longer the same. If the Frank vaunted conquest, the priest spoke only of free gift. What Christendom saw was that Charles was crowned by the Pope’s hands, and undertook as his principal duty the protection and advancement of the Holy Roman Church. The circumstances of Otto the Great’s coronation gave an even more favorable opening to sacerdotal claims, for it was a Pope who summoned him to Rome and a Pope who received from him an oath of fidelity and aid. In the conflict of three powers, the Emperor, the Pontiff and the people—represented by their senate and consuls, or by the demagogue of the hour—the most steady, prudent and far-sighted was sure eventually to prevail. The Popedom had no minorities, as yet few disputed successions, few revolts within its own army—the host of churchmen through Europe. Boniface’s conversion of Germany under its direct sanction, gave it a hold on the rising hierarchy of the greatest European state; the extension of the rule of Charles and Otto diffused in the same measure its emissaries and pretensions. The first disputes turned on the right of the prince to confirm the elected Pontiff, which was afterward supposed to have been granted by Hadrian I to Charles, in the decree quoted as “Hadrianus Papa.”* This “ius eligendi et ordinandi summum pontificem,” which Lewis I appears as yielding by the “Ego Ludovicus,”† was claimed by the Carolingians whenever they felt themselves strong enough, and having fallen into desuetude in the troublous times of the Italian Emperors, was formally renewed to Otto the Great by his nominee Leo VIII. We have seen it used, and used in the purest spirit,

* Corpus Iuris Canonici, Dist. lxiii. c. 22.
† Dist. lxiii. c. 30. This decree is, however, in all probability spurious.
by Otto himself, by his grandson Otto III, last of all, and most despotically by Henry III. Along with it there had grown up a bold counter-assumption of the Papal chair to be itself the source of the imperial dignity. In submitting to a fresh coronation, Lewis the Pious admitted the invalidity of his former self-performed one: Charles the Bald did not scotch the arrogant declaration of John VIII,* that to him alone the Emperor owed his crown; and the council of Pavia,† when it chose him King of Italy, repeated the assertion. Subsequent Popes knew better than to apply to the chiefs of Saxon and Franconian chivalry language which the feeble Nuestrian had not resented; but the precedent remained, the weapon was only hid behind the pontifical robe to be flashed out with effect when the moment should come. There were also two other great steps which Papal power had taken. By the invention and adoption of the False Decretals it had provided itself with a legal system suited to any emergency, and which gave it unlimited authority through the Christian world in causes spiritual and over persons ecclesiastical. Canonistical ingenuity found it easy in one way or another to make this include all causes and persons whatsoever: for crime is always and wrong is often sin, nor can aught be anywhere done which may not affect the clergy.

On the gift of Pipin and Charles, repeated and confirmed by Lewis I, Charles II, Otto I and III, and now made to rest on the more venerable authority of the first Christian Emperor, it could


† "Divina vos pietas B. principum apostolorum Petri et Pauli interventione per vicarium ipsorum dominum Ioannem summum pontificeum . . . ad imperiale culmen S. Spiritus judicio provexit." 
found claims to the sovereignty of Rome, Tuscany and all else that had belonged to the exarchate. Indefinite in their terms, these grants were never meant by the donors to convey full dominion over the districts that belonged to the head of the Empire—but only as in the case of other church estates, a sort of perpetual usufruct, a beneficial enjoyment which had nothing to do with sovereignty. They were, in fact, mere endowments. Nor had the gifts been ever actually reduced into possession; the Pope had been hitherto the victim, not the lord of the neighboring barons. They were not, however, denied, and might be made a formidable engine of attack; appealing to them, the Pope could brand his opponents as unjust and impious; and could summon nobles and cities to defend him as their liege lord, just as, with no better original right, he invoked the help of the Norman conquerors of Naples and Sicily.

The attitude of the Roman Church to the imperial power at Henry III's death was externally respectful. The right of a German king to the crown of the city was undoubted, and the Pope was his lawful subject. Hitherto the initiative in reform had come from the civil magistrate. But the secret of the pontiff's strength lay in this: he, and he alone, could confer the crown, and had therefore the right of imposing conditions on the recipient. Frequent interregna had weakened the claim of the Transalpine monarch and prevented his power from taking firm root; his title was never by law hereditary: the holy Church had before sought and might again seek a defender elsewhere. And since the need of such defence had originated this transference of the Empire from the Greeks to the Franks, since to render it was the Emperor's chief function, it was surely the Pope's duty as well as his right to see that the candidate was capable of fulfilling his task, to degrade him if he rejected or misperformed it.
The first step was to remove a blemish in the constitution of the Church, by fixing a regular body to choose the supreme pontiff. This Nicholas II did in A.D. 1059, feebly reserving the rights of Henry IV and his successors. Then the reforming spirit, kindled by the abuses and depravity of the last century, advanced apace. It had two main objects—the enforcement of celibacy, especially on the secular clergy, who enjoyed in this respect considerable freedom; and the extinction of simony. In the former, the Emperors and a large part of the laity were not unwilling to join: the latter no one dared to defend in theory. But when Gregory VII declared that it was sin for the ecclesiastic to receive his benefice under conditions from a layman, and so condemned the whole system of feudal investitures to the clergy, he aimed a deadly blow at all secular authority. Half of the land and wealth of Germany was in the hands of bishops and abbots, who would now be freed from the monarch's control to pass under that of the Pope. In such a state of things government itself would be impossible.

Henry and Gregory already mistrusted each other: after this decree war was inevitable. The Pope cited his opponent to appear and be judged at Rome for his vices and misgovernment. The Emperor replied by convoking a synod, which deposed and insulted Gregory. At once the dauntless monk pronounced Henry excommunicate, and fixed a day on which, if still unrepentant, he should cease to reign. Supported by his own princes, the monarch might have defied a command backed by no external force; but the Saxons, never contented since the first place had passed

*Strictly speaking, Henry was at this time only king of the Romans: he was not crowned Emperor at Rome till 1084.
from their own dukes to the Franconians, only waited the signal to burst into a new revolt, while through all Germany the Emperor’s tyranny and irregularities of life had sown the seeds of disaffection. Shunned, betrayed, threatened, he rushed into what seemed the only course left, and Canosa saw Europe’s mightiest prince, titular lord of the world, a suppliant before the successor of the Apostle. Henry soon found that his humiliation had not served him; driven back into opposition, he defied Gregory anew, set up an anti-pope, overthrew the rival whom his rebellious subjects had raised, and maintained to the end of his sad and checkered life a power often depressed but never destroyed. Nevertheless had all other humiliation been spared, that one scene in the yard of the Countess Matilda’s castle, an imperial penitent standing barefoot and woollen-frocked on the snow three days and nights, till the priest who sat within should admit and absolve him, was enough to mark a decisive change, and inflict an irretrievable disgrace on the crown so abused. Its wearer could no more, with the same lofty confidence, claim to be the highest power on earth, created by and answerable to God alone. Gregory had extorted the recognition of that absolute superiority of the spiritual dominion which he was wont to assert so sternly; proclaiming that to the Pope, as God’s Vicar, all mankind are subject, and all rulers responsible: so that he, the giver of the crown, may also excommunicate and depose. Writing to William the Conqueror, he says:* “For as for the beauty of this world, that it may be at different seasons perceived by fleshly eyes, God hath disposed the sun and the moon, lights that outshine all others; so lest the creature whom His goodness hath formed after His

---

own image in this world should be drawn astray into fatal
dangers, He hath provided in the apostolic and royal dig-
nities the means of ruling it through divers offices. . . .
If I, therefore, am to answer for thee on the dreadful day
of judgment before the just Judge who cannot lie, the cre-
ator of every creature, bethink thee whether I must not
very diligently provide for thy salvation, and whether, for
thine own safety, thou oughtest not without delay to obey
me, that so thou mayest possess the land of the living.”

Gregory was not the inventor nor the first propounder of
these doctrines; they had been long before a part of media-
val Christianity, interwoven with its most vital doctrines.
But he was the first who dared to apply them to the world
as he found it. His was that rarest and grandest of gifts,
an intellectual courage and power of imaginative belief
which, when it has convinced itself of aught, accepts it
fully with all its consequences, and shrinks not from act-
ing at once upon it. A perilous gift, as the melancholy
end of his own career proved, for men were found less
ready than he had thought them to follow out with un-
swerving consistency like his the principles which all ac-
knowledged. But it was the very suddenness and boldness
of his policy that secured the ultimate triumph of his
cause, awing men’s minds and making that seem realized
which had been till then a vague theory. His premises
once admitted—and no one dreamed of denying them—the
reasonings by which he established the superiority of
spiritual to temporal jurisdiction were unassailable. With
his authority, in whose hands are the keys of heaven and
hell, whose word can bestow eternal bliss or plunge in ever-
lasting misery, no other earthly authority can compete or
interfere: if his power extends into the infinite, how much
more must he be supreme over things finite? It was thus
that Gregory and his successors were wont to argue: the
wonder is, not that they were obeyed, but that they were
not obeyed more implicitly. In the second sentence of excommunication which Gregory passed upon Henry IV are these words:

"Come now, I beseech you, O most holy and blessed Fathers and Princes, Peter and Paul, that all the world may understand and know that if ye are able to bind and to loose in heaven, ye are likewise able on earth, according to the merits of each man, to give and to take away empires, kingdoms, principedoms, marquisates, duchies, countships and the possessions of all men. For if ye judge spiritual things, what must we believe to be your power over worldly thing? and if ye judge the angels who rule over all proud princes, what can ye not do to their slaves?"

Doctrines such as these do indeed strike equally at all temporal governments, nor were the innocents and Boniface of later days slow to apply them so. On the Empire, however, the blow fell first and heaviest. As when Alaric entered Rome, the spell of ages was broken, Christendom saw her greatest and most venerable institution dishonored and helpless; allegiance was no longer undivided, for who could presume to fix in each case the limits of the civil and ecclesiastical jurisdictions. The potentates of Europe beheld in the Papacy a force which, if dangerous to themselves, could be made to repel the pretensions and baffle the designs of the strongest and haughtiest among them. Italy learned how to meet the Teutonic conqueror by gaining the papal sanction for the leagues of her cities. The German princes, anxious to narrow the prerogative of their head, were the natural allies of his enemy, whose spiritual thunders, more terrible than their own lances, could enable them to depose an aspiring monarch, or extort from him any concessions they desired. Their altered tone is marked by the promise they required from Rudolf of Swabia, whom they
set up as a rival to Henry, that he would not endeavor to make the throne hereditary.

It is not possible here to dwell on the details of the great struggle of the Investitures, rich as it is in the interest of adventure and character, momentous as were its results for the future. A word or two must suffice to describe the conclusion, not indeed of the whole drama, which was to extend over centuries, but of what may be called its first act. Even that act lasted beyond the lives of the original performers. Gregory VII passed away at Salerno in A.D. 1085, exclaiming with his last breath, "I have loved justice and hated iniquity, therefore I die in exile." Twenty-one years later, in A.D. 1106, Henry IV died, dethroned by an unnatural son whom the hatred of a relentless pontiff had raised in rebellion against him. But that son, the Emperor Henry V, so far from conceding the points in dispute, proved an antagonist more ruthless and not less able than his father. He claimed for his crown all the rights over ecclesiastics that his predecessors had ever enjoyed, and when at his coronation in Rome, A.D. 1111, Pope Paschal II refused to complete the rite until he should have yielded, Henry seized both Pope and cardinals and compelled them by a rigorous imprisonment to consent to a treaty which he dictated. Once set free, the Pope, as was natural, disavowed his extorted concessions, and the struggle was protracted for ten years longer, until nearly half a century had elapsed from the first quarrel between Gregory VII and Henry IV.

The Concordat of Worms, concluded in A.D. 1122, was in form a compromise, designed to spare either party the humiliation of defeat. Yet the Papacy remained master of the field. The Emperor retained but one-half of those rights of investiture which had formerly been his. He could never resume the position of Henry III; his wishes or intrigues.
might influence the proceedings of a chapter, his oath bound him from open interference. He had entered the strife in the fullness of dignity; he came out of it with tarnished glory and shattered power. His wars had been hitherto carried on with foreign foes, or at worst with a single rebel noble; now his former ally was turned into his fiercest assailant, and had enlisted against him half his court, half the magnates of his realm. At any moment his scepter might be shivered in his hand by the bolt of anathema, and a host of enemies spring up from every convent and cathedral.

Two other results of this great conflict ought not to pass unnoticed. The Emperor was alienated from the Church at the most unfortunate of all moments, the era of the Crusades. To conduct a great religious war against the enemies of the faith, to head the church militant in her carnal as the Popes were accustomed to do in her spiritual strife, this was the very purpose for which an Emperor had been called into being; and it was indeed in these wars, more particularly in the first three of them, that the ideal of a Christian commonwealth which the theory of the mediæval Empire proclaimed, was once for all and never again realized by the combined action of the great nations of Europe. Had such an opportunity fallen to the lot of Henry III, he might have used it to win back a supremacy hardly inferior to that which had belonged to the first Carolingians. But Henry IV’s proscription excluded him from all share in an enterprise which he must otherwise have led—nay more, committed it to the guidance of his foes. The religious feeling which the Crusades evoked—a feeling which became the origin of the great orders of chivalry, and somewhat later of the two great orders of mendicant friars—turned wholly against the opponent of ecclesiastical claims, and was made to work the will of the Holy See,
which had blessed and organized the project. A century and a half later the Pope did not scruple to preach a crusade against the Emperor himself.

Again, it was now that the first seeds were sown of that fear and hatred wherewith the German people never thenceforth ceased to regard the encroaching Romish court. Branded by the Church and forsaken by the nobles, Henry IV retained the affections of the faithful burghers of Worms and Liège. It soon became the test of Teutonic patriotism to resist Italian priestcraft.

The changes in the internal constitution of Germany which the long anarchy of Henry IV’s reign had produced are seen when the nature of the prerogative as it stood at the accession of Conrad II, the first Franconian Emperor, is compared with its state at Henry V’s death. All siefs are now hereditary, and when vacant can be granted afresh only by consent of the States; the jurisdiction of the crown is less wide; the idea is beginning to make progress that the most essential part of the Empire is not its supreme head but the commonwealth of princes and barons. The greatest triumph of these feudal magnates is in the establishment of the elective principle, which when confirmed by the three free elections of Lothar II, Conrad III and Frederick I, passes into an undoubted law. The Prince-Electors are mentioned in A.D. 1156 as a distinct and important body.*

The clergy, too, whom the policy of Otto the Great and Henry II had raised, are now not less dangerous than the dukes, whose power it was hoped they would balance; possibly more so, since protected by their sacred character and their allegiance to the Pope, while able at the same time to command the arms of their countless vassals. Nor

---

* "Gradum statim post Principes Electores."—Frederick I's Privilege of Austria, in Pertz, M. G. H. legg. ii.
were the two succeeding Emperors the men to retrieve those disasters. The Saxon Lothar II is the willing minion of the Pope; performs at his coronation a menial service unknown before, and takes a more stringent oath to defend the Holy See, that he may purchase its support against the Swabian faction in his own dominions. Conrad III, the first Emperor of the great house of Hohenstaufen,* represents the anti-papal party; but domestic troubles and an unfortunate crusade prevented him from effecting anything in Italy. He never even entered Rome to receive the crown.

* Hohenstaufen is a castle in what is now the kingdom of Württemberg, about four miles from the Göppingen station of the railway from Stuttgart to Ulm. It stands, or rather stood, on the summit of a steep and lofty conical hill (visible from several points on the line of railway), commanding a boundless view over the great limestone plateau of the Rauhe Alp, the eastern declivities of the Schwartzwald, and the bare and tedious plains of western Bavaria. Of the castle itself, destroyed in the Peasants' War, there remain only fragments of the wall-foundations: in a rude chapel lying on the hill slope below are some strange half-obliterated frescoes; over the arch of the door is inscribed "Hic transibat Caesar." Frederick Barbarossa had another famous palace at Kaiserslautern, a small town in the Palatinate, on the railway from Mannheim to Treves, lying in a wide valley at the western foot of the Hardt mountains. It was destroyed by the French: and a house of correction has been built upon its site; but in a brewery hard by may be seen some of the huge low-browed arches of its lower story.
CHAPTER XI.

THE EMPERORS IN ITALY: FREDERICK BARBAROSSA.

The reign of Frederick I, better known under his Italian surname Barbarossa, is the most brilliant in the annals of the Empire. Its territory had been wider under Charles, its strength perhaps greater under Henry III, but it never appeared in such pervading vivid activity, never shone with such luster of chivalry, as under the prince whom his countrymen have taken to be one of their national heroes, and who is still, as the half-mythic type of Teutonic character, honored by picture and statue, in song and in legend, through the breadth of the German lands. The reverential fondness of his annalists and the whole tenor of his life go far to justify this admiration, and dispose one to believe that nobler motives were joined with personal ambition in urging him to assert so haughtily and carry out so harshly those imperial rights in which he had such unbounded confidence. Under his guidance the Transalpine power made its greatest effort to subdue the two antagonists which then threatened and were fated in the end to destroy it—Italian nationality and the Papacy.

Even before Gregory VII’s time it might have been predicted that two such potentates as the Emperor and the Pope, closely bound together, yet each with pretensions wide and undefined, must ere long come into collision. The boldness of that great pontiff in enforcing, the unflinching firm-
ness of his successors in maintaining, the supremacy of clerical authority, inspired their supporters with a zeal and courage which more than compensated the advantages of the Emperor in defending rights he had long enjoyed. On both sides the hatred was soon very bitter. But even had men’s passions permitted a reconciliation, it would have been found difficult to bring into harmony adverse principles, each irresistible, mutually destructive. As the spiritual power, in itself purer, since exercised over the soul and directed to the highest of all ends, eternal felicity, was entitled to the obedience of all, laymen as well as clergy; so the spiritual person, to whom, according to the view then universally accepted, there had been imparted by ordination a mysterious sanctity, could not without sin be subject to the lay magistrate, be installed by him in office, be judged in his court, and render to him any compulsory service. Yet it was no less true that civil government was indispensable to the peace and advancement of society; and while it continued to subsist, another jurisdiction could not be suffered to interfere with its workings, nor one-half of the people be altogether removed from its control. Thus the Emperor and the Pope were forced into hostility as champions of opposite systems, however fully each might admit the strength of his adversary’s position, however bitterly he might bewail the violence of his own partisans. There had also arisen other causes of quarrel, less respectable but not less dangerous. The pontiff demanded and the monarch refused the lands which the Countess Matilda of Tuscany had bequeathed to the Holy See; Frederick claiming them as feudal suzerain, the Pope eager by their means to carry out those schemes of temporal dominion which Constantine’s donation sanctioned, and Lothar’s seeming renunciation of the sovereignty of Rome had done much to encourage. As feudal superior of the Norman kings of Naples and Sicily, as pro-
tector of the towns and barons of North Italy who feared the German yoke, the successor of Peter wore already the air of an independent potentate.

No man was less likely than Frederick to submit to these encroachments. He was a sort of imperialist Hildebrand, strenuously proclaiming the immediate dependence of his office on God's gift, and holding it every whit as sacred as his rival's. Of his first journey to Rome he refused to hold the Pope's stirrup,* as Lothar had done, till Pope Hadrian IV's threat that he would withhold the crown enforced compliance. Complaints arising not long after on some other ground, the Pope exhorted Frederick by letter to show himself worthy of the kindness of his mother the Roman Church, who had given him the imperial crown, and would confer on him, if dutiful, benefits still greater. This word benefits—beneficia—understood in its usual legal sense of "fief," and taken in connection with the picture which had been set up at Rome to commemorate Lothar's homage, provoked angry shouts from the nobles assembled in diet at Besançon; and when the legate answered, "From whom, then, if not from our Lord the Pope, does your king hold the Empire?" his life was not safe from their fury. On this occasion Frederick's vigor and the remonstrances of the Transalpine prelates obliged Hadrian to explain away the obnoxious word, and remove the picture. Soon after the quarrel was renewed by other causes, and came to center itself round the Pope's demand that Rome should be left entirely to his government. Frederick, in reply, appeals to the civil law, and closes with the words,

* A great deal of importance seems to have been attached to this symbolic act of courtesy. See Art. I of the Sachsenspiegel. "Deme paveese is ok gesat to ridene to besedener tiet up eneme blanken perde, unde de keiser sal ime den stegerip halden dur de sadel nicht ne winde."
"Since by the ordination of God I both am called and am Emperor of the Romans, in nothing but name shall I appear to be ruler if the control of the Roman city be wrested from my hands." That such a claim should need assertion marks the change since Henry III; how much more that it could not be enforced. Hadrian's tone rises into defiance; he mingles the threat of excommunication with references to the time when the Germans had not yet the Empire. "What were the Franks till Zacharias welcomed Pipin? What is the Teutonic king now till consecrated at Rome by holy hands? The chair of Peter has given and can withdraw its gifts."

The schism that followed Hadrian's death produced a second and more momentous conflict. Frederick, as head of Christendom, proposed to summon the bishops of Europe to a general council, over which he should preside, like Justinian or Heraclius. Quoting the favorite text of the two swords, "On earth," he continues, "God has placed no more than two powers: above there is but one God, so here one Pope and one Emperor. The Divine Providence has specially appointed the Roman Empire as a remedy against continued schism."* The plan failed; and Frederick adopted the candidate whom his own faction had chosen, while the rival claimant, Alexander III, appealed, with a confidence which the issue justified, to the support of sound churchmen throughout Europe. The keen and long doubtful strife of twenty years that followed, while apparently a dispute between rival Popes, was in substance an effort by the secular monarch to recover his command of the priesthood; not less truly so than that contemporaneous conflict of the English Henry II and St. Thomas

* Letter to the German bishops in Radewic; Mur., S. R. I., t. vi. p. 833.
of Canterbury, with which it was constantly involved. Un-supported, not all Alexander's genius and resolution could have saved him: by the aid of the Lombard cities, whose league he had counselled and hallowed, and of the fevers of Rome, by which the conquering German host was suddenly annihilated, he won a triumph the more signal that it was over a prince so wise and so pious as Frederick. At Venice, who, inaccessible by her position, maintained a sedulous neutrality, claiming to be independent of the Empire, yet seldom led into war by sympathy with the Popes, the two powers whose strife had roused all Europe were induced to meet by the mediation of the doge Sebastian Ziani. Three slabs of red marble in the porch of St. Mark's point out the spot where Frederick knelt in sudden awe, and the Pope with tears of joy raised him, and gave the kiss of peace. A later legend, to which poetry and painting have given an undeserved currency,* tells how the pontiff set his foot on the neck of the prostrate king, with the words, "The young lion and the dragon shalt thou trample under feet."† It needed not this exaggeration to enhance the significance of that scene, even more full of meaning for the future than it was solemn and affecting to the Venetian crowd that thronged the church and the piazza. For it was the renunciation by the mightiest prince of his time of the project to which his life had been devoted; it was the abandonment by the secular power of a contest in which it had twice been vanquished, and which it could not renew under more favorable conditions.

Authority maintained so long against the successor of Peter would be far from indulgent to rebellious subjects.

* A picture in the great hall of the ducal palace (the Sala del Mag-gior Consiglio) represents the scene. See the description in Rogers' Italy.

† Psalm xci.
For it was in this light that the Lombard cities appeared to a monarch bent on reviving all the rights his predecessors had enjoyed: nay, all that the law of ancient Rome gave her absolute ruler. It would be wrong to speak of a rediscovery of the civil law. That system had never perished from Gaul and Italy, had been the groundwork of some codes, and the whole substance, modified only by the changes in society, of many others. The Church excepted, no agent did so much to keep alive the memory of Roman institutions. The twelfth century now beheld the study cultivated with a surprising increase of knowledge and ardor, expended chiefly upon the Pandects. First in Italy and the schools of the South, then in Paris and Oxford, they were expounded, commented on, extolled as the perfection of human wisdom, the sole, true and eternal law. Vast as has been the labor and thought expended from that time to this in the elucidation of the civil law, the most competent authorities declare that in acuteness, in subtlety, in all those branches of learning which can subsist without help from historical criticism, these so-called Glossatores have been seldom equalled and never surpassed by their successors. The teachers of the canon law, who had not as yet become the rivals of the civilian, and were accustomed to recur to his books where their own were silent, spread through Europe the fame and influence of the Roman jurisprudence; while its own professors were led both by their feeling and their interest to give to all its maxims the greatest weight and the fullest application. Men just emerging from barbarism, with minds unaccustomed to create and blindly submissive to authority, viewed written texts with an awe to us incomprehensible. All that the most servile jurists of Rome had ever ascribed to their despotic princes was directly transferred to the Cæsarean majesty who inherited their
name. He was "Lord of the world," absolute master of the lives and property of all his subjects, that is, of all men; the sole fountain of legislation, the embodiment of right and justice. These doctrines, which the great Bolognese jurists, Bulgarus, Martinus, Hugolinus and others who constantly surrounded Frederick, taught and applied, as matter of course, to a Teutonic, a feudal king, were by the rest of the world not denied, were accepted in fervent faith by his German and Italian partisans. "To the Emperor belongs the protection of the whole world," says Bishop Otto of Freysing. "The Emperor is a living law upon earth."* To Frederick, at Roncaglia, the archbishop of Milan speaks for the assembled magnates of Lombardy: "Do and ordain whatsoever thou wilt, thy will is law; as it is written, 'Quicquid principi placuit legis habet vigorem, cum populus ei et in eum omne suum imperium et potestatem concesserit.'"† The Hohenstaufen himself was not slow to accept these magnificent ascriptions of dignity, and though modestly professing his wish to govern according to law rather than override the law, was doubtless roused by them to a more vehement assertion of a prerogative so hallowed by age and by what seemed a divine ordinance.

That assertion was most loudly called for in Italy. The Emperors might appear to consider it a conquered country without privileges to be respected, for they did not summon its princes to the German diets, and overawed its own assemblies at Pavia or Roncaglia by the Transalpine host that followed them. Its crown, too, was theirs whenever they crossed the Alps to claim it, while the elections on the banks of the Rhine might be adorned but could not be influenced by the

†Speech of archbishop of Milan, in Radewic; Mur., S. R. I., vi.
presence of barons from the southern kingdom.* In practice, however, the imperial power stood lower in Italy than in Germany, for it had been from the first intermittent, depending on the personal vigor and present armed support of each invader. The theoretic sovereignty of the Emperor-king was nowise disputed: in the cities toll and tax were of right his: he could issue edicts at the Diet, and require the tenants in chief to appear with their vassals. But the revival of a control never exercised since Henry IV's time, was felt as an intolerable hardship by the great Lombard cities, proud of riches and population equal to that of the duchies of Germany or the kingdoms of the North, and accustomed for more than a century to a turbulent independence. For republicanism and popular freedom Frederick had little sympathy. At Rome the fervent Arnold of Brescia had repeated, but with far different thoughts and hopes, the part of Crescentius.† The city had thrown off the yoke of its bishop, and a commonwealth under consuls and senate professed to emulate the spirit while it renewed the forms of the primitive republic. Its leaders had written to Conrad III,‡ asking him to help them to restore the Empire to its position under Constantine and Justinian; but the German, warned by St. Bernard, had preferred the friendship of the Pope. Filled with a vain conceit of their own importance, they repeated their offers to Frederick when he sought the crown from Hadrian IV. A deputation, after dwelling in high-flown language on the dignity of the Roman people, and their

* Frederick's election (at Frankfort) was made "non sine quibusdam Italicæ baronibus."—Otto Fris. i. But this was the exception.

† See also post, Chapter XVI.

‡ "Senatus Populusque Romanus urbis et orbis totius domino Conrado."
kindness in bestowing the scepter on him, a Swabian and a stranger, proceeded, in a manner hardly consistent, to demand a largess ere he should enter the city. Frederick’s anger did not hear them to the end: “Is this your Roman wisdom? Who are ye that usurp the name of Roman dignities? Your honors and your authority are yours no longer; with us are consuls, senate, soldiers. It was not you who chose us, but Charles and Otto that rescued you from the Greek and the Lombard, and conquered by their own might the imperial crown. That Frankish might is still the same: wrench, if you can, the club from Hercules. It is not for the people to give laws to the prince, but to obey his command.”* This was Frederick’s version of the “Translation of the Empire.”†

He who had been so stern to his own capital was not likely to deal more gently with the rebels of Milan and Tortona. In the contest by which Frederick is chiefly known to history, he is commonly painted as the foreign tyrant, the forerunner of the Austrian oppressor,† crushing under the hoofs of his cavalry the home of freedom and industry. Such a view is unjust to a great man and his cause. To the despot liberty is always license; yet Frederick was the advocate of admitted claims; the aggressions of Milan threatened her neighbors; the refusal, where no actual oppression was alleged, to admit his officers and allow his regalian rights, seemed a wanton breach of oaths and en-

---

* Otto of Freysing.

† Later in his reign, Frederick condescended to negotiate with these Roman magistrates against a hostile Pope, and entered into a sort of treaty by which they were declared exempt from all jurisdiction but his own.

‡ See the first note to Shelley’s *Hellas*. Sismondi is mainly answerable for this conception of Barbarossa’s position.
gagaments, treason against God no less than himself.* Nevertheless our sympathy must go with the cities, in whose victory we recognize the triumph of freedom and civilization. Their resistance was at first probably a mere aversion to unused control, and to the enforcement of imposts less offensive in former days than now, and by long dereliction apparently obsolete.† Republican principles were not avowed, nor Italian nationality appealed to. But the progress of the conflict developed new motives and feelings, and gave them clearer notions of what they fought for. As the Emperor’s antagonist, the Pope was their natural ally; he blessed their arms, and called on the barons of Romagna and Tuscany for aid; he made “The Church,” ere long their watchword, and helped them to conclude that league of mutual support by means whereof the party of the Italian Guelfs was formed. Another cry, too, began to be heard, hardly less inspiring than the last, the cry of freedom and municipal self-government—freedom little understood and terribly abused, self-government which the cities who claimed it for themselves refused to their subject allies, yet both of them, through their divine power of stimulating effort and quickening sympathy, as much nobler than the harsh and sterile system of a feudal monarchy as the citizen of republican Athens rose above the slavish Asiatic or the brutal Macedonian. Nor was the fact that Italians were resisting

*They say rebelliously, says Frederick, “Nolumus hunc regnare super nos... at nos maluimus honestam mortem quam ut,” etc.—Letter in Pertz, M. G. H., legg. ii.

† “De tributo Cesaris nemo cogitabat;
Omnes erant Cesares, nemo censum dabant;
Civitas Ambrosii, velit Troia, stabat,
Deos parum, homines minus formidabant.”

Poems relating to the Emperor Frederick of Hohenstaufen, published by Grimm.
a Transalpine invader without its effect; there was as yet no distinct national feeling, for half Lombardy, towns as well as rural nobles, fought under Frederick; but events made the cause of liberty always more clearly the cause of patriotism, and increased that fear and hate of the Tedescan for which Italy has had such bitter justification.

The Emperor was for a time successful: Tortona was taken, Milan razed to the ground, her name apparently lost: greater obstacles had been overcome, and a fuller authority was now exercised than in the days of the Ottos or the Henrys. The glories of the first Frankish conqueror were triumphantly recalled, and Frederick was compared by his admirers to the hero whose canonization he had procured and whom he strove in all things to imitate.* "He was esteemed," says one, "second only to Charles in piety and justice." "We ordain this," says a decree: "Ut ad Caroli imitationem ius ecclesiarum statum reipublicae incolumem et legum integritatem per totem imperium nostrum servarremus."† But the hold the name of Charles had on the minds of the people, and the way in which he had become, so to speak, an eponym of Empire, has better witnesses than grave documents. A rhyming poet sings: ‡

"Quanta sit potestia vel laus Friderici
Cum sit patens omnibus, non est opus dici;
Qui rebelles lancea fodiens ultrici
Representat Karolum dextera victrici."

The diet at Roncaglia was a chorus of gratulations over the re-establishment of order by the destruction of the dens of unruly burghers.

* Charles the Great was canonized by Frederick’s anti-pope and confirmed afterward.
† Acta Concil. Hartzhem. iii., quoted by Von Raumer, ii. 6.
‡ Poems relating to Frederick I, ut supra.
This fair sky was soon clouded. From her quenchless ashes uprose Milan; Cremona, scorning old jealousies, helped to rebuild what she had destroyed, and the confederates, committed to an all but hopeless strife, clung faithfully together till on the field of Legnano the Empire’s banner went down before the carroccio* of the free city. Times were changed since Aistulf and Desiderius trembled at the distant tramp of the Frankish hosts. A new nation had arisen, slowly reared through suffering into strength, now at last by heroic deeds conscious of itself. The power of Charles had overleaped boundaries of nature and language that were too strong for his successor, and that grew henceforth ever firmer, till they made the Empire itself a delusive name. Frederick, though harsh in war, and now balked of his most cherished hopes, could honestly accept a state of things it was beyond his power to change: he signed cheerfully and kept dutifully the peace of Constance, which left him little but a titular supremacy over the Lombard towns.

At home no Emperor since Henry III had been so much respected and so generally prosperous. Uniting in his person the Saxon and Swabian families, he healed the long feud of Welf and Waiblingen; his prelates were faithful to him, even against Rome: no turbulent rebel disturbed the public peace. Germany was proud of a hero who maintained her dignity so well abroad, and he crowned a glorious life with a happy death, leading the van of Christian chivalry against the Mussulman. Frederick, the greatest of the Crusaders, is the noblest type of mediæval character in many of its shadows, in all its lights.

*The carroccio was a wagon with a flagstaff planted on it, which served the Lombards for a rallying-point in battle.
LEGAL in form, in practice sometimes almost absolute, the government of Germany was, like that of other feudal kingdoms, restrained chiefly by the difficulty of coercing refractory vassals. All depended on the monarch's character, and one so vigorous and popular as Frederick could generally lead the majority with him and terrify the rest. A false impression of the real strength of his prerogative might be formed from the readiness with which he was obeyed. He repaired the finances of the kingdom, controlled the dukes, introduced a more splendid ceremonial, endeavored to exalt the central power by multiplying the nobles of the second rank, afterward the "college of princes," and by trying to substitute the civil law and Lombard feudal code for the old Teutonic customs, different in every province. If not successful in this project, he fared better with another. Since Henry the Fowler's day towns had been growing up through Southern and Western Germany, especially where rivers offered facilities for trade. Cologne, Treves, Mentz, Worms, Speyer, Nürnberg, Ulm, Regensburg, Augsburg, were already considerable cities, not afraid to beard their lord or their bishop, and promising before long to counterbalance the power of the territorial oligarchy. Policy or instinct led Frederick to attach them to the throne, enfranchising many, granting, with municipal institutions, an independent jurisdiction, conferring various exemptions and privileges; while receiving in turn their good-will and loyal aid, in money always, in men when need should come. His immediate successors trod in his steps, and thus there arose in the state a third order, the firmest bulwark, had it been rightly used, of imperial authority; an order whose members, the Free Cities, were through many ages the centers of German intellect and freedom, the only haven from the storms of civil war, the
surest hope of future peace and union. In them* national congresses to this day sometimes meet: from them aspiring spirits strove to diffuse those ideas of Germanic unity and self-government, which they alone had kept alive. Out of so many flourishing commonwealths, four only were spared by foreign conquerors and faithless princes till the day came which made them again the members of a great and real German state. To the primitive order of German freemen, scarcely existing out of the towns, except in Swabia and Switzerland, Frederick further commended himself by allowing them to be admitted to knighthood, by restraining the license of the nobles, imposing a public peace, making justice in every way more accessible and impartial. To the south-west of the green plain that girdles in the rock of Salzburg, the gigantic mass of the Untersberg frowns over the road which winds up a long defile to the glen and lake of Berchtesgaden. There, far up among its limestone crags, in a spot scarcely accessible to human foot, the peasants of the valley point out to the traveler the black mouth of a cavern, and tell him that within Barbarossa lies amid his knights in an enchanted sleep,† waiting the hour when the ravens shall cease to hover round the peak, and the pear-tree blossom in the valley, to descend with his Crusaders and bring back to Germany the golden age of peace and strength and unity. Often in the evil days that followed the fall of Frederick’s house, often when tyranny seemed unendurable and

* Lübeck, Hamburg, Bremen and Frankfort. [Since this was first written Frankfort has been annexed by Prussia, and her three surviving sisters have, by their entrance first into the North German confederation, now into the German Empire, lost something of their independence.]

† The legend is one which appears under various forms in many countries.
anarchy endless, men thought on that cavern, and sighed for the day when the long sleep of the just Emperor should be broken, and his shield be hung aloft again as of old in the camp's midst, a sign of help to the poor and the oppressed.