CHAPTER XII.

IMPERIAL TITLES AND PRETENSIONS.

The era of the Hohenstaufen is perhaps the fittest point at which to turn aside from the narrative history of the Empire to speak shortly of the legal position which it professed to hold to the rest of Europe, as well as of certain duties and observances which throw a light upon the system it embodied. This is not indeed the era of its greatest power: that was already past. Nor is it conspicuously the era when its ideal dignity stood highest; for that remained scarcely impaired till three centuries had passed away. But it was under the Hohenstaufen, owing partly to the splendid abilities of the princes of that famous line, partly to the suddenly gained ascendancy of the Roman law, that the actual power and the theoretical influence of the Empire most fully coincided. There can therefore be no better opportunity for noticing the titles and claims by which it announced itself the representative of Rome's universal dominion, and for collecting the various instances in which they were (either before or after Frederick's time) more or less admitted by the other states of Europe.

The territories over which Barbarossa would have declared his jurisdiction to extend may be classed under four heads:

First, the German lands, in which, and in which alone, the Emperor was, up till the death of Frederick II, effective sovereign.

Second, the non-German districts of the Holy Empire,
where the Emperor was acknowledged as sole monarch, but in practice little regarded.

Third, certain outlying countries, owing allegiance to the Empire, but governed by kings of their own.

Fourth, the other states of Europe, whose rulers, while in most cases admitting the superior rank of the Emperor, were virtually independent of him.

Thus within the actual boundaries of the Holy Empire were included only districts coming under the first and second of the above classes, i.e., Germany, the northern half of Italy, and the kingdom of Burgundy or Arles—that is to say, Provence, Dauphiné, the Free County of Burgundy (Franche Comté) and Western Switzerland. Lorraine, Alsace and a portion of Flanders were, of course, parts of Germany. To the north-east, Bohemia and the Slavic principalities in Mecklenburg and Pomerania were as yet not integral parts of its body, but rather dependent outliers. Beyond the march of Brandenburg, from the Oder to the Vistula, dwelt pagan Lithuanians or Prussians, * free till the establishment among them of the Teutonic knights.

Hungary had owed a doubtful allegiance since the days of Otto I. Gregory VII had claimed it as a fief of the Holy See; Frederick wished to reduce it completely to subjection, but could not overcome the reluctance of his nobles. After Frederick II, by whom it was recovered from the Mongol hordes, no imperial claims were made for so many years that at last they became obsolete, and were confessed to be so by the constitution of Augsburg, A.D. 1566.+

* "Pruzi," says the biographer of St. Adalbert, "quorum Deus est venter et avaritia iuncta cum morte."—M. G. H. t. iv. It is curious that this non-Teutonic people should have given their name to the great German kingdom of the present.

+ Conring. De Finibus Imperii. It is hardly necessary to observe
Under Duke Misco, Poland had submitted to Otto the
Great, and continued, with occasional revolts, to obey the
Empire, till the beginning of the Great Inter-
regnum (as it is called) in 1254. Its duke was
present at the election of Richard, A.D. 1257. Thereafter,
in 1295, Duke Primiwas had himself crowned king in
token of emancipation (for the title of king which Otto
III had granted to Boleslas I had become disused) and
the country became independent, though some of its
provinces were long afterward reunited to the German
state. Silesia, originally Polish, was attached to Bohemia
by Charles IV, and so became part of the Empire; Posen
and Galicia were seized by Prussia and Austria, A.D.
1772.* Down to her partition in that year, the constitution
of Poland remained a copy of that which had existed in
the German kingdom in the twelfth century.

Lewis the Pious had received the homage of the Danish
King Harold, on his baptism at Mentz, A.D. 826; Otto
the Great’s victories over Harold Blue Tooth
made the country regularly subject, and added
the march of Schleswig to the immediate territory of the
Empire: but the boundary soon receded to the Eyder, on
whose banks might be seen the inscription:

“Eidora Romani terminus imperii.”

King Peter † attended at the Diet held at Merseburg
shortly after Frederick I’s coronation, and received from

that the connection of Hungary with the Hapsburgs is of comparatively recent origin, and of a purely dynastic nature. The position of the archdukes of Austria as kings of Hungary had nothing to do legally with the fact that many of them were also chosen Emperors, although practically their possession of the imperial crown had greatly aided them in grasping and retaining the thrones of Hungary and Bohemia.

* They however remained extra-imperial.
† Letter of Frederick I to Otto of Freysing, prefixed to the latter’s History. The king is also called Svend.
the Emperor, who as suzerain had been required to decide a disputed question of succession to the Danish throne, his own crown; he did homage, and bore the sword before the Emperor. Since the Interregnum Denmark has been always free.*

Otto the Great was the last Emperor whose suzerainty the French kings had admitted; nor were Henry VI and Otto IV successful in their attempts to enforce it. France. Boniface VIII, in his quarrel with Philip the Fair, offered the French throne, which he had pronounced vacant, to Albert I; but the wary Hapsburg declined the dangerous prize. The precedence, however, which the Germans continued to assert, irritated Gallic pride, and led to more than one contest. Blondel denies the Empire any claim to the Roman name; and in A.D. 1648 the French envoys at Münster refused for some time to admit what no other European state disputed. Till recent times the title of the Archbishop of Treves, "Archicanellarius per Galliam atque regnum Arelatense," preserved the memory of an obsolete supremacy which the constant aggressions of France might seem to have reversed.

No reliance can be placed on the author who tells us that Sweden was granted by Frederick I to Waldemar the Dane; † the fact is improbable, and we do not hear that such pretensions were ever put forth before or after. Norway, too, seems to have been left untouched—the Emperors had no fleets—and Iceland, which had remained undiscovered ‡ till long after the days of Charles, was down till the year 1262 the only absolutely free Republic in the world.

*See Appendix, Note B.
† Albertus Stadensis apud Conringium, De Finibus Imperii.
‡ The Irish however are said to have occasionally visited it; and some few Irish hermits appear to have been found there by the Norwegian colonists in 874.
Nor does it appear that authority was ever exercised by any Emperor in Spain. Nevertheless the choice of Alfonso X by a section of the German electors, in A.D. 1258, may be construed to imply that the Spanish kings were members of the Empire. And when, A.D. 1053, Ferdinand the Great of Castile had, in the pride of his victories over the Moors, assumed the title of "Hispaniae Imperator," the remonstrance of Henry III declared the rights of Rome over the Western provinces indelible, and the Spaniard, though protesting his independence, was forced to resign the usurped dignity.\footnote{There is an allusion to this in the poems of the Cid. Arthur Duck, \textit{De Usu et Authoritate Iuris Civilis}, quotes the view of some among the older jurists, that Spain having been, as far as the Romans were concerned, a \textit{res derelicta}, recovered by the Spaniards themselves from the Moors, and thus acquired by \textit{occupatio}, ought not to be subject to the Emperors.}

No act of sovereignty is recorded to have been done by any of the Emperors in England, though as heirs of Rome they might be thought to have better rights over it than over Poland or Denmark.\footnote{One of the greatest of English kings appears performing an act of courtesy to the Emperor which was probably construed into an acknowledgment of his own inferior position. Describing the Roman coronation of the Emperor Conrad II, Wippo (c. 16), tells us, "His \textit{ita peractis in duorum regum presentia Rudolfi regis Burgundiae et Chnutoris regis Anglorum divino officio finito imperator duorum regum medius ad cubiculum suum honorifice ductus est."} There was, however, a vague notion that the English, like other kingdoms, must depend on the Empire: a notion which appears in Conrad III's letter to John of Constantinople;\footnote{Letter in Otto Fris. i.: "Nobis submittuntur Francia et Hispania, Anglia et Dania."} and which was countenanced by the submissive tone in which Frederick I was addressed by the Plantagenet Henry
II.* English independence was still more compromised in the next reign, when Richard I, according to Hoveden, "Consilio matris suæ deposuit se de regno Angliæ et tradidit illud imperatorì (Henrico VI) sicut universorum domino." But as Richard was at the same time invested with the kingdom of Arles by Henry VI, his homage may have been for that fief only; and it was probably in that capacity that he voted, as a prince of the Empire, at the election of Frederick II. The case finds a parallel in the claims of England over the Scottish king, doubtful, to say the least, as regards the domestic realm of the latter, certain as regards Cumbria, which he had long held from the Southern Crown.† But Germany had no Edward I. Henry VI is said at his death to have released Richard from his submission (this too may be compared with Richard's release to the Scottish William the Lion), and Edward II declared, "regnum Angliæ ab omni subjectione imperiali esse liberrimum."‡ Yet the idea survived: the Emperor Lewis the Bavarian, when he named Edward III his vicar in the great French war, demanded, though in vain, that the English monarch should kiss his feet.§ Sigismund,‖ visiting Henry V at London, before the meeting of the council of Constance, was met by the Duke of Gloucester, who, riding into the water to the ship where

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*Letter in Radewic says, "Regnum nostrum vobis exponimus. Vobis imperandi cedat auctoritas, no bis non deerritvoluntas obsequendi."

†The alleged instances of homage by the Scots to the Saxon and early Norman kings are almost all complicated in some such way. They had once held also the earldom of Huntingdon from the English crown, and some have supposed (but on no sufficient grounds) that homage was also done by them for Lothian.

‡Selden, Titles of Honor, part i. chap. ii.

§Edward refused upon the ground that he was "rex inunctus."

‖Sigismund had shortly before given great offence in France by dubbing knights.
the Emperor sat, required him, at the sword’s point, to declare that he did not come purposing to infringe on the king’s authority in the realm of England.* One curious pretension of the imperial crown called forth many protests. It was declared by civilians and canonists that no notary public could have any standing, or attach any legality to the documents he drew, unless he had received his diploma from the Emperor or the Pope. A strenuous denial of a doctrine so injurious was issued by the parliament of Scotland under James III. †

The kingdom of Naples and Sicily, although of course claimed as a part of the Empire, was under the Norman dynasty (A.D. 1060–1189) not merely independent, but the most dangerous enemy of the German power in Italy. Henry VI, the son and successor of Barbarossa, obtained possession of it by marrying Constance the last heiress of the Norman kings. But both he and Frederick II treated it as a separate patrimonial state, instead of incorporating it with their more northerly dominions. After the death of Conrado, the last of the Hohenstaufen, it passed away to an Angevin, then to an Aragonese dynasty, continuing under both to maintain itself independent of the Empire, nor ever again, except under Charles V, united to the Germanic crown.

One spot in Italy there was whose singular felicity of situation enabled her through long centuries of obscurity and weakness, slowly ripening into strength, to maintain her freedom unstained by any submission to the Frankish and Germanic Emperors. Venice glories in deducing her origin from the fugitives who

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*Nigismund answered, "Nihil se contra superioritatem regis praetexere."

†Selden, Titles of Honor, part. i. chap. ii. Nevertheless, notaries in Scotland, as elsewhere, continued for a long time to style themselves "Ego M. auctoritate imperiali (or papali) notarius."
escaped from Aquileia in the days of Attila: it is at least probable that her population never received an intermix-
ture of Teutonic settlers, and continued during the ages of Lombard and Frankish rule in Italy to regard the Byzan-
tine sovereigns as the representatives of their ancient mas-
ters. In the tenth century, when summoned to submit to Otto II, they had said, “We wish to be the servants of the Emperors of the Romans” (the Constantinopolitan), and though they overthrew this very Eastern throne in A.D. 1204, the pretext had served its turn, and had aided them in defying or evading the demands of obedience made by
the Teutonic princes. Alone of all the Italian republics, Venice never, down to her extinction by France and Aus-
tria in A.D. 1796, recognized within her walls any secular Western authority save her own.

The kings of Cyprus and Armenia sent to Henry VI to confess themselves his vassals and ask his help. Over
remote Eastern lands, where Frankish foot had never trod, Frederick Barbarossa asserted the indestructible rights of Rome, mistress of the world. A letter to Saladin, amusing from its absolute identification of his own Empire with that which had sent Crassus to perish in Parthia, and had blushed to see Mark Antony “consulum nostrum”* at the feet of Cleopatra, is pre-
served by Hoveden: it bids the Soldan withdraw at once from the dominions of Rome, else will she, with her new Teutonic defenders, of whom a pompous list follows, drive him from them with all her ancient might.

* It is not necessary to prove this letter to have been the composi-
tion of Frederick or his ministers. If it be (as it doubtless is) con-
temporary, it is equally to the purpose as an evidence of the feelings and ideas of the age. As a reviewer of a former edition of this book has questioned its authenticity, I may mention that it is to be found not only in Hoveden, but also in the “Itinerarium regis Ricardi,” in Ralph de Diceto, and in the “Chronicon Terrae Sanctae.” [See Mr. Stubbs’ edition of Hoveden, vol. ii. p. 356.]
Unwilling as were the great kingdoms of Western Europe to admit the territorial supremacy of the Emperor, the proudest among them never refused, until the end of the Middle Ages, to recognize his precedence and address him in a tone of respectful deference. Very different was the attitude of the Byzantine princes, who denied his claim to be an Emperor at all. The separate existence of the Eastern Church and Empire was not only, as has been said above, a blemish in the title of the Teutonic sovereigns; it was a continuing and successful protest against the whole system of an Empire Church of Christendom, centering in Rome, ruled by the successor of Peter and the successor of Augustus. Instead of the one Pope and one Emperor whom mediæval theory presented as the sole earthly representatives of the invisible head of the Church, the world saw itself distracted by the interminable feud of rivals, each of whom had much to allege on his behalf. It was easy for the Latins to call the Easterns schismatics and their Emperor an usurper, but practically it was impossible to dethrone him or reduce them to obedience: while even in controversy no one could treat the pretensions of communities, who had been the first to embrace Christianity and retained so many of its most ancient forms, with the contempt which would have been felt for any Western sectaries. Seriously, however, as the hostile position of the Easterns seems to us to affect the claims of the Teutonic Empire, calling in question its legitimacy and marring its pretended universality, those who lived at the time seem to have troubled themselves little about it, finding themselves in practice seldom confronted by the difficulties it raised. The great mass of the people knew of the Easterns not even by name; of those who did, the most thought of them only as perverse rebels, Samaritans who refused to worship at Jerusalem, and were little better than
infidels. The few ecclesiastics of superior knowledge and insight had their minds preoccupied by the established theory, and accepted it with too intense a belief to suffer anything else to come into collision with it: they do not seem to have even apprehended all that was involved in this one defect. Nor, what is still stranger, in all the attacks made upon the claims of the Teutonic Empire, whether by its Papal or its French antagonists, do we find the rival title of the Byzantine sovereigns adduced in argument against it. Nevertheless, the Eastern Church was then, as she is to this day, a thorn in the side of Papacy; and the Eastern Emperors, so far from uniting for the good of Christendom with their Western brethren, felt toward them a bitter though not unnatural jealousy, lost no opportunity of intriguing for their evil, and never ceased to deny their right to the imperial name. The coronation of Charles was in their eyes an act of unholy rebellion; his successors were barbarian intruders, ignorant of the laws and usages of the ancient state, and with no claim to the Roman name except that which the favor of an insolent pontiff might confer. The Easterns had themselves long since ceased to use the Latin tongue, and were indeed become more than half Orientals in character and manners. But they still continued to call themselves Romans, and preserved most of the titles and ceremonies which had existed in the time of Constantine or Justinian. They were weak, although by no means so weak as modern historians have been till lately wont to paint them, and the weaker they grew the higher rose their conceit, and the more did they plume themselves upon the uninterrupted legitimacy of their crown, and the ceremonial splendor wherewith custom had surrounded its wearer. It gratified their spite to pervert insultingly the titles of Frankish princes. Basil the Macedonian reproached Lewis II with presuming to
use the name of "Basileus," to which Lewis retorted that he was as good an emperor as Basil himself, but that, anyhow, Basileus was only the Greek for rex, and need not mean "Emperor" at all. Nicephorus would not call Otto I anything but "King of the Lombards,"* Conrad III was addressed by Calo-Johannes as "amice imperii mei Rex;"† Isaac Angelus had the impudence to style Frederick I "chief prince of Alemannia."‡ The great

* Liutprand, Legatio Constantinopolitana, Nicephorus says, "Vis malius scandalum quam quod se imperatorem vocat."

† Otto of Freysing, i. c. 30.

‡ "Isaacius a Deo constitutus Imperator, sacratissimus, excellentissimus, potentissimus, moderator Romanorum, Angelus totius orbis, heres corone magni Constantini, dilecto fratri imperii sui, maximo principi Alemanniae." A remarkable speech of Frederick's to the envoys of Isaac, who had addressed a letter to him as "Rex Alemanniae," is preserved by Ansbert (Historia de Expeditione Friderici Imperatoris): "Dominus Imperator divina se illustrante gratia ulterior dissimulare non valens temerarium fastum regis (sc. Graecorum) et usurpantom vocabulum falsi imperatoris Romanorum, hæc intor æterna exorsus est: 'Omnibus qui sanæ mentis sunt constat, quia unus est Monarchus Imperator Romanorum, sicut et unus est pater universitatis, pontifex videlicet Romanus; ideoque cum ego Romani imperii sceptrum plusquam per annos XXX absque omnium regum vel præcipuvm contradictione tranquille tenererim et in Romana urbe a summo pontifice imperiali benedictione unctus sim et sublimatus, quia denique Monarchiam prædecessores mei imperatores Romanorum plusquam per CCC annos etiam gloriose transmiserint utpote a Constantinopolitana urbe ad pristinam sedem imperii, caput orbis Romam, acclamatione Romanorum et principum imperii, auctoritate quoque summi pontificis et S. catholice ecclesie translatam, propter tardum et infructuosum Constantinopolitani imperatoris auxilium contra tyrannos ecclesie, mirandum est admodum cur frater meus dominus vester Constantinopolitanus imperator usurpet inefficax sibi idem vocabulum et glorietur stulte alieno sibi prorsus honore, cum liquido noverit me et nomine dici et re esse Fridericum Romanorum imperatorem semper Augustum.'" Isaac was so far moved by Frederick's indignation that in his next letter he addressed him as "generosissimum imperatorem Alemanniae," and in a third
Emperor, half-resentful, half-contemptuous, told the envoys that he was "Romanorum imperator," and bade the master call himself "Romaniorum" from his Thracian province. Though these ebullitions were the most conclusive proof of their weakness, the Byzantine rulers sometimes planned the recovery of their former capital, and seemed not unlikely to succeed under the leadership of the conquering Manuel Comnenus. He invited Alexander III, then in the heat of his strife with Frederick, to return to the embrace of his rightful sovereign, but the prudent pontiff and his synod courteously declined.* The Byzantines were, however, too unstable and too much alienated from Latin feeling to have held Rome, could they even have seduced her allegiance. A few years later they were themselves the victims of the French and Venetian crusaders.

Though Otto the Great and his successors had dropped all titles save the highest (the tedious lists of imperial dignities were happily not yet in being), they did not therefore endeavor to unite their several kingdoms, but continued to go through four distinct coronations at the four capitals of their Empire.† These are concisely given in the verses of Godfrey of Viterbo, a notary of Frederick's household:‡

"Primus Aquisgrani locus est, post hæc Arelati, Inde Modoetie regali sede locari

thus: "Isaakius in Christo fidelis divinitus coronatus, sublimis, potens, excelsus, hæres coronæ magni Constantini et Moderator Romeon Angelus nobilissimo Imperatori antique Romæ, regi Alemanie et directo fratri imperii sui, salutem," etc., etc. (Ansbert, ut supra).

* Baronius, ad ann.  
† See Appendix, Note C.  
‡ Godefr. Viterb., Pantheon, in Mur., S. R. I., tom. vii,
Post solet Italicæ summa corona dari:
Caesar Romano cum vult diademate fungi
Debet apostolicis manibus reverentur inungi."

By the crowning at Aachen, the old Frankish capital, the monarch became "king;" formerly "king of the Franks," or, "king of the Eastern Franks;" now since Henry II's time, "king of the Romans, always Augustus." At Monza (or, more rarely, at Milan) in later times, at Pavia in earlier times, he became king of Italy, or of the Lombards;* at Rome he received the double crown of the Roman Empire, "double," says Godfrey, as "urbis et orbis;"

"Hoc quicunque tenet, sumnum in orbe sedet;"

though others hold that, uniting the miter to the crown, it typifies spiritual as well as secular authority. The crown of Burgundy† or the kingdom of Arles, first gained by Conrad II, was a much less splendid matter, and carried with it little effective power. Most Emperors never assumed it at all, Frederick I not till late in life, when an interval of leisure left him nothing better to do. These four crowns‡ furnish matter of endless discussion to the old writers; they tell us that the Roman was golden, the German silver, the Italian iron, the metal corresponding to the dignity of each realm.§ Others say that that of Aachen

* Dönninges, Deutsches Staatsrecht, thinks that the crown of Italy, neglected by the Ottos, and taken by Henry II, was a recognition of the separate nationality of Italy. But Otto I seems to have been crowned king of Italy, and Muratori (Ant. It. Dissert. iii.) believes that Otto II and Otto III were likewise.

† See Appendix, Note A.

‡ Some add a fifth crown, of Germany (making that of Aachen Frankish), which they say belonged to Regensburg.—Marquardus Freherus.

§ "Dy erste ist tho Aken: dar kronet men mit der Yseren Krone, so is he Konig over alle Dudesche Ryke. Dy andere tho Meylan, de is Sulvern, so is he Here der Walen. Dy drüdde is tho Rome; dy is gulddin, so is he Keyser over alle dy Werlt."—Gloss to the Sachsenspiegel, quoted by Pfeffinger. Similarly Peter de Andlo.
is iron, and the Italian silver, and give elaborate reasons why it should be so.* There seems to be no doubt that the allegory created the fact, and that all three crowns were of gold (or gilded silver), though in that of Italy there was and is inserted a piece of iron, a nail, it was believed, of the true Cross.

Why, it may well be asked, seeing that the Roman crown made the Emperor ruler of the whole habitable globe, was it thought necessary for him to add to it minor dignities which might be supposed to have been already included in this supreme one? The reason seems to be that the imperial office was conceived of as something different in kind from the regal, and as carrying with it not the immediate government of any particular kingdom, but a general suzerainty over and right of controlling all. Of this a pertinent illustration is afforded by an anecdote told of Frederick Barbarossa. Happening once to inquire of the famous jurists who surrounded him whether it was really true that he was "lord of the world," one of them simply assented, another, Bulgarus, answered, "Not as respects ownership." In this dictum, which is evidently conformable to the philosophical theory of the Empire, we have a pointed distinction drawn between feudal sovereignty, which supposes the prince original owner of the soil of his whole kingdom, and imperial sovereignty which is irrespective of place, and exercised not over things but over men, as God's rational creatures. But the Emperor, as has been said already, was also the East Frankish king, uniting in himself, to use the legal phrase, two wholly distinct "per-

*Cf. Gewoldus, De Septemviratu imperii Romani. One would expect some ingenious allegorizer to have discovered that the crown of Burgundy must be, and therefore is, of copper or bronze, making the series complete, like the four ages of men in Hesiod. But I have not been able to find any such.
sons,” and hence he might acquire more direct and practically useful rights over a portion of his dominions by being crowned king of that portion, just as a feudal monarch was often duke or count of lordships whereof he was already feudal superior; or, to take a better illustration, just as a bishop may hold livings in his own diocese. That the Emperors, while continuing to be crowned at Milan and Aachen, did not call themselves kings of the Lombards and of the Franks, was probably merely because these titles seemed insignificant compared to that of Roman Emperor.

In this supreme title, as has been said, all lesser honors were blent and lost, but custom or prejudice forbade the German king to assume it till actually crowned at Rome by the Pope.* Matters of phrase and title are never unimportant, least of all in an age ignorant and superstitiously antiquarian: and this restriction had the most important consequences. The first barbarian kings had been tribe-chiefs; and when they claimed a dominion which was universal, yet in a sense territorial, they could not separate their title from the spot which it was their boast to possess, and by virtue of whose name they ruled. “Rome,” says the biographer of St. Adalbert, “seeing that she both is and is called the head of the world and the mistress of cities, is alone able to give to kings imperial power, and since she cherishes in her bosom the body of the Prince of the Apostles, she ought of right to appoint

*Hence the numbers attached to the names of the Emperors are often different in German and Italian writers, the latter not reckoning Henry the Fowler nor Conrad I. So Henry III (of Germany) calls himself “Imperator Henricus Secundus;” and all distinguish the years of their regnum from those of the imperium. Cardinal Baronius will not call Henry V anything but Henry III, not recognizing Henry IV’s coronation, because it was performed by an anti-pope.
the Prince of the whole earth."* The crown was therefore too sacred to be conferred by any one but the supreme Pontiff, or in any city less august than the ancient capital. Had it become hereditary in any family, Lothar I's, for instance, or Otto's, this feeling might have worn off; as it was, each successive transfer to a new dynasty, to Guido, to Otto, to Henry II, to Conrad the Salic, strengthened it. The force of custom, tradition, precedent, is incalculable, when checked neither by written rules nor free discussion. What sheer assertion will do is shown by the success of a forgery so gross as the Isidorian decretals. No arguments are needed to discredit the alleged decree of Pope Benedict VIII,† which prohibited the German prince from taking the name or office of Emperor till approved and consecrated by the Pontiff, but a doctrine so favorable to papal pretensions was sure not to want advocacy; Hadrian IV proclaims it in the broadest terms, and through the efforts of the clergy and the spell of reverence in the Teutonic princes, it passed into an unquestioned belief.‡ That none ventured to use the title till the Pope conferred it, made it seem in some manner to

* Life of S. Adalbert (written at Rome early in the eleventh century, probably by a brother of the monastery of SS. Boniface and Alexius) in Pertz, M. G. H. iv.

† Given by Glaber Rudolphus. It is on the face of it a most impudent forgery: "Ne quisquam audacter Romani Imperii sceptrum praepostere gestare princeps appetat neve Imperator dici aut esse valeat nisi quem Papa Romanus morum probitate aptum elegerit, eique commiserit insignis imperiale."

‡ The Sachsenspiegel says, "Die duedeschen solen durch recht den koning kiesen. Svenne die gewiet wert von den bischopen die dar to gesat sin, unde uppe den stul to Aken kumpt, so hevet he koning-like walt unde koninglichen namen. Svenne yn die paaes wiet, so heute he des rikes gewalt unde keiserlichen namen."
depend on his will, enabled him to exact conditions from every candidate, and gave a color to his pretended suzerainty. Since by feudal theory every honor and estate is held from some superior, and since the divine commission has been without doubt issued directly to the Pope, must not the whole earth be his fief, and he the lord paramount, to whom even the Emperor is a vassal? This argument, which derived considerable plausibility from the rivalry between the Emperor and other monarchs, as compared with the universal and undisputed* authority of the Pope, was a favorite with the high sacerdotal party: first distinctly advanced by Hadrian IV, when he set up the picture† representing Lothair's homage, which had so irritated the followers of Barbarossa, though it had already been hinted at in Gregory VII's gift of the crown to Rudolf of Swabia, with the line,—

"Petra dedit Petro, Petrus diadema Rudolfo."

Nor was it only by putting him at the pontiff's mercy that this dependence of the imperial name on a coronation in the city injured the German sovereign.‡ With strange

*Universal and undisputed in the West, which, for practical purposes, meant the world. The denial of the supreme jurisdiction of Peter's chair by the Eastern churches affected very slightly the belief of Latin Christendom, just as the existence of a rival emperor at Constantinople with at least as good a legal title as the Teutonic Caesar, was readily forgotten or ignored by the German and Italian subjects of the latter.

†Odious especially for the inscription:

"Rex venit ante fores nullo prius urbis honore;
Post homo fit Pape, sumit quo dante coronam."—Radewic.

Another version of the first line is:

"Rex stetit ante fores iuraas prius urbis honores."

‡Medieval history is full of instances of the superstitious veneration attached to the rite of coronation (made by the Church almost a
inconsistency it was not pretended that the Emperor's rights were any narrower before he received the rite: he could summon synods, confirm papal elections, exercise jurisdiction over the citizens: his claim of the crown itself could not, at least till the times of the Gregorys and the Innocents, be positively denied. For no one thought of contesting the right of the German nation to the Empire, or the authority of the electoral princes, strangers though they were, to give Rome and Italy a master. The republican followers of Arnold of Brescia might murmur, but they could not dispute the truth of the proud lines in which the poet who sang the glories of Barbarossa,* describes the result of the conquest of Charles the Great:

"Ex quo Romanum nostra virtute redemptum
Hostibus expulsis, ad nos iustissimus ordo
Transtulit imperium, Romani gloria regni
Nos penes est. Quemcunque sibi Germania regem
Preficit, hunc dives summisso vertice Roma
Suscipit, et verso Tiberim regit ordine Rhenus."

But the real strength of the Teutonic kingdom was

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saerament), and to the special places where, or even utensils with which it was performed. Every one knows the importance in France of Rheims and its sacred ampulla; so the Scottish king must be crowned at Scone, an old seat of Pictish royalty—Robert Bruce risked a great deal to receive his crown there; so no Hungarian coronation was valid unless made with the crown of St. Stephen; the possession whereof is still accounted so valuable by the Austrian court. Great importance seems to have been attached to the imperial globe (Reichsapfel) which the Pope delivered to the Emperor at his coronation.

* Whether the poem which passes under the name of Gunther Ligurinus be his work or that of some scholar in a later age, Conrad Celtes as is commonly supposed, is for the present purpose indifferent. [At present (1886) the view prevails that the poem belongs to the age of Frederick, that "Ligurinus" is its title, and that the name of Gunther for the author is probably wrong.]
wasted in the pursuit of a glittering toy: once in his reign each Emperor undertook a long and dangerous expedition, and dissipated in an inglorious and ever to be repeated strife the forces that might have achieved conquest elsewhere, or made him feared and obeyed at home.

At this epoch appears another title, of which more must be said. To the accustomed "Roman Empire" Frederick Barbarossa adds the epithet of "Holy." Of its earlier origin, under Conrad II (the Salic), which some have supposed,* there is no documentary trace, though there is also no proof to the contrary.† So far as is known it occurs first in the famous Privilege of Austria, granted by Frederick in the fourth year of his reign, the second of his empire, "terram Austriae quae elypeus et cor sacri imperii esse dinoicitur;"‡ then afterward, in other manifestoes of his reign; for example, in a letter to Isaac Angelus of Byzantium,§ and in the summons to the princes to help him against Milan: "Quia . . . urbis et orbis gubernacula tenemus . . . sacro imperio et divae reipublicae consulere dehensus;"‖ where the second phrase is a synonym explanatory of the first. Used occasionally by Henry VI and Frederick II, it is more frequent under their successors, William, Richard, Rudolf, till after Charles IV's time it becomes habitual, for the last few centuries indispensable. Regarding the origin of so singular a title many theories

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*Zeller, Universal Lexicon. s. v. Reich.

†It does not occur before Frederick I's time in any of the documents printed by Pertz; and this is the date which Boecclerus also assigns in his treatise, De Sacro Imperio Romano, vindicating the terms "sacrum" and "Romanum" against the aspersions of Blondel

‡Pertz, M. G. II., tom. iv. (legum ii.)

§Ibid. iv.

‖Radewie, ap. Pertz.
have been advanced. Some declared it a perpetuation of
the court style of Rome and Byzantium, which attached
sanctity to the person of the monarch: thus David
Blondel, contending for the honor of France, calls it a
mere epithet of the Emperor, applied by confusion to
his government.* Others saw in it a religious meaning
referring to Daniel’s prophecy, or to the fact that the
Empire was contemporary with Christianity, or to Christ’s
birth under it.† Strong churchmen derived it from the
dependence of the imperial crown on the Pope. There
were not wanting persons to maintain that it meant noth-
ing more than great or splendid. We need not, however,
be in any great doubt as to its true meaning and purport.
The ascription of sacredness to the person, the palace, the
letters and so forth, of the sovereign, so common in the
later ages of Rome, had been partly retained in the German
court. Liudprand calls Otto “imperator sanctissimus.”‡
Still this sanctity, which the Greeks above all others
lavished on their princes, is something personal, is noth-
ing more than the divinity that always hedges a king.
Far more intimate and peculiar was the relation of the
revived Roman Empire to the church and religion. As
has been said already, it was neither more nor less than the
visible Church, seen on its secular side, the Christian
society organized as a state under a form divinely ap-
pointed, and therefore the name “Holy Roman Empire”

* Blondellus adv. Chiffletium. Most of these theories are stated by
Boeclerus. Jordanes (Chronica) says, “Sacri imperii quod non est
dubium sancti Spiritus ordinatione, secundum qualitatem ipsam et
exigentiam meritorum humanorum disponi.”

† Marquard Freher’s notes to Peter de Andlo, book i. chap. vii.

‡ So in the song on the capture of the Emperor Lewis II by Adal-
gisius of Benevento, we find the words, “Ludhuicium comprenderunt
sancto, pio, Augustio.” (Quoted by Gregorovius, Geschichte der
Stadt Rom im Mittelalter, iii. p. 185).
was the needful and rightful counterpart to that of "Holy Catholic Church." Such had long been the belief, and so the title might have had its origin as far back as the tenth or ninth century, might even have emanated from Charles himself. Alcuin in one of his letters uses the phrase "imperium Christianum." But there was a further reason for its introduction at this particular epoch. Ever since Hildebrand had claimed for the priesthood exclusive sanctity and supreme jurisdiction, the papal party had not ceased to speak of the civil power as being, compared with that of their own chief, merely secular, earthly, profane. It may be conjectured that to meet this reproach, no less injurious than insulting, Frederick or his advisers began to use in public documents the expression "Holy Empire;" thereby wishing to assert the divine institution and religious duties of the office he held. Previous Emperors had called themselves "Catholicici," "Christiani," "ecclesie defensores;"* now their State itself is consecrated an earthly theocracy. "Deus Romanum imperium adversus schisma ecclesiae præparavit,"† writes Frederick to the English Henry II. The theory was one which the best and greatest Emperors, Charles, Otto the Great, Henry III, had most striven to carry out; it continued to be zealously upheld when it had long ceased to be practicable. In the proclamations of mediæval kings there is a constant dwelling on their Divine commission. Power in an age of violence sought to justify while it enforced its commands, to make brute force less brutal by appeals to a higher sanction. This is seen nowhere more than in the style of the German sovereigns: they delight in the phrases "maiestas sacrosancta,"‡ "imperator divina ordinante providentia."

* Goldast, Constitutiones.
† Pertz, M. G. H., legg. ii.
‡ "Apostolic majesty" was the proper title of the king of Hungary. The Austrian court has recently revived it,
"divina pietate," "per misericordiam Dei;" many of which were preserved till, like those used now by other European kings, like our own "Defender of the Faith," they had become at last more grotesque than solemn. The free-thinking Emperor Joseph II, at the end of the eighteenth century, was "Advocate of the Christian Church," "Vicar of Christ," "Imperial head of the faithful," "Leader of the Christian army," "Protector of Palestine, of general councils, of the Catholic faith."*

The title, if it added little to the power, yet certainly seems to have increased the dignity of the Empire, and by consequence the jealousy of other states, of France especially. This did not, however, go so far as to prevent its recognition by the Pope and the French king,† and after the sixteenth century it would have been a breach of diplomatic courtesy to omit it. Nor have imitators been wanting: witness such titles as "Most Christian king." "Catholic king," "Defender of the Faith." †

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* Moser, Römische Kayser.
† Urban IV used the title in 1259: Francis I (of France) calls the Empire "sacrosanctum."
‡ One may compare "Holy Russia." It is almost superfluous to observe that the beginning of the title "Holy" has nothing to do with the beginning of the Empire itself. Essentially and substantially, the Holy Roman Empire was, as has been shown already, the creation of Charles the Great. Looking at it more technically, as the monarchy, not of the whole West, like that of Charles, but of Germany and Italy, with a claim, which was never more than a claim, to universal sovereignty, its beginning is fixed by most of the German writers, whose practice has been followed in the text, at the coronation of Otto the Great. But the title was at least one, and probably two centuries later.

NOTE.—An interesting illustration of the power of the imperial idea in a country where one would have least looked for it, a country almost wholly cut off, during the earlier middle age, from the ecclesiastical as well as the political influences of the European continent,
has been supplied me by the kindness of Sir Henry Maine. In Ireland, before the English Conquest, the custom was for a chieftain or magnate, who seemed to have usually a superfluity of cattle, to give them out among his dependants to be pastured; and thus the expression “to receive stock” from any one comes to denote the owning of a subordinate or vassal position, similar to that of the feudal tenant who receives land as a *beneficium* from his lord. Now the Bréhon law, after showing how the inferior princes of the island may receive stock from the King of Erin—the suzerain of the whole island, who, however, even when he existed, had little more than a titular authority—goes on to say, “When the King of Erin is without opposition (i.e. when he holds Dublin, Waterford and Limerick, which were usually in the hands of Norsemen or Danes), he receives stock from the King of the Romans,” i.e. the Emperor. And the commentary adds that sometimes it is the successor of Patrick who gives stock to the King of Erin, thereby setting the primate of Ireland in the position beside the Emperor which continental theory assigned to the Pope.
CHAPTER XIII.

FALL OF THE HOHENSTAUFEN.

In the three preceding chapters the Holy Empire has been described in what is not only the most brilliant but the most momentous period of its history; the period of its rivalry with the Popedom for the chief place in Christendom. For it was mainly through their relations with the spiritual power, by their friendship and protection at first, no less than by their subsequent hostility, that the Teutonic Emperors influenced the development of European politics. The reform of the Roman Church which went on during the reigns of Otto I and his successors down to Henry III, and which was chiefly due to the efforts of those monarchs, was the true beginning of the grand period of the Middle Ages, the first of that long series of movements, changes and creations in the ecclesiastical system of Europe which was, so to speak, the master current of history, secular as well as religious, during the centuries which followed. The first result of Henry III’s purification of the Papacy was seen in Hildebrand’s attempt to subject all jurisdiction to that of his own chair, and in the long struggle of the Investitures, which brought out into clear light the opposing pretensions of the temporal and spiritual powers. Although destined in the end to bear far other fruit, the immediate effect of this struggle was to evoke in all classes an intense religious feeling; and, in opening up new fields of ambition to the hierarchy, to stimulate wonderfully their
power of political organization. It was this impulse that
gave birth to the Crusades, and that enabled the Popes,
stepping forth as the rightful leaders of a religious war, to
bend it to serve their own ends: it was thus too that
they struck the alliance—strange as such alliance seems
now—with the rebellious cities of Lombardy, and
proclaimed themselves the protectors of municipal free-
dom. But the third and crowning triumph of the
Holy See was reserved for the thirteenth century. In
the foundation of the two great orders of ecclesiastical
knighthood, the all-powerful, all-pervading Dominicans
and Franciscans, the religious fervor of the Middle Ages
culminated: in the overthrow of the only power which
could pretend to vie with her in antiquity, in sanctity, in
universality, the Papacy saw herself exalted to rule alone
over the kings of the earth. Of that overthrow, following
with terrible suddenness on the days of strength and glory
which we have just been witnessing, this chapter has now
to speak.

It happened strangely enough that just while their ruin
was preparing, the house of Swabia gained over their ec-
clesiastical foes what seemed likely to prove an advantage
of the first moment. The son and successor of Barbarossa
was Henry VI, a man who had inherited all his father’s
harshness with none of his father’s generosity. By his
marriage with Constance, the heiress of the Norman
kings, he had become master of Naples and
Sicily. Emboldened by the possession of what
had been hitherto the stronghold of his prede-
cessors’ bitterest enemies, and able to threaten
the Pope from south as well as north, Henry conceived a
scheme which might have wonderfully changed the history
of Germany and Italy. He proposed to the Teutonic
magnates to lighten their burdens by uniting these newly
acquired countries to the Empire, to turn their feudal

Henry VI,
1190-
1197.
lands into allodial, and to make no further demands for
money on the clergy, on condition that they should pro-
nounce the crown hereditary in his family. Results of the
highest importance would have followed this change,
which Henry advocated by setting forth the perils of in-
terregna, and which he doubtless meant to be but part of
an entirely new system of polity. Already so strong in
Germany, and with an absolute command of their new
kingdom, the Hohenstaufen might have dispensed with
the renounced feudal services, and built up a firm central-
ized system, like that which was already beginning to
develop itself in France. First, however, the Saxon
princes, then some ecclesiastics headed by Conrad of
Mentz, opposed the scheme; the pontiff retracted his con-
sent, and Henry had to content himself with getting his
infant son Frederick II chosen king of the Romans. On
Henry’s untimely death the election was set aside, and the
contest which followed between Otto of Brunswick and
Philip of Hohenstaufen, brother of Henry VI,
gave the Popedom, now guided by the genius
of Innocent III, an opportunity of extending
its sway at the expense of its antagonist. The
Pope moved heaven and earth on behalf of Otto, whose
family had been the constant rivals of the
Hohenstaufen, and who was himself willing to
promise all that Innocent required; but Philip’s
personal merits and the vast possessions of his
house gave him while he lived the ascendancy in Germany.
His death by the hand of an assassin, while it seemed to
vindicate the Pope’s choice, left the Swabian party with-
out a head, and the Papal nominee was soon recognized
over the whole Empire. But Otto IV became less sub-
missive as he felt his throne more secure. If he was
a Guelf by birth, his acts in Italy, whither he had gone
to receive the imperial crown, were those of a Ghibe-
line, anxious to reclaim the rights he had but just forsworn. The Roman Church at last deposed and excommunicated her ungrateful son, and Innocent rejoiced in a second successful assertion of pontifical supremacy, when Otto was de-throned by the youthful Frederick II whom a tragic irony sent into the field of politics as the champion of the Holy See, whose hatred was to embitter his life and extinguish his house.

Upon the events of that terrific strife, for which Emperor and Pope girded themselves up for the last time, the narrative of Frederick II’s career, with its romantic adventures, its sad picture of marvelous powers lost on an age not ripe for them, blasted as by a curse in the moment of victory, it is not necessary, were it even possible, here to enlarge. That conflict did indeed determine the fortunes of the German kingdom no less than of the republics of Italy, but it was upon Italian ground that it was fought out and it is to Italian history that its details belong. So too of Frederick himself. Out of the long array of the Germanic successors of Charles, he is, with Otto III, the only one who comes before us with a genius and a frame of character that are not those of a Northern or a Teuton.* There dwelt in him, it is true, all the energy and knightly valor of his father Henry and his grandfather Barbarossa. But along with these, and changing their direction, were other gifts, inherited perhaps from his Italian mother and fostered by his education among the orange-groves of

*I quote from the Liber Augustalis printed among Petrarch’s works the following curious description of Frederick: “Fuit armorum strenus, linguarum peritus, rigorosus, luxuriosus, epicurus, nihil curans vel credens nisi temporale: fuit malleus Romanæ ecclesie.” As Otto III has been called “mirabilia mundi,” so Frederick II is often spoken of in his own time as “stupor mundi Fridericus.”
Palermo—a love of luxury and beauty, an intellect refined, subtle, philosophical. Through the mist of calumny and fable it is but dimly that the truth of the man can be discerned, and the outlines that appear serve to quicken rather than appease the curiosity with which we regard one of the most extraordinary personages in history. A sensualist, yet also a warrior and a politician; a profound lawgiver and an impassioned poet; in his youth fired by crusading fervor, in later life persecuting heretics while himself accused of blasphemy and unbelief; of winning manners and ardently beloved by his followers, but with the strain of more than one cruel deed upon his name, he was the marvel of his own generation, and succeeding ages looked back with awe, not unmingled with pity, upon the inscrutable figure of the last Emperor who had braved all the terrors of the Church and died beneath her ban, the last who had ruled from the sands of the ocean to the shores of the Sicilian sea. But while they pitied they condemned. The undying hatred of the Papacy threw round his memory a lurid light; him and him alone of all the imperial line, Dante, the worshiper of the Empire, must perform deliver to the flames of hell."

Placed as the Empire was, it was scarcely possible for its head not to be involved in war with the constantly aggressive Popedom—aggressive in her claims of territorial dominion in Italy as well as of ecclesiastical jurisdiction throughout the world. But it was Frederick’s peculiar misfortune to have given the Popes a hold over him which they well knew how to use. In a moment of youthful enthusiasm he had taken the cross from the hands of an eloquent monk, and his delay to fulfill the vow was branded as impious neglect. Excommunicated by Gregory IX for

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*"Quì entro è lo secondo Federico." Inferno, canto x."
not going to Palestine, he went, and was excommunicated for going: having concluded an advantageous peace, he sailed for Italy, and was a third time excommunicated for returning. To Pope Gregory he was at last after a fashion reconciled, but with the accession of Innocent IV the flame burst out afresh. Upon the special pretexts which kindled the strife it is not worth while to descant: the real causes were always the same, and could only be removed by the submission of one or other combatant. Chief among them was Frederick’s possession of Sicily. Now were seen the fruits which Barbarossa had stored up for his house when he gained for Henry his son the hand of the Norman heiress. Naples and Sicily had been for some two hundred years recognized as a fief of the Holy See, and the Pope, who felt himself in danger while encircled by the powers of his rival, was determined to use his advantage to the full and make it the means of extinguishing Imperial authority throughout Italy. But although the struggle was far more of a territorial and political one than that of the previous century had been, it reopened every former source of strife, and passed into a contest between the civil and the spiritual potentate. The old war-cries of Henry and Hildebrand, of Barbarossa and Alexander, roused again the unquenchable hatred of Italian factions; the pontiff asserted the transference of the Empire as a fief, and declared that the power of Peter, symbolized by the two keys, was temporal as well as spiritual: the Emperor appealed to law, to the indelible rights of Cæsar; and denounced his foe as the anti-christ of the New Testament, since it was God’s second vicar whom he was resisting. The one scoffed at anathema, upbraided the avarice of the Church, and treated her soldiery, the friars, with a severity not seldom ferocious. The other solemnly deposed a rebellious and heretical prince, offered the imperial crown to Robert of France, to the heir of Denmark, to Hakon
the Norse king; succeeded at last in raising up rivals in Henry of Thuringia and William of Holland. Yet throughout it is less the Teutonic Emperor who is attacked than the Sicilian king, the unbeliever and friend of Mohammedans, the hereditary enemy of the Church, the assailant of Lombard independence, whose success must leave the Papacy defenceless. And as it was from the Sicilian kingdom that the strife chiefly arose, so was the possession of the Sicilian kingdom a source rather of weakness than of strength, for it distracted Frederick's forces and put him in the false position of a liegeman resisting his lawful suzerain. Truly, as the Greek proverb says, the gifts of foes are no gifts, and bring no profit with them. The Norman kings were more terrible in their death than in their life: they had sometimes baffled the Teutonic Emperor; their heritage destroyed him.

With Frederick fell the Empire. From the ruin that overwhelmed the greatest of its houses it emerged, living indeed, and destined to a long life, but so shattered, crippled and degraded, that it could never more be to Europe and to Germany what it once had been. In the last act of the tragedy were joined the enemy who had now blighted its strength and the rival who was destined to insult its weakness and at last blot out its name. The murder of Frederick's grandson Conradin—a hero whose youth and whose chivalry might have moved the pity of any other foe—was approved, if not suggested, by Pope Clement; it was done by the minions of Charles, of France.

The Lombard league had successfully resisted Frederick's armies and the more dangerous Ghibeline nobles: their strong walls and swarming population made defeats in the open field hardly felt; and now that South Italy too had passed away from a German line—first to an Angevin, afterward to an Ara-
gonese dynasty—it was plain that the peninsula was irre-
trievably lost to the Emperors. Why, however, should
they not still be strong beyond the Alps? was their position
worse than that of England when Normandy and Aquitaine
no longer obeyed a Plantagenet? The force that had
enabled them to rule so widely would be all the greater in
a narrow sphere.

So indeed it might once have been, but now it was too
late. The German kingdom broke down beneath the
weight of the Roman Empire. To be universal sovereign Germany had sacrificed her own
political existence. The necessity which their
projects in Italy and disputes with the Pope
laid the Emperors under of purchasing by con-
cessions the support of their own princes, the ease with
which in their absence the magnates could usurp, the
difficulty which the monarch returning found in resuming
the privileges of his crown, the temptation to revolt and
set up pretenders to the throne which the Holy See held
out, these were the causes whose steady action laid the
foundation of that territorial independence which rose into
a stable fabric at the era of the Great Interregnum.*
Frederick II had by two Pragmatic Sanctions, A.D. 1220
and 1232, granted, or rather confirmed, rights
already customary, such as to give the bishops
and nobles legal sovereignty in their own towns
and territories, except when the Emperor
should be present; and thus his direct jurisdiction became
restricted to his narrowed domain, and to the cities imme-
diately dependent on the crown. With so much less to do,
an Emperor became altogether a less necessary personage;
and hence the seven magnates of the realm, now by law or
custom sole electors, were in no haste to fill up the place
of Conrad IV, whom the supporters of his father Frederick
had acknowledged. William of Holland was in the field, but rejected by the Swabian party: on his death a new election was called for, and at last set on foot. The archbishop of Cologne advised his brethren to choose some one rich enough to support the dignity, not strong enough to be feared by the electors: both requisites met in the Plantagenet Richard, earl of Cornwall, brother of the English Henry III. He received three, eventually four votes, came to Germany, and was crowned at Aachen. But three of the electors, finding that his bribe to them was lower than to the others, seceded in disgust, and chose Alfonso X of Castile,† who, shrewder than his competitor, continued to watch the stars at Toledo, enjoying the splendors of his title while troubling himself about it no further than to issue now and then a proclamation. Meantime the condition of Germany was frightful. The new Didius Julianus, the chosen of princes baser than the praetorians whom they copied, had neither the character nor the outward power and resources to make himself respected. Every flood-gate of anarchy was opened: prelates and barons extended their domains by war: robber-knights infested the highways and the rivers: the misery of the weak, the tyranny and violence of the strong, were such as had not been seen for centuries. Things were even worse than under the Saxon and Franconian Emperors; for the pretty nobles who had then been in some measure controlled by their dukes, were now, after the extinction

*The interregnum is by some reckoned as the two years before Richard's election; by others, as the whole period from the death of Frederick II, or that of his son Conrad IV, till Rudolf's accession in 1273.

† Surnamed, from his scientific tastes, "the Wise."
of the great houses, left without any feudal superior. Only in the cities was shelter or peace to be found. Those of the Rhine had already leagued themselves for mutual defence, and maintained a struggle in the interests of commerce and order against universal brigandage. At last, when Richard had been some time dead, it was felt that such things could not go on forever: with no public law, and no courts of justice, an Emperor, the embodiment of legal government, was the only resource. The Pope himself, having now sufficiently improved the weakness of his enemy, found the disorganization of Germany beginning to tell upon his revenues, and threatened that if the electors did not appoint an Emperor, he would. Thus urged, they chose, in A.D. 1273, Rudolf, count of Hapsburg, founder of the house of Austria.*

From this point there begins a new era. We have seen the Roman Empire revived in A.D. 800, by a prince whose vast dominions gave ground to his claim of universal monarchy: again erected in A.D. 962, on the narrower but firmer basis of the German kingdom. We have seen Otto the Great and his successors during the three following centuries, a line of monarchs of unrivaled vigor and abili-

* "Electores imperii ad indictum et mandatum domini pape apud Franchenfurte super electione convienentes, comitem Rudolfum . . . in regem elegereunt."—Ann. S. Rudb. Salisb. ad ann. (Pertz, M.G.H. ix.) Hapsburg is a castle (built about A.D. 1020) in the Aargau on the banks of the Aar, and near the line of railway from Olten to Zürich, from a point on which a glimpse of it may be had. "Within the ancient walls of Vindonissa," says Gibbon, "the castle of Hapsburg, the abbey of Königsfelden, and the town of Brugg have successively arisen. The philosophic traveler may compare the monuments of Roman conquests, of feudal or Austrian tyranny, of monkish superstition, and of industrious freedom. If he be truly a philosopher, he will applaud the merit and happiness of his own time."
ties, strain every nerve to make good the pretensions of
t heir office against the rebels in Italy and the ecclesiasti-
cal power. These efforts had now failed signally and
hopelessly. Each successive Emperor had entered the
strife with resources scantier than his predecessors, each
had been more decisively vanquished by the Pope, the
cities, and the princes. The Roman Empire might, and
so far as its practical utility was concerned, ought now to
have been suffered to expire; nor could it have ended
more gloriously than with the last of the Hohenstaufen.
That it did not so expire, but lived on six hundred years
more, till it became a piece of antiquarianism hardly more
venerable than ridiculous—till, as Voltaire said, all that
could be said about it was that it was neither holy, nor
Roman, nor an empire—was owing partly indeed to the
belief, still unshaken, that it was a necessary part of the
world’s order, yet chiefly to its connection, which was by
this time indissoluble, with the German kingdom. The
Germans had confounded the two characters of their sov-
ereign so long, and had grown so fond of the style and pre-
tensions of a dignity whose possession appeared to exalt
them above the other peoples of Europe, that it was now
too late for them to separate the local from the universal
monarch. If a German king was to be maintained at all,
he must be Roman Emperor; and a German king there
must still be. Deeply, nay, mortally wounded as the event
proved his power to have been by the disasters of the
Empire to which it had been linked, the time was by no
means come for its extinction. In the unsettled state of
society, and the conflict of innumerable petty potentates,
no force save feudalism was able to hold society together;
and its efficacy for that purpose depended, as the anarchy
of the recent interregnum showed, upon the presence of
the recognized feudal head.

That head, however, was no longer what he had been,
The relative position of Germany and France was now exactly the reverse of that which they had occupied two centuries earlier. Rudolf was as conspicuously a weaker sovereign than Philip III of France, as the Franconian Emperor Henry III had been stronger than the Capetian Philip I. In every other state of Europe the tendency of events had been to centralize the administration and increase the power of the monarch, even in England, not to diminish it: in Germany alone had political union become weaker, and the independence of the princes more confirmed. The causes of this change are not far to seek. They all resolve themselves into this one, that the German king attempted too much at once. The rulers of France, where manners were less rude than in the other Transalpine lands, and where the Third Estate rose into power more quickly, had reduced one by one the great feudatories by whom the first Capetians had been scarcely recognized. The English kings had annexed Wales, Cumbria and part of Ireland, had obtained a prerogative great if not uncontrolled, and exercised no doubtful sway through every corner of their country. Both had won their successes by the concentration on that single object of their whole personal activity, and by the skillful use of every device whereby their feudal rights, personal, judicial and legislative, could be applied to fetter the vassal. Meantime the German monarch, whose utmost efforts it would have needed to tame his fierce barons and maintain order through wide territories occupied by races unlike in dialect and customs, had been struggling with the Lombard cities and the Normans of South Italy, and had been for full two centuries the object of the unrelenting enmity of the Roman pontiff. And in this latter contest, by which more than by any other the fate of the Empire was decided, he fought under disadvantages far greater than.
his brethren in England and France. William the Conqueror had defied Hildebrand, William Rufus had resisted Anselm; but the Emperors Henry IV and Barbarossa had to cope with prelates who were Hildebrand and Anselm in one; the spiritual heads of Christendom as well as the primates of their special realm, the Empire. And thus, while the ecclesiastics of Germany were a body more formidable from their possessions than those of any other European country, and enjoying far larger privileges, the Emperor could not, or could with far less effect, win them over by invoking against the Pope that national feeling which made the cry of Gallican liberties so welcome even to the clergy of France.

After repeated defeats, each more crushing than the last, the imperial power, so far from being able to look down on the papal, could not even maintain itself on an equal footing. Against no pontiff since Gregory VII had the monarch's right to name or confirm a pope, undisputed in the days of the Ottos and of Henry III, been made good. It was the turn of the Emperor to repel a similar claim of the Holy See to the function of reviewing his own election, examining into his merits, and rejecting him if unsound, that is to say, impatient of priestly tyranny. A letter of Innocent III, who was the first to make this demand in terms, was inserted by Gregory IX in his digest of the Canon Law, the inexhaustible armory of the churchman, and continued to be quoted thence by every canonist till the end of the sixteenth century.* It was not difficult to find grounds on which to base such a doctrine. Gregory VII deduced it with characteristic boldness from the

*Corpus Juris Canonici, Decr. Greg. i. 6, cap. 34, Venerabilem: "Ius et authoritas examinandi personam electam in regem et promovendam ad imperium, ad nos spectat, qui eum inungimus, consecramus, et coronamus."
never admitted.* Still their place was now generally felt to be higher than that of the monarch, and their control over the three spiritual electors and the whole body of the clergy was far more effective than his. A spark of national feeling was at length kindled by the exactions and shameless subservience to France of the papal court at Avignon;† and the infant democracy of industry and intelligence represented by the cities and by the English Franciscan Occam, supported Lewis IV in his conflict with John XXII, till even the princes who had risen by the help of the Pope were obliged to oppose him. In their famous meeting at Rhense in 1338, the electors of the Empire formally declared that the imperial dignity was derived from God alone, that it was by their choice that the sovereign obtained his right to the title of King and Emperor, and that in consequence he did not need to be approved or confirmed by the Apostolic chair. The Diet held at Frank-

* "Vacante imperio Romano, cum in illo ad saecularem iudicem nequeat haberi recursus, ad summum pontificem, cui in persona B. Petri terreni simul et coelestis imperii iura Deus ipse commisit, imperii praecepti iurisdictio regimen et dispositio devolvitur."—Bull Sf fratrum (of John XXII, in A.D. 1316), in Bullar. Rom. So again: "Attendentes quod Imperii Romani regimen cura et administratio tempore quo illud vacare contingit ad nos pertinet, sicut dignoscitur pertinere." So Boniface VIII, refusing to recognize Albert I, because he was ugly and one-eyed ("est homo monocus et vultu sordido, non potest esse Imperator"), and had taken a wife from the serpent brood of Frederick II ("de sanguine viperat Friderici"), declared himself Vicar of the Empire, and assumed the crown and sword of Constantine. Pope John VIII, in the ninth century, dated his documents during vacancies of the imperial throne, "imperatore domino nostro iesa Christo," a form not uncommon in the Middle Ages.

† Avignon was not yet in the territory of France; it lay within the bounds of the kingdom of Arles. But the French power was nearer than that of the Emperor; and pontiffs, many of them French by extraction, sympathized, as was natural, with princes of their own race.
fort in the same year confirmed this declaration, and even asserted the lawfulness of his assuming the imperial title before coronation by the Pope. The same sentiment dictated the reforms of Constance, but the imperial power which might have floated onward and higher on the turning tide of popular opinion lacked men equal to the occasion: the Hapsburg Frederick III, timid and superstitious, abased himself before the Romish court, and his house has generally adhered to the alliance then struck.