

*SACRUM IMPERIUM*: LOMBARD INFLUENCE  
AND THE SACRALISATION OF THE STATE  
IN THE MID-TWELFTH CENTURY (1125–1167)

1.1 INTRODUCTION: CONCEPTS AND CATEGORIES

Modern scholarship seeks to use the phrases present in medieval documents, especially charters, and, to be specific, charters drafted by a particular set of court notaries and under the chancellorship and archchancellorship of Rainald of Dassel, as defining the identity of the Holy Roman Empire, its emperor and its wider leadership.<sup>1</sup> To this purpose, scholars have singled out *sacrum imperium*, which eventually became utilised as the name of the Empire, as the most Romanising and sacral phrase of the period, and therefore the most exemplary of Frederick Barbarossa's ideological outlook and policies. This view certainly contains a kernel of truth, but it is also a legacy of the Sybel–Ficker debate, according to which imperial interventions in Italy were seen as not only furthering the political causes of the emperor, but also effectively Romanising the Empire. Julius Ficker saw this as positive and civilising, Heinrich Sybel as negative and detracting from the development of a properly German state that would expand into nearby regions, such as Poland, and civilise them instead.

The two views of the German medieval past map perfectly onto Frederick Barbarossa's reign, as they were tailored to answering, among

<sup>1</sup> A definition of the word 'state' seems necessary before I begin my investigation. Scholars disagree on what the term means, however, and whether pre-modern political entities can even be called states. I will not enter that debate due to the limited amount of space I have, but I accept the view of those who see the term 'state' as useful for the highest-level polity or for international political hierarchy. The specific problem when dealing with the Holy Roman Empire is that it clearly was not a nation, and it was a country only in a limited sense. It was, however, a state. Thus, when I say 'the sanctity of the state', I mean 'the sanctity of the Holy Roman Empire'. My wording is deliberate, for although some medievalists would avoid the word 'state' altogether, the very theory I am dealing with is an heirloom of a different age, and it must be met on its own terms for it to be truly tested. In what follows, the first five subsections are elaborations upon my article: V. Sulovsky, '*Sacrum imperium*: Lombard Influence and the "Sacralization of the State" in the Mid-twelfth Century Holy Roman Empire (1125–1167)', *German History*, 39 (2021), 147–172.

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others, the question of Frederick's conflict with Henry the Lion, duke of Saxony and Bavaria, who refused to participate in the emperor's Italian wars after 1176, instead preferring to tend to his German matters. The Sybel–Ficker dichotomy also made Frederick appear to scholars as the ultimate Romanist at the helm of the German state, who compromised in Germany for the greater glory of the Roman Empire. It is unsurprising, as I noted in the Introduction, that this Romanist interpretation of Barbarossa originated in the era when the German Empire was undergoing a fundamental legal transformation. As we have seen, it is equally significant that historians of other major nations of western Europe saw the same emperor as typical of a long line of threatening German rulers who aspired to dominate all of Europe. As German politics became extreme in the first half of the twentieth century, the phrase *sacrum imperium* began to symbolise both the Romanisation of the Empire and the German danger in Europe. Tellingly, Hitler sanctioned both.

While *sacrum imperium* was certainly a bearer of deeper political meaning, for the medieval period itself one cannot ascertain that only on the basis of its later use. Instead, one must delve deep into the term's prehistory and early history, which means going through the documents of the imperial chancery and those of its members, but also outsiders, foreigners and rivals in the wider early Hohenstaufen period (1125–1215). One cannot stop there, either, for *sacrum imperium's* late Roman provenance is well known to specialists, but the exact manner of its transmission and even resurrection in the Latin West has remained a mystery. Only by figuring out how the curious syntagm became embedded in the language of Italian notaries, diplomats and jurists can one determine the exact nature of the process that led to the sacralisation of the Empire's identity.

*Sacrum imperium* is a phrase that became the name of the Holy Roman Empire, but it already had a long history before it was adopted by the German imperial chancery between 1157 and 1167. It gained increased currency from 1174 onward, and in 1184 it was expanded to *sacrum Romanum imperium*. However, it was not before 1254 that it became a part of the standard terminology of the imperial chancery.<sup>2</sup> I will deal only with its use at the imperial court from 1136 to 1190, demonstrating its gradual ascendancy, but also show why 1157 was a turning point. Until now scholars considered the evidence from 1136 to 1157 to be of little significance because they made a sharp distinction between the imperial chancery, which they ahistorically treated as a bureaucratic unit, and the

<sup>2</sup> For the standard view of the term's history until the thirteenth century, see J. Schwarz, *Herrscher- und Reichstitel bei Kaisertum und Papsttum im 12. und 13. Jahrhundert* (Cologne, 2003). For the later period until 1806, see H. Weisert, 'Der Reichstitel bis 1806', *Archiv für Diplomatik*, 40 (1994), 441–513.

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imperial court, a fluctuating institution which has received little scholarly attention. As the German-Roman emperor had no permanent seat of power, his court was a travelling company which would usually reside in the best palaces of the Empire as guests of a (mostly) willing host. This also means that the court's attendants and personnel oscillated, and that it is often unclear who was present at any specific moment. Previous scholars, who applied Sickel's diplomatic method too rigidly, failed to perceive the fundamental link between the broadly defined imperial court and its document-producing subunit, the imperial chancery.<sup>3</sup> Thus, even though they found many examples of *sacrum imperium* in use before 1157, they did not consider them to have been of any particular significance.

In this chapter I will show not only that the phrase *sacrum imperium* permeated the imperial court at least since 1136, but also that the court started using the phrase under Italian influence, which was waxing together with imperial involvement in Italy after 1130. Where previous scholars concluded that *sacrum imperium* was an ideological construct of Frederick Barbarossa (1152–1190) and his chancellor Rainald of Dassel (1156–1159, then archbishop of Cologne 1159–1167), who were supposedly attempting to 're-sacralise the state' and reshape the relationship between the Empire and the Papacy, I will demonstrate that neither contemporary imperial nor papal sources presented the problem in such a light.<sup>4</sup> Rather, the idea of *sacrum imperium* symbolising a resurgent German state was the product of the national tradition of modern German historiography, which sought to either glorify its past (as in the prewar period) or to document where Germany started its so-called *Sonderweg* (as in the postwar period).<sup>5</sup>

I will offer significant evidence that it was the influence of Italian recipients of imperial documents and their notaries that turned the *sacrum imperium* from an elevated phrase of late Roman terminology into a current political syntagm in the High Middle Ages. Moreover, I will show that the source of the new sacralising terminology was the adaptation of Byzantine court style. This provided twelfth-century Italians with the template for reconstructing the official language of ancient Rome, a process which had already quickened by the time the *Corpus iuris civilis* was rediscovered, reconstituted and commented upon by Poppo and Irnerius in the late eleventh century. While I will focus on sacral terminology as applied to the emperor and imperial things, the sacralising

<sup>3</sup> As developed by Theodor Sickel over the years and codified in H. Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*, 2nd edn, 2 vols (Leipzig, 1912–1915).

<sup>4</sup> Zeumer, *Heiliges römisches Reich deutscher Nation*, 10–13.

<sup>5</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, *passim*.

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terminology of power was merely one element of a larger process of Romanising contemporary language and society in general. Finally, I will show that Rainald of Dassel did indeed have a special role in the spread of the novel phraseology, but that this was very different from how scholars have previously imagined the process. Instead, I will make plain that several different chancery men played a part in the process, as well as the networks of certain Italian cities, among which Lodi, Pavia, Rome and Verona are the most important.

In the classic view elucidated by Bresslau, medieval charters and rulers' letters were prepared by a loosely bound group of people that scholars call 'chancery', though an official institution can hardly be traced in contemporary sources. The members of the chancery were a part of a larger institution called the court chapel, whose members were all called chaplains, though their functions varied. The ruler ('issuer'), although documents were issued in his name, very rarely authored documents personally. A document was drafted by a 'draftsman', while a 'scribe' created ('engrossed'/'copied') the final version. The draftsman and the scribe can be members of a ruler's chancery or court, but this is not necessarily so. Additionally, recipients could participate in the formulation of documents.<sup>6</sup>

The petitioning party's social status and the gifts they offered could influence the issuer. The final version of a document would be given by the issuer or his party to the addressee or his party. The presentation of official documents was an important part of social ritual, and it brought the texts to life. Rulers' documents were read aloud in front of their intended audience, and then supplemented with an oral explanation.<sup>7</sup> As I will show in the following sections, to this relatively simple model we must also add consideration of various other factors, such as the intervenient and other influential members of court, who might have a stake in the document produced. Innovations such as use of the *sacrum imperium* phrase could have been introduced by court notaries or a senior member of the chancery or chapel, such as the chancellor, but one should not underestimate the collaborative nature of public documents, and the participation of persons who are not mentioned in a particular document. Rather, one must accept that linguistic change, even in the language of the bureaucracy, is a matter, function and consequence of social networks. And one cannot expect that the documents of the imperial chancery, which were being issued to people or institutions which

<sup>6</sup> Bresslau, *Handbuch der Urkundenlehre*, 1, 460–463.

<sup>7</sup> See the discussion in Görich, *Friedrich Barbarossa*, 192–199 *et passim*. See also Görich, *Die Ehre Friedrich Barbarossas*.

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negotiated directly with the court, were functionally identical to the standardised missives issued impersonally by modern bureaucratic institutions, that is, with little influence on the content or wording. An example of this collaborative model will be given in the following section.

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Scholars were searching for the author of the mandate sent to Otto of Freising in March 1157, which they thought was the earliest imperial document to contain *sacrum imperium*. They inevitably singled out Rainald of Dassel as the most likely author, as he would have fit Zeumer's narrative about the great statesman Rainald of Dassel challenging papal power.<sup>8</sup> The possibility of multiple authors was not considered, nor was the recipient taken into account. The context and wording of the mandate were ignored as well. Worst of all, as noted earlier, scholars treated the use of the term *sacrum imperium* at the imperial court from July 1137 onward as essentially irrelevant, choosing instead to focus on its first documented use in the imperial chancery.

The phrase *sacrum imperium* was used in the 1150s by Abbot Wibald of Stavelot (1130–1158) in his personal correspondence with Manuel Komnenos (1143–1180). This led Appelt to see Wibald as the key to discovering why the phrase was adopted by the imperial court. As Wibald was elected abbot of Montecassino with the help of Lothar III in mid-1137, Appelt supposed that his use of the term stemmed from the documents of the famous Benedictine abbey and their keeper, Peter the Deacon.<sup>9</sup> Peter appeared at the imperial court in 1136, about a year before Wibald became abbot. Lothar III had just crossed the Alps for the second time and attempted to conquer the Kingdom of Sicily, when he stopped at the abbey of Montecassino, which was in turmoil due to the conflicts between the monks, the king of Sicily, the pope and the emperor. During his stay near Lagopesole in July, Lothar presided over the debate between the representatives of Pope Innocent II (1130–1143) and the abbey of Montecassino. The former was represented by the Bolognese cardinal Gerardo Caccianemici dall'Orso, who later became Pope Lucius II (1144–1145), while the latter was represented by Peter the Deacon. It is

<sup>8</sup> For a summary of the various arguments, see *Friderici I. diplomata*, 1, 1152–1158, ed. H. Appelt, 5 vols, *MGH DD* 10 (Hanover, 1975–1990), 279–280.

<sup>9</sup> Appelt, 'Die Kaiseridee', 16–17.

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to the latter's Romanising ideological outlook that we owe the first attested appearance of *sacrum imperium* at the imperial court in many years.

Peter reports in his continuation of the *Chronica monasterii Casinensis* that Cardinal Gerardo addressed Lothar variously as *sacratissime imperator et semper auguste* or *sanctissime et invictissime imperator*.<sup>10</sup> Peter has Lothar mention Pepin the Short's elder brother, Carloman (d. 754) as *Carlomannus sanctissimus et invictissimus imperator et Romanus patricius*,<sup>11</sup> and Lothar's predecessors as *sancti invictissimi imperatores ac nostri predecessores* and as *sanctissimi imperatores predecessores nostri*.<sup>12</sup> Peter then suggests that Carloman himself would have considered *Lotharium iustum et sanctum imperatorem*.<sup>13</sup> Carloman is mentioned once again as *sanctissimus et omni memoria dignus invictissimus augustus Carolus*.<sup>14</sup> Finally, Peter himself once addresses Lothar III with *Unde si sancto imperio ceterisque magnatibus non videtur esse contrarium*.<sup>15</sup> Since Peter refers to Cardinal Gerardo as the future Pope Lucius II, he must have written his continuation of the chronicle after 1144, when Gerardo became pope, and before his own death sometime after 1154.<sup>16</sup> Peter's evidence is absolutely crucial as he predates the imperial use of the terminology by a few years. The exact phrases he utilises are important because they can be shown to follow different rules, chief among which is the proof that *sanctus imperator* and *sanctum imperium* were considered slightly different variants of each other, where each had a certain role to play in the spoken Latin of the era. Consequently, it is easier to trace the development of the sacral terminology of the state.

On 11 May 1130, Innocent II had written a letter to Lothar III where he referred to *sacratissimi imperatores*.<sup>17</sup> Even Placido of Nonantola's 1111 or 1112 tractate *Liber de honore ecclesiae*, a decidedly pro-papal text, referred to the emperors as *sacratissimi imperatores* twice.<sup>18</sup> Clearly, Peter was not inventing this terminology, and the Investiture controversy did not desacralise the Empire. The source of this new rhetoric must have been available in early twelfth-century Italy, and it must have been highly

<sup>10</sup> Peter the Deacon, *Chronica monasterii Casinensis*, ed. H. Hoffmann, *MGH SS* 34 (Hanover, 1980), 576–579, 588.

<sup>11</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 573.

<sup>12</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 576.

<sup>13</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 579–580.

<sup>14</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 581.

<sup>15</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 582.

<sup>16</sup> Peter the Deacon, *Chronica monasterii Casinensis*, x–xii.

<sup>17</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, 267; *Codex Udalrici*, 11, ed. K. Naß, *MGH Briefe d. dt. Kaiserzeit* 10 (Wiesbaden, 2017), Doc. 380, at 648.

<sup>18</sup> Placido of Nonantola, 'Placidi monachi Nonantulani liber de honore ecclesiae', ed. L. von Heinemann and E. Sackur, in *Libelli de lite imperatorum et pontificum*, 11, ed. E. Dümmler, F. Thaner, E. Sackur et al., *MGH Ldl* 2 (Hanover, 1892), 591, 617.

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regarded to influence the formal register of language of such diverse writers as Placido of Nonantola, Innocent II and Peter the Deacon. To discover this source, we first have to ascertain exactly how sacral terminology was applied to the emperor.

Peter's usage of these epitheta conforms to several rules. First, he equated *sanctus* and *sacer* when it came to addressing the emperor. Second, he paired the two adjectives only with phrases stemming from late Roman usage, such as (*semper*) *augustus*, *imperator*, *invictissimus*, *Romanus patricius* and *iustus*. Third, the grade of the adjective seems to be irrelevant, so both living and dead emperors can be *sanctus* and *sanctissimus*. Fourth, Lothar III is only referred to with these adjectives when he was being directly addressed or when he was being mentioned in his own presence. Fifth, the emperor is once addressed metonymically as *sanctum imperium*. Peter clearly means Lothar, rather than 'the empire' as a separate entity, as the phrase is immediately followed by *ceterisque magnatibus*. As Basić showed, this practice of metonymically addressing the emperor by referring to his emperorship was typical for the Latins living in the Byzantine sphere of influence.<sup>19</sup>

To understand Peter's style, it would be useful review the other elements he uses to achieve *Romanitas*. When Peter felt that Lothar was being particularly benevolent to Montecassino or himself, he would term the emperor *dementissimus*, but never *sanctus* or anything similar.<sup>20</sup> Other late Roman epitheta are also attached to the emperor in different ways. As *imperator* he is *strenuissimus*, *religiosissimus*, *invictus/invictissimus* (11 times), *magnus*, *piissimus*, *pius/piissimus* (thrice), *iustus*, *optimus* and *christianissimus* (twice).<sup>21</sup> Apart from that he is addressed as *invictissima vestri imperii maiestas*, *imperatoria/imperialis maiestas* (8 times), *vestra sublimitas*, *pater patriae*, *vestrum invictissimum imperium* and *vestra celsitudo*.<sup>22</sup> Lothar III refers to himself as *nostrum imperium* (twice), *nostrum imperii maiestas* and *nostra*

<sup>19</sup> I. Basić, 'Imperium and Regnum in Gottschalk's Description of Dalmatia', in D. Džino, A. Milošević and T. Vedriš (eds), *Migration, Integration and Connectivity on the Southeastern Frontier of the Carolingian Empire* (Leiden, 2018), 170–211, at 186–197. Gottschalk of Orbais, *Oeuvres théologiques et grammaticales de Godescalc d'Orbais*, ed. C. Lambot (Louvain, 1945), 207–208: 'Item homines Dalmatini, perinde id est similiter homines Latini Graecorum nihilominus imperio subiecti, regem et imperatorem communi locutione per totam Dalmatiam longissimam reuera regionem regem inquam et imperatorem regnum et imperium uocant. Aiunt enim: Fuimus ad regnum, et: Stetimus ante imperium, et: Ita nobis dixit regnum, et: Ita nobis loquutum est imperium.' I would like to thank Jonathan Shepard for pointing out to me both Gottschalk's work and Basić's article.

<sup>20</sup> Peter mentions Lothar III as *dementissimus*, *vestra clementia* or *imperialis clementia* nine times: Peter the Deacon, *Chronica monasterii Casinensis*, 558, 572, 575, 579, 588, 589, 591, 600, 603. Even his wife, Empress Richenza, is once mentioned as *dementissima augusta* in Peter the Deacon, *Chronica monasterii Casinensis*, 598.

<sup>21</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 558–603.

<sup>22</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 572–587.

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*imperialis serenitas*.<sup>23</sup> Lothar appears as (*semper*) *augustus* (9 times), *cesar* (14 times) and *triumphator*, whereas his wife Richenza is mentioned as *augusta* (7 times).<sup>24</sup> The number of times Peter says *imperator* or *imperium* (*Romanum*) is staggering. He also uses *orbis Romanus* exceedingly often for a medieval author (7 times).<sup>25</sup> He uses *sacra* twice to mean any imperial document, such as a charter or a letter, as had been typical in the late Roman Empire.<sup>26</sup>

Peter the Deacon's language thus reflects his Roman ideological outlook. However, his Roman models were not those of the late Republic or the early Empire, but the writers and documents of the period between Constantine the Great (306–337) and Justinian (527–565). He even forged a charter of Justin I (518–527), where one can see how he imagined late Roman documents. More importantly, his style there corresponds to the language he used in the *Chronica* to describe Lothar III's era. The charter is called a *divalis sacra* and *divalis iussio*, its issuer *Justinus pius felix inclitus victor ac triumphator cesar augustus* and *Justinus pius et in Christo Deo fidelissimus atque excellentissimus imperator Romanorum*. His witnesses are Justinian I, Theodoric, Belisarius, Dorotheus, Justin II (565–574) and Maurice (582–602), all of whom are drenched in late Roman epitheta. The most interesting is Maurice, who is *comes excubitorum et aquilifer sacratissimi imperii*.<sup>27</sup> Since Peter was aware that the emperor mostly avoided referring to himself with sacral epitheta, he included *sacratissimum imperium* in Maurice's title.

Peter's forgery follows two additional rules. The emperor must state his name and title before he can refer to himself as *nostrum imperium*. This is how the Komnenian emperors (1081–1185) used *imperium's* Greek counterpart, *ἡ ἅγια βασιλεία (μου)* = (*meum*) *sacrum/sanctum imperium*.<sup>28</sup> The other rule regulates how *sanctus imperator*, a more direct form than *sacrum imperium*, is used. The emperor employs it sparingly, except for mentioning another ruler, such as when Peter has the deceased Carloman refer to Lothar III as *sanctus imperator*.<sup>29</sup> Just as the Byzantines addressed their

<sup>23</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 578, 580, 599–601.

<sup>24</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 558–601.

<sup>25</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 558–559, 573, 575, 578, 579 (twice), 588.

<sup>26</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 569–570, 592.

<sup>27</sup> Peter the Deacon, 'V. Gefälschte Urkunden', in E. Caspar, *Petrus diaconus und die Monte Cassineser Fälschungen. Ein Beitrag zur Geschichte des italienischen Geisteslebens im Mittelalter* (Berlin, 1909), 230–238, at 235–237.

<sup>28</sup> *Jus Graeco-Romanum*, 111, *Novellae constitutiones imperatorum post Justinianum quae supersunt collatae et ordine chronologico digestae*, ed. K. E. Zachariae von Lingenthal (Leipzig, 1857), 337, 440–442; *Acta et diplomata Graeca aevi mediæ sacra et profana*, 1v, ed. F. Miklosich and J. Müller (Vienna, 1860–1890), 104, 111–112, 131.

<sup>29</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 579–580.

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rulers as ἡ ἅγια βασιλεία (σου) or ἁγίε βασιλεύ, Peter addressed them as *sancte imperator* or *sacrum imperium* in Latin.

Peter also wrote two letters to Lothar III in the name of Abbot Wibald of Stavelot (1130–1158), who had been elected abbot of Montecassino through the emperor's influence. The letters were never sent, but they remain valuable sources.<sup>30</sup> Their terminology corresponds to the one Peter uses in the *Chronica* and the forged charter of Justin I. The letters thus show how Peter would have courtiers address their emperor as *sanctus imperator*<sup>31</sup> and *sacratissimum vestrum imperium*.<sup>32</sup> Peter also mentions the *imperium Romanum* several times and the *orbis Romanus* twice. He also uses *invictus/invictissimus*, *caesar*, *augustus*, *triumphator perpetuus*, *christianissimus imperator*, *piissimus et serenissimus imperator* and *vestrum triumphale imperium*.<sup>33</sup> Peter's style resembles that found in the *Corpus iuris civilis* and other late Roman sources. The question is how Wibald of Stavelot's style relates to Peter's, as Wibald later became the Empire's premier diplomat dealing with Italian, papal and Byzantine matters and correspondence.

Wibald's letters written to the Byzantine emperor can provide clarity on the matter, as they show the extent of his rhetorical abilities. However, one should distinguish between the letters Wibald wrote in his own name and those he wrote in the name of his rulers,<sup>34</sup> as different rules applied to the correspondence between two rulers and the correspondence between a ruler and a foreign dignitary. Notably, Wibald utilised phrasings that correspond to those of the *Corpus iuris civilis* and of Peter the Deacon, but are more elaborate. For example, Peter's *sanctum imperium* becomes Wibald's *sanctum et terribile imperium*. In mid-April 1150, Wibald wrote in his first letter to Manuel: *Quod ad gloriosam maiestatem vestram, ad sanctum et terribile imperium vestrum scribere audeo ignotus vobis tam facie quam obsequio, persuasit mihi sacratissima fides vestra, karitas et benignitas*.<sup>35</sup> Wibald used *sanctum imperium* when addressing Manuel Komnenos. The letter finishes with: *De ampliando vero et in melius firmando federe inter sanctum imperium vestrum et precelsam domini mei maiestatem suadeo*

<sup>30</sup> Petersohn, *Kaisertum und Rom*, 76–79. Petersohn also discusses Peter's authorship of these letters.

<sup>31</sup> *Monumenta Corbeiensia*, ed. P. Jaffé, Bibliotheca rerum Germanicarum 1 (Berlin, 1864), Ep. 11, at 87.

<sup>32</sup> *Monumenta Corbeiensia*, Ep. 12, at 93. <sup>33</sup> *Monumenta Corbeiensia*, Epp. 11–12, at 84–93.

<sup>34</sup> One should distinguish between two parts of the act of writing a document: its 'drafting' (as the writing of the initial version is dubbed) and its 'copying' (as the creation of the final version of the text is called). I use 'write' and 'author' for Wibald as he drafted all of these documents, but it is unclear whether he also copied them, which is possible, but not central to my argument.

<sup>35</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 11, ed. M. Hartmann, *MGH Briefe d. dt. Kaiserzeit* 9 (Hanover, 2012), Ep. 219, at 465–466: 'To dare write to your glorious majesty, to your holy and terrible empire, whereas I am unknown to you by face and obedience, I was persuaded by your most holy faith, charity and benignity.'

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*magnificentię vestrę, ut . . .*,<sup>36</sup> where he contrasts Manuel's *sanctum imperium* and Conrad III's *praeceles maiestas*. One should read this as an expression of imperial parity between the two empires, where Wibald held his own ruler's polity to be the Roman Empire.

Wibald's second letter to Manuel dates to after 19 September 1151, and opens with: *Inclito triumphatori ac serenissimo dominatori glorioso ac sanctissimo imperatori Grecorum et Romanię Manueli excelso sublimi porphirogenito*.<sup>37</sup> Wibald was taking Manuel's official titulature into consideration, but he did not call him emperor of the Romans. His letter continues: *ut tam vestrę celsitudini quam domino meo, fratri vestro C. Romanorum imperatori augusto*.<sup>38</sup> Conrad is referred to as *Romanorum imperator augustus*, the rightful emperor of the Romans. Wibald finishes his second letter to Manuel with the exquisite *Nos . . . sanctissimam faciem vestram et permaximi imperii vestri decorem videre deo prestante merebimur*.<sup>39</sup> Manuel's face was most holy, his rulership was the greatest, and Wibald hoped that he would see both with God's help.

Wibald's third letter to Manuel is dated to September 1153, that is, about eighteen months into Frederick Barbarossa's reign. In the *contextus* of this letter, Wibald addresses Manuel as *sacratissimum imperium vestrum*, and he mentions *augusta mens vestra, vestra sublimitas* and *beatissimi affatus vestri*.<sup>40</sup> Wibald later mentions *sanctissimum vestrum imperium* and then *constantissimum vestrum imperium*.<sup>41</sup> Wibald's fourth and final letter to Manuel, written in December 1153 or January 1154, contains *sanctissimi imperii vestri affatus* as well as *vestra celsitudo*.<sup>42</sup> Wibald promises that he and his brethren will pray *pro tocius sanctissimi imperii vestro prospero statu et fortitudine*.<sup>43</sup> He also says: *Porro de amicitia et fide inter dominum meum prenobilissimum Frithericum Romanorum imperatorem augustum et sanctum imperium vestrum firmanda*.<sup>44</sup>

<sup>36</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 11, Ep. 219, at 466–467: 'Of the increase and confirmation of the pact for the better between your holy empire and the most high majesty of my lord I advise your magnificence, that . . .'

<sup>37</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 11, Ep. 317, at 671: 'To the famous triumphator and most serene and glorious dominator, and most holy emperor of the Greeks and Romania, Manuel, the exalted, the sublime, the born in the purple.'

<sup>38</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 11, Ep. 317, at 671.

<sup>39</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 11, Ep. 317, at 673.

<sup>40</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 111, Ep. 387, at 817.

<sup>41</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 111, Ep. 387, at 817–818.

<sup>42</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 111, Ep. 412, at 859.

<sup>43</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 111, Ep. 412, at 859.

<sup>44</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 111, Ep. 412, at 859: 'Moreover about the friendship and faith to be confirmed between my lord, the most noble Frederick, august emperor of the Romans, and your holy empire.'

## Sacrum imperium

A cursory glance at Conrad III's and Frederick Barbarossa's letters to Manuel Komnenos, all of which were drafted by Wibald, shows that imperial correspondence was more restrained in accepting Byzantine terminology than Wibald had been for his own letters. Written after 8 February 1150, Conrad III's second letter to Manuel bears the *inscriptio*: *karissimo fratri et unico amico suo E. eadem gratia Grecorum imperatori augusto sublimi porfirogenito felici fraternam dilectionem et omne bonum*.<sup>45</sup> Manuel is *Graecorum imperator augustus*, which is modelled on Conrad's own *Romanorum imperator augustus*. He is also *sublimis*, *porfirogenitus* ('born into the purple') and *felix*, which are typical for the Byzantine style. Conrad's letter refers to the care he had received in Manuel's *sacris edibus*.<sup>46</sup> The German chancery understood the Byzantine style and it could use the sacral terminology of the state when necessary.

In September 1153, Frederick Barbarossa sent Manuel a letter worded by Wibald beginning: *F. dei gratia Roma(norum) imperator augustus magnus ac pacificus a deo coronatus dilectissimo fratri et amico suo M. porphirogenito sublimi et glorioso imperatori Constantinopolitano, fraternam dilectionem et de inimicis victoriam*.<sup>47</sup> Wibald went beyond the Justinianic corpus and drew upon Charlemagne's *intitulatio* to augment Frederick's own *intitulatio*, thus introducing *magnus ac pacificus* and also *a Deo coronatus* into the chancery.<sup>48</sup> Yet both of these stem from the Byzantine court style, as do the phrases Frederick's letter uses to refer to Conrad III: *patruus noster*, *inclitus triumphator*, *sanctissimus videlicet imperator Conradus moriens*.<sup>49</sup> *Inclitus triumphator* and *sanctissimus imperator* were both new to the chancery style, as coupling sacral epitheta with nouns describing the person was not standard Latin practice, even for kings.

These letters show that while Wibald used the full Byzantine style when writing his own letters, as an author of German imperial letters, he strove not to cede too much diplomatic ground to his addressee. It is remarkable that German imperial letters began to have a distinct late Roman – and occasionally even Carolingian – feel to them, though they are less encumbered with metonymical references to the imperial person than the Byzantine style.

<sup>45</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, II, Ep. 212, at 448.

<sup>46</sup> *Conradi III. et filii eius Heinrici diplomata*, ed. F. Hausmann, MGH DD 9 (Hanover, 1969), Doc. 224, at 397.

<sup>47</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, III, Ep. 386, at 814: 'F., by grace of God august emperor of the Romans, great and peace-making, crowned by God, to his most beloved brother and friend, M., born in the purple, sublime and glorious Constantinopolitan emperor, [sends his] brotherly love and [wishes] victory over his enemies.'

<sup>48</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, 103–104.

<sup>49</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, III, Ep. 386, at 815.

## 1.2 Peter the Deacon and Wibald of Stavelot as Intermediaries

Latin Europe was acquainted with the Byzantine court style during the entire Middle Ages. However, even this most traditional style varied. For example, Liudprand of Cremona, who travelled to Constantinople once as Berengar II's (950–961) and another time as Otto I's (936–973) legate, described his journeys and conversations at the Byzantine court. In his reports he only couples *sanctus* and *sanctissimus* with *imperator*/*rex*/*dominus*/*dominator*, as well as with *imperium*.<sup>50</sup> Liudprand's emperor rules *sancte*, his *dominatio* is *sancta* and he has a *sanctum palatium*.<sup>51</sup> However, Liudprand was not avoiding *sacer* and *divus* because they added unnecessary connotations to the terminology of holy rulership, but because he was following the standard of Byzantine translations.

As Gastgeber showed, Byzantine imperial correspondence passed through several major phases. Official Byzantine letters were written exclusively in Latin until Maurice (590–602) or somewhat later. Then the Constantinopolitan court started conducting its business in Greek, which meant that the recipients had to translate the documents themselves. The earliest attested example of a letter solely in Greek dated to c. 765, whereas the last dates to 871. Sometime between 871 and 938 the Byzantine court adopted the policy of providing their correspondents with a translation in their own language. However, their Latin translations use much less varied terms than previously. Apparently, the Constantinopolitans translated *ἅγιος* only as *sanctus* in the period directly after the introduction of official translations. This explains why the rich flow of sacral state terminology in the Latin West runs dry in the tenth century: as the Byzantines standardised their translations, the West's Latin terminology also decayed, leading to the gradual disappearance of *sacrum imperium* and its likes from the Carolingian and Ottonian chanceries.<sup>52</sup>

Twelfth-century Latin authors were not bothered by the general concept of imperial sanctity either, but some felt ill at ease with the

<sup>50</sup> Sacral epitheta attached to *imperator*, *rex* and *imperium* can be found in Liudprand of Cremona, 'Antapodosis', in Liudprand of Cremona, *Liudprandi Cremonensis opera omnia*, ed. P. Chiesa, CCCM 166 (Turnhout, 1998), 1, 6, at 8; 1, 11, at 13; 111, 35, at 84; IV, 9, at 101; IV, 28, at 118; Liudprand of Cremona, 'Historia Ottonis', in Liudprand of Cremona, *Liudprandi Cremonensis opera omnia*, 1, 4, 6–8, 10–11, 17, 20–22, at 169–176; Liudprand of Cremona, 'Relatio de legatione Constantinopolitana', in Liudprand of Cremona, *Liudprandi Cremonensis opera omnia*, 180–182; 15, 32–33, 35, 38, 47, 50, at 194, 196, 201–203, 208–209.

<sup>51</sup> Liudprand of Cremona, 'Antapodosis', 1, 6, at 8 and 1, 11, at 13; Liudprand of Cremona, 'Historia Ottonis', 10, at 175.

<sup>52</sup> C. Gastgeber, 'Die lateinische Übersetzungsabteilung der byzantinischen Kaiserkanzlei unter den Komnenen und Angelen: Neue Ergebnisse zur Arbeit in der byzantinischen Kaiserkanzlei', in M. Balard, É. Malamut and J.-M. Spieser (eds), *Byzance et le monde extérieur: Contacts, relations, échanges* (Paris, 2005), 105–122, esp. 121–122; C. Gastgeber, 'Kaiserliche Schreiben des 9. Jahrhunderts in den Westen: Neue Aspekte der Übersetzungsfrage und der materiellen Ausstattung', in C. Gastgeber (ed.), *Quellen zur byzantinischen Rechtspraxis. Aspekte der Textüberlieferung, Paläographie und Diplomatik* (Vienna, 2010), 89–106, at 89–93, 99–102, 105.

## Sacrum imperium

Byzantine emperor's claims to holiness. This stood at the beginning of every correspondence between the Latins and the Greeks, but Byzantine diplomats also sprinkled a generous amount of sacral epitheta on their state and emperor, and sometimes also on foreign rulers. It seems that the Latins were bothered by this because of their own opinions of the Byzantine emperor. Odo of Deuil, Louis VII's (1137–1180) chaplain who took part in the Second Crusade (1147–1149) with his king, claims that Louis VII was greeted by the Byzantines as *sanctus*: *Hic in longo rotulo prolixam adulationem depinxit, et regem nostrum nominando sanctum, amicum et fratrem, promisit plurima quae opere non implevit*.<sup>53</sup> Later on Odo mentions that the Greeks believed that nothing was to be considered perjury if it was done in the name of 'the holy Empire' (*sacrum imperium*).<sup>54</sup> In other places, Odo criticises the Byzantines for adoring their emperor Manuel Komnenos as the 'idol of Constantinople', which shows that the French chaplain was bothered by the sacral aura of the Byzantine emperor.<sup>55</sup> Rather similarly, the canon Magnus of Reichersberg describes Frederick Barbarossa's angry reply to the Byzantine legates while he was close to Constantinople in late 1189, contrasting Isaac II's claim to sanctity (*dominus vester sanctum se appellat*) with the Byzantines' bad treatment of the Latins.<sup>56</sup>

Obviously, imperial sanctity was not going out of fashion in Byzantium by the late twelfth century: neither Odo of Deuil nor Magnus of Reichersberg take umbrage at the idea of imperial sanctity in itself, but at the contrast between the lofty rhetoric and its practical applications. Liudprand of Cremona did not see imperial sanctity as problematic. Carolingian and Ottonian chanceries did not apply sacral terminology to the state or the ruler himself, but Alcuin and other courtiers addressed their emperor as *sacratissimum imperium*.<sup>57</sup> Claiming sanctity entailed implications of benign and pious behaviour, and the crusader kings of

<sup>53</sup> Odo of Deuil, *De profectione Ludovici VII in orientem: The Journey of Louis VII to the East*, ed. and trans. V. Gingerick Berry (New York, 1948), 10. A translation can be found on p. 11: 'On a long scroll the emperor inscribed extravagant flattery and, calling our king his "holy friend and brother", made a great many promises which he did not fulfill.'

<sup>54</sup> Odo of Deuil, *De profectione Ludovici VII in orientem*, 56.

<sup>55</sup> Odo of Deuil, *De profectione Ludovici VII in orientem*, 90.

<sup>56</sup> Magnus of Reichersberg, 'Magni presbyteri annales Reicherspergenses', ed. W. Wattenbach, in *Annales aevi Suevoici*, ed. G. H. Pertz, *MGH SS 17* (Hanover, 1871), 510: 'Dominus vester sanctum se appellat: mirabilis est sanctitas quae sanctos viros, honestos et religiosos, benigne utpote fideles nuncios in osculo pacis exceptos, in quorum ore non est inventum mendacium nec iniquitas, de subito consuevit incarcerare et fame ac nuditate usque ad mortem macerare. Longe faciat a nobis Deus talem sanctitatem.' ('Your master calls himself holy: but wondrous is that sanctity which suddenly decided to incarcerate and by hunger and nudity to torture unto death holy, honest and religious men, whom it had received as trustworthy emissaries through the kiss of peace, and in whose mouth lie and iniquity have not been found. May God keep such sanctity far from us.')

<sup>57</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, 264.

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the twelfth century did not see the Byzantine emperor as a holy man.<sup>58</sup> Conversely, authors from Alcuin to Benzo of Alba and Peter the Deacon would use sacral epitheta to describe and address their exalted rulers, just as French and English sources do.<sup>59</sup> Ultimately, the concept of sacred rulers and the related idea of a ruler's personal sanctity were not specific to the Empire, but were elements of Latin and Byzantine kingship in this period. They did not make up an ideology per se. The crucial difference was that the Byzantines used such rhetoric openly and regularly in their titles and addresses, so their Latin counterparts would have become familiar with it, and even forced to employ the same out of courtesy. This sowed the seeds for a more widespread use of *sacrum imperium* in Germany and Italy, above all.

#### I.3 SACRAL TERMINOLOGY IN THE GERMAN IMPERIAL CHANCERY (1125/1136–1158)

The sacral terminology of the imperial chancery was neither particularly varied nor common in the early twelfth century, but it started to proliferate a few decades later. The process by which it was introduced has not been understood by scholars because they glossed over the structural similarities shared by the documents that contain such terms. I will lay out the evidence chronologically, and note the authors (e.g., chancery notary, recipient notary), the recipients (and the region they come from) and the place and date of the document, as well as the key witnesses, whose appearance coincides with the utilisation of *sacrum imperium* and related phrases. Thus, I shall prove that it was not a particular imperial notary who introduced the new terminology, but that the Italians at court were the main carriers of the new political vocabulary, though the papal and Byzantine courts definitely influenced the German imperial court's practices as well. It is therefore important to note how the new phrases first appeared in the chancery's correspondence with Byzantium and the pope before gradually appearing in documents meant for Italian recipients. The new vocabulary started appearing in Burgundy and Germany by 1157.

The imperial palace had been referred to as *sacrum palatium* ever since the Carolingians.<sup>60</sup> During Lothar III's reign, this form appears only twice, both times in the Italian judicial charters of Empress Richenza,

<sup>58</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, 264–265.

<sup>59</sup> F.-R. Erkens, *Herrschersakralität im Mittelalter. Von den Anfängen bis zum Investiturstreit* (Stuttgart, 2006), 17–25; Koch, *Auf dem Wege zum Sacrum Imperium*, 6, 49–51, 70, 74, 88–92, 186, 267–268.

<sup>60</sup> Sichel, 'Waitz, Georg, Deutsche Verfassungsgeschichte', 390–391.

but it had been more common both before and after his reign.<sup>61</sup> Lothar called a predecessor *divus* once.<sup>62</sup> The four judicial charters of Empress Richenza were written by Italian notaries, and all of them imitate the language of late Roman documents. The first three were written in Reggio d'Emilia, and the fourth one in Isola della Scala near Verona, that is, within Italy. Richenza's first charter from 1136 states that a matter was brought before *sanctissima ac iustissima Dei gratia Romanorum imperatrix augusta*, which is also repeated in the charter's summary: *sanctissime et iustissime domine R[icheze] Dei gratia regine et Romanorum imperatrici auguste, uxori domini Lotharii imperatoris cesseris [sic] augusti*.<sup>63</sup> Richenza's third judicial charter opens with the *narratio*, where she appears as *Richeza imperatrix sanctissima et Romanorum semper augusta*.<sup>64</sup> This usage conforms to Peter the Deacon's, which shows that a new Romanising style including imperial sanctity had already spread from at least Montecassino to Emilia. These examples also constitute the first documented usage of the sacral language of power by the twelfth-century German court.

There was a brief pause in the use of sacral terminology in imperial documents after Lothar III's death in 1137 since the court's contacts with its Italian correspondents were less important for a while. As Herkenrath showed, the Romanising and sacral terminology picked up again after 1142, when the German and Byzantine courts began corresponding more regularly.<sup>65</sup> A charter of Conrad III drafted and copied by Wibald referred to an imperial predecessor as *divus* in 1143,<sup>66</sup> and already in 1145 Wibald wrote of *sacra imperialis constitutionis scripta*.<sup>67</sup> As I mentioned previously, Conrad III had Wibald write to Manuel Komnenos about the care he had received in the Byzantine emperor's *sacris edibus* in 1150.<sup>68</sup>

Wibald's usage of sacral terminology for Byzantine paved the way for its later introduction in documents directed to the pope, Italians and other Romance-speaking recipients, and then to speakers of Germanic languages. Already in October 1149 Wibald drafted a letter to Eugene III where he referred to the pope's *sacra mens*,<sup>69</sup> and in March 1151, Wibald mentioned his *sacrae manus*.<sup>70</sup> Wibald also corrected a mandate to Henry

<sup>61</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, ed. E. von Otenthal and H. Hirsch, *MGH DD* 8 (Berlin, 1927), Docs 2 and 4 (Richenza), at 229 and 234.

<sup>62</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 25, at 18.

<sup>63</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 1 (Richenza), at 227–228.

<sup>64</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 3 (Richenza), at 230.

<sup>65</sup> R. M. Herkenrath, *Regnum und Imperium: Das Reich in der frühstaufischen Kanzlei (1138–1155)* (Vienna, 1969), 9–56.

<sup>66</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 90, at 161.

<sup>67</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 125, at 225.

<sup>68</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 224, at 397.

<sup>69</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 216, at 386.

<sup>70</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 244, at 426.

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of Mainz referring to *sacrae leges*, but he did not participate in the writing of another mandate using the same phrase to the same recipient.<sup>71</sup> The *Corpus iuris civilis* applies sacral epitheta to laws, and mentioning sacred parts of another person was typical of the Byzantine court style. Wibald applied that elevated style to Eugene III out of reverence.

The sacral terminology used in Frederick Barbarossa's chancery is more varied. In March 1157, *diva res publica* appears in the *sacrum imperium* mandate to Otto of Freising.<sup>72</sup> On 3 June 1157, the imperial notary known to modern scholars as Rainald C (possibly the scholasticus Perseus of Würzburg) drafted the charter giving Antwerp's Marienstift imperial protection after Rainald of Dassel interceded on their behalf. The charter mentions *divas sanctiones proavi nostri et imperatoris Lotharii*.<sup>73</sup> On 16 March 1158, another imperial notary, Zeizolf B copied Frederick's charter for the archbishopric of Hamburg-Bremen, where *divus proavus noster Hinricus quartus* appears. The draft was perhaps created by Albert of Sponheim.<sup>74</sup>

Albert of Sponheim drafted the charter for Bishop Hermann of Constance on 27 November 1155, where the clause *a sanctissimis et gloriosissimis antecessoribus nostris divae memorie regibus et imperatoribus ab omnibus retro temporibus* appears.<sup>75</sup> Charlemagne had still not been canonised in March 1158, when a charter for the archbishopric of Hamburg-Bremen calls him *sanctissimus imperator Karolus*. Görich correctly noted that the presence of the Aquensian provost Albert of Sponheim, who appears in the witness list and who influenced the draft style, indicated that he was lobbying for the recognition of Charlemagne's sanctity at court.<sup>76</sup>

Significantly, *sacris disciplinis (regum)* appears already in the announcement of Frederick's election and coronation to Eugene III. This shows that the new regime was well aware of the uses of the innovative terminology, and that nothing changed fundamentally with Barbarossa's rise to power. It was Wibald who introduced sacral terminology into the letter.<sup>77</sup> The adjective is then used three more times within the same letter, once to refer to the archbishop of Cologne's *sacratissimae manus*, another time to say that Frederick received his authority *in regni throno et*

<sup>71</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 248, at 432.

<sup>72</sup> *Friderici I. diplomata*, I, 1152–1158, Doc. 163, at 280.

<sup>73</sup> *Friderici I. diplomata*, I, 1152–1158, Doc. 170, at 290.

<sup>74</sup> *Friderici I. diplomata*, I, 1152–1158, Doc. 210, at 352.

<sup>75</sup> *Friderici I. diplomata*, I, 1152–1158, Doc. 128, at 212.

<sup>76</sup> K. Görich, 'Kanonisation als Mittel der Politik? Der heilige Karl und Friedrich Barbarossa', in F. Fuchs and D. Klein (eds), *Karlsbilder in Kunst, Literatur und Wissenschaft* (Würzburg, 2015), 95–114, at 99. *Friderici I. diplomata*, I, 1152–1158, Doc. 209, at 351.

<sup>77</sup> *Friderici I. diplomata*, I, 1152–1158, Doc. 5, at 10.

## Sacrum imperium

*unctione sacra*, and finally to compare the *auctoritas sacra pontificum et regalis potestas*.<sup>78</sup> *Sacrarum legum precepta* and *sacris institutionibus in meliorem statum reducenda* are mentioned in a Romanising charter drafted and copied by the recipient in early May 1154.<sup>79</sup> On 17 September 1156, Frederick confirmed the Hospitallers' possessions that Conrad III had apparently confirmed earlier: *nos pietatis eius sacra vestigia imitantes*. The original document has been lost, but it was drafted by Albert of Sponheim.<sup>80</sup>

The next occurrence of the epitheton is in *sacro imperio et divae rei publicae consulere*, that is, in the mandate sent to Otto of Freising from Würzburg in late March 1157.<sup>81</sup> On 23 June 1157, while the court was in Goslar, Rainald C reused the long-winded *arena* from a forged charter of Emperor Arnulf (888–899) for Sankt Emmeram, which the chancery could access in a formulary it often used these years, the *Codex Udalrici*. This *arena* contains the phrase *in sustentatione nostri sacri imperii*.<sup>82</sup> Appelt thought that because the *Codex Udalrici* came from Bamberg, the person who introduced *sacrum imperium* into the chancery must have been from Eberhard II of Bamberg's circle,<sup>83</sup> while Herkenrath suggested that it was Rainald of Dassel, and Riedmann argued in favour of the notary Rainald C, who copied the charter for Walkenried in June 1157.<sup>84</sup>

Sacral terminology started appearing in Burgundy in late 1157, when another scribe, Rainald D, reused a clause from the *Codex Udalrici* while copying a charter for Archbishop Heraclius of Lyon on 18 November 1157 in Arbois near Besançon: *sicut predecessorum nostrorum pia ac veneranda sanxit auctoritas et sicut sacra eorundem nos informabant munimenta*.<sup>85</sup> There is a clear difference between the epitheta describing the ruler and the sacral adjectives describing legal decisions, just as in the *Corpus iuris civilis*. The same document contains another Romanising clause: *ut sit semper videlicet sacri palatii nostri Burgundię gloriosissimus exarchon et summus princeps consilii*

<sup>78</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 5, at 11.

<sup>79</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 77, at 128–129.

<sup>80</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 152, at 262.

<sup>81</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 163, at 280.

<sup>82</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 171, at 291; *Codex Udalrici*, 1, ed. K. Naß, LIV–LVII; Koch, *Auf dem Wege zum Sacrum Imperium*, 269–270.

<sup>83</sup> Appelt was not wrong to suspect Eberhard II of Bamberg as the chief culprit in introducing Italianate novelties at the imperial court. See the highly influential study J. Dendorfer, 'Roncaglia: Der Beginn eines lehnrrechtlichen Umbaus des Reiches?', in B. Schneidmüller et al. (eds), *Staufisches Kaisertum im 12. Jahrhundert. Konzepte – Netzwerke – Politische Praxis* (Regensburg, 2010), 111–32.

<sup>84</sup> Appelt, 'Die Kaiseridee', 14–15; Herkenrath, 'Reinald von Dassel als Verfasser und Schreiber', 40–42, 54–59; Riedmann, 'Studien über die Reichskanzlei', 337, 389–390.

<sup>85</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 192, at 321–322: 'just as the pious and venerable authority of our predecessors sanctioned, and as their sacred monuments inform us'.

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*nostri*.<sup>86</sup> Rainald D copied another charter on the same day where he mentions that Baume-les-Messieurs abbey was subjected to the Cluniac 'order' *contra sacratissimas imperatorum constitutiones*.<sup>87</sup> The new terminology appeared in Germany and Burgundy in 1157, that is, soon after Frederick decided to launch a second Italian expedition. While the *Codex Udalrici* was used as the source of *sacrum imperium* once, it did not affect any other appearance of sacral terminology. The court had by this point accepted the sacral rhetoric of its Italian and Burgundian correspondents, and even started applying it elsewhere within the Empire. In the next section, I will explain why on the basis of the two most prominent examples of the use of *sacrum imperium*: that in Tortona in April 1155 and in the mandate to Otto of Freising from March 1157.

Generally speaking, there were several turning points for the introduction of sacral terminology at the imperial court in the period 1125–1167. The opening act was Lothar III's second Italian campaign (1136–1137), during which the recently reconstituted *Corpus iuris civilis*, whose proper revival began in the 1070s and 1080s in Bologna, came to the fore. The beginning of Conrad III's correspondence with the Byzantine emperor in 1142 paved the way for the utilisation of both Justinianic sources and the contemporary Byzantine style in German imperial documents. The Second Crusade (1147–1149) was pivotal as well because Conrad III, Frederick Barbarossa, Otto of Freising and Albert of Sponheim among others visited the Byzantine Empire. Even before their return, Wibald received Byzantine-influenced letters penned by Albert from his king. When Conrad returned, Wibald wrote to his friend in the papal curia, Cardinal Guido, that his ruler had come back *fastu et inobedientia Grecorum aliquantulum corruptus* ('somewhat corrupted by the pride and disobedience of the Greeks').<sup>88</sup> Frederick's accession in 1152 was another major step in the new direction. His advisers decided to write Eugene III a more Romanised letter than any that had come out of a transalpine chancery since the days of Charlemagne.

Yet sacral epitheta only tell one part of the story. To better understand what was happening in the imperial chancery, but also what was happening to it, one must widen one's scope to include more Romanising terms and phrases, which scholars have so far ignored almost completely. The Romanising terminology can be divided into several types. The first are phrases based on the imperial title, the second are phrases based on the title of the Empire. The former category can be subdivided into adjectives

<sup>86</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 192, at 321–322.

<sup>87</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 193, at 324: 'so that he may always, to wit, be the most glorious exarch of our Burgundian sacred palace, and the highest prince of our counsel'.

<sup>88</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 11, Ep. 223, at 478.

## Sacrum imperium

which form or expand the imperial title, such as (*et semper*) *augustus*, and adjectives which enhance the imperial title, but do not form part of it, such as *serenissimus*. Phrases based on the title of the Empire can be divided in two ways. One can not only differentiate between the titles *imperium* and *regnum*, but also between adjectives that form part of the title of the Empire, such as *Romanum*, and those that merely enhance the title, such as *pium*.

The imperial title was *imperator Romanorum* or *Romanorum imperator augustus* ever since Otto II started using it in 982, and the royal title was consistently *rex Romanorum* since Henry V took the crown in 1105/1106.<sup>89</sup> Herkenrath showed that *augustus* became a permanent element of the chancery language in 1142, when Albert of Sponheim drafted a letter from Conrad III to Johannes II Komnenos.<sup>90</sup> It expanded into (*et*) *semper augustus* in late March 1147, when Wibald of Stablo drafted Conrad's letter to Eugene III.<sup>91</sup> Herkenrath demonstrated that the phrase entered the chancery via the rising Italian influence.<sup>92</sup> North Italians had already adopted this phrase from Justinian's titlature in the *Corpus iuris civilis*.<sup>93</sup> Conrad III and Frederick Barbarossa occasionally used the imperial title even during their royal reigns, mostly in their Byzantine correspondence, but also in documents issued to Italian, Burgundian, Lotharingian and Cistercian recipients.<sup>94</sup> Apparently, the non-German imperial subjects were more interested in obtaining their privileges from the emperor of the Romans than from a German king.

*Invictus/invictissimus* is an epitheton describing the noun *imperator* that appears in the *signum* since the Carolingians, never falling out of use. It hardly ever appeared as a part of the *intitulatio* and elsewhere, however. Lothar III uses it twice, both times during his stay in Lagopesole in 1137, when Peter the Deacon was at court: *anno autem imperii domini Lotharii invictissimi imperatoris caesaris augusti sexto, residente eodem invictissimo imperatore*.<sup>95</sup> Lothar's *recognitio* contains the epitheton *serenissimus* once.<sup>96</sup> Previous emperors are occasionally mentioned as *gloriosus/gloriosissimus*,<sup>97</sup> *christianissimus*,<sup>98</sup> *divus*,<sup>99</sup> *pious*,<sup>100</sup> *magnus*<sup>101</sup> or collectively as *reges christiani*

<sup>89</sup> Weisert, 'Der Reichstiel bis 1806', 443, 447. <sup>90</sup> Herkenrath, *Regnum und Imperium*, 9.

<sup>91</sup> Herkenrath, *Regnum und Imperium*, 10.

<sup>92</sup> Herkenrath, *Regnum und Imperium*, 11–13, 21, 23, 26, 34–36, 43–49, 54–56.

<sup>93</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, 221.

<sup>94</sup> Herkenrath, *Regnum und Imperium*, 24–58.

<sup>95</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 117, at 187.

<sup>96</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 50, at 82.

<sup>97</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Docs 3, 68 and 79, at 4, 106 and 123.

<sup>98</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 11, at 13.

<sup>99</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 19, at 25.

<sup>100</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 19, at 25.

<sup>101</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 19, at 26.

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et imperatores.<sup>102</sup> Lothar III's *intitulatio* for the charter regulating feudal laws in Italy contains the Roman-inspired *triumphator*.<sup>103</sup>

The four judicial charters of Empress Richenza can be used as additional evidence for Lothar's reign. Two of them mention Lothar as *serenissimus imperator*,<sup>104</sup> and the fourth couples *piissimus/piissima* once with either spouse.<sup>105</sup> As already mentioned, Richenza's first charter contains both *sanctissima ac iustissima Dei gratia Romanorum imperatrix augusta* and *sanctissime et iustissime domine R[icheze] Dei gratia regine et Romanorum imperatrici auguste, uxori domini Lotharii imperatoris cessararis [sic] augusti*.<sup>106</sup> Her third judicial charter contains *Richeza imperatrix sanctissima et Romanorum semper augusta*.<sup>107</sup>

The Empire itself was referred to as *imperium Romanum* only occasionally since 1034.<sup>108</sup> Lothar III (1125–1137) mentioned the *imperium Romanum* only 14 times in 124 documents.<sup>109</sup> The last 8 times happened while Lothar was presiding over the debate between the papal representatives and Montecassino in July 1137 and immediately afterward. Moreover, the very last four entries were written by Peter the Deacon himself. Additionally, a document influenced by Peter contains *orbis Romanus*.<sup>110</sup> Lothar's chancery does not attribute the *imperium* to any other epitheton. His chancery mentions *res publica* four times, and only its second occurrence is in a charter for a German recipient.<sup>111</sup>

Conrad III (1138–1152) mentions *imperium Romanum* 10 times.<sup>112</sup> His son, Henry Berengar, mentions the *imperium Romanum* in June 1147,<sup>113</sup> and Conrad III mentions the *regnum Romanum* thrice.<sup>114</sup> *Regnum Romanum* was not a newly coined term, but one that appears first under Henry II (1002–1024), only to disappear under the last two Salians.<sup>115</sup>

<sup>102</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 91, at 142.

<sup>103</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 105, at 170.

<sup>104</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Docs 2–3, at 229–230.

<sup>105</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 4 (Richenza), at 232–233.

<sup>106</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 1 (Richenza) 227–228: 'the most holy and just, by grace of God august empress of the Romans', and 'the most holy and just lady Richeza, by grace of God queen and august empress of the Romans, the wife of Lord Lothar, emperor Caesar Augustus'.

<sup>107</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 3 (Richenza), at 230.

<sup>108</sup> Weisert, 'Der Reichstiel bis 1806', 452.

<sup>109</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Docs 37–38, 57, 94, 109, 117, 119–120, 121G and 121H, at 62–63, 90, 147, 176, 187, 193, 197, 208.

<sup>110</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Doc. 120, at 196.

<sup>111</sup> *Lotharii III. diplomata nec non et Richenzae imperatricis placita*, Docs 43, 60, 98, 105, at 72, 95, 156, 170.

<sup>112</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 15, 18, 50, 69, 134, 187, 211, 222, 229, 230, 261, 262, at 25, 32, 84, 122, 244, 338, 380, 395, 406, 407, 454, 455.

<sup>113</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 1 (Henry Berengar), at 521.

<sup>114</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 4, 34, 50, at 7, 55, 84.

<sup>115</sup> Weisert, 'Der Reichstiel bis 1806', 452.

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That makes up 14 mentions. Out of these 14, 8 were for Italian or Byzantine recipients.<sup>116</sup> Out of these 8, only the first two mentions were before Conrad III's return from the Second Crusade (1147–1149) and his introduction of the *reformatio Romani imperii* policy.<sup>117</sup> It seems that Italian politics dictated the frequency of appearance and the intensity of Roman identity in the imperial chancery. Conrad's chancery couples *imperium* only with *totum* and *nostrum*. Conrad mentions the *Romani imperii fastigium* in a letter to Empress Irene in 1150,<sup>118</sup> and he styled himself *Romani moderator imperii* in 1140 when imitating Byzantium.<sup>119</sup> In his first letter to Johannes II in 1142, Conrad mentions the *magnificentia Romana* before beginning a diatribe upon the status and relationship of old Rome and new Rome (Constantinople).<sup>120</sup>

Conrad's documents mention *res publica* 8 times. The second document containing it was the letter to Johannes II authored by Albert of Sponheim, where it appeared as *Romana res publica*, and the final six charters were written by Wibald of Stavelot for the communities whose abbot he was, apart from one sent to the city of Pisa.<sup>121</sup> Once again, the link between the terminological legacy of Rome and Italian and Byzantine addressees is obvious. Wibald, a man familiar with the classics and the *Corpus iuris civilis*, was the main proponent of late Roman terminology in the German court and chancery.<sup>122</sup> Such was the situation when Frederick Barbarossa assumed power in March 1152.

In February 1148, Conrad sent a letter authored by Albert of Sponheim to Wibald from his residence in Constantinople, where the verb *triumphare* was introduced in the imperial chancery.<sup>123</sup> *Triumphator* appears only once in this period: in Henry Berengar's letter to Manuel Komnenos authored by Wibald in April 1150.<sup>124</sup> Conrad III's diplomata call the ruler *serenissimus* once,<sup>125</sup> his wife Gertrude once in a charter for Pisa<sup>126</sup> and his predecessors twice.<sup>127</sup> The earlier of the two charters mentioning

<sup>116</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 15, 69, 222, 229–230, 261–262 and Doc. 1 (Henry Berengar), at 25, 122, 395, 406, 407, 454–455, 521.

<sup>117</sup> Petersohn, *Kaisertum und Rom*, 128–130.

<sup>118</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 229, at 406.

<sup>119</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 50, at 84.

<sup>120</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 69, at 122.

<sup>121</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 44, 69, 179, 181–182, 245, 251, 261, at 74, 122, 323, 326, 329, 428, 436, 453.

<sup>122</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 1, LXXX.

<sup>123</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 195, at 354.

<sup>124</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 10 (Henry Berengar), at 530.

<sup>125</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 30, at 50.

<sup>126</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 32, at 52.

<sup>127</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 144 and 269, at 261 and 466.

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a *serenissimus* predecessor was written by Wibald.<sup>128</sup> Henry Berengar calls his father *serenissimus* twice, but only in his letters to Manuel Komnenos and Irene.<sup>129</sup> A charter for the bishop Presbitero of Ascoli-Piceno containing *serenissima equitas* was written after Wibald intervened for the bishop.<sup>130</sup> *Gloriosus/gloriosissimus* and *invictus/invictissimus* both appear about twenty times, which is about ten times more than during Lothar III's equally long reign. Conrad calls his predecessors *christianissimi principes* once,<sup>131</sup> and *pius* twice.<sup>132</sup> A charter of his written by Albert of Sponheim calls the king *piissimus*.<sup>133</sup> Conrad once mentions Eugene III's *piissimi affectus*.<sup>134</sup> Henry Berengar refers to Eugene III and his affection as *piissimus* twice and to Manuel Komnenos once.<sup>135</sup> All three letters were written by Wibald.

A steady increase in Romanisation can be perceived between 1125 and 1152. Romanising terms appear more often and their range of recipients gradually widens. *Res publica* appears under Conrad III twice as often as under Lothar III. Where Lothar barely used *gloriosus*, *invictus* and their cognates, Conrad III's uses them relatively frequently. *Pius* is employed much more often by Conrad. Conrad also uses the potent *reformatio Romani imperii* and *triumphator*, both of which had a distinctly Roman feel to them. These innovations were important landmarks in the Romanisation of the Empire in the perception of its subjects. Italians were much more likely to be the addressees of such rhetoric because they wanted to make it clear that the emperor ruled them not as king of Germany, but as emperor of the Romans. Only the latter was their legitimate overlord.

Frederick Barbarossa's diplomata have to be approached differently in order to make sense of them. Frederick's reign (1152–1190) was longer than his two predecessors' reigns put together (1125–1152), and he spent much more of his energy on Italian affairs. His reign can be subdivided in many ways, but for the purpose of our investigation it would be most profitable to relate the findings to Frederick's six Italian expeditions: October 1154–September 1155; July 1158–August 1162; October 1163–October 1164; November 1166–March 1168; September 1174–July 1178; and September 1184–July 1186. In terms of chancery language, the period 1152–August 1167, when a plague wrecked his army, court and court

<sup>128</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 144, at 261.

<sup>129</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 10–11 (Henry Berengar), at 528–529.

<sup>130</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 226, at 399–400.

<sup>131</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 148, at 270–271.

<sup>132</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 2 and 4, at 4 and 8.

<sup>133</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 266, at 461.

<sup>134</sup> *Conradi III. et filii eius Heinrici diplomata*, Doc. 213, at 383.

<sup>135</sup> *Conradi III. et filii eius Heinrici diplomata*, Docs 9–10 (Henry Berengar), at 529–530.

personnel, can be seen as a single period of steady development, with Wibald and Albert disappearing in 1157/1158. The period 1167–1174 then forms the lowest point of Latinity in Frederick's documents, whereas the years after 1174 were defined by an increasing Italian influence coupled with dramatically increasing complexity and verbosity. However, as the *sacrum imperium* and *diva res publica* appear in late March 1157, that is, before Frederick's second Italian campaign, I will look at the period 1152 to June 1158 separately from the period July 1158 to March 1168. This way the first appearance of the term *sacrum imperium* can be checked against the period when it reached peak usage before abruptly disappearing.

Frederick mentions the *imperium Romanum* 15 times until June 1158.<sup>136</sup> Wibald used it in papal correspondence twice,<sup>137</sup> it was used in the chancery's correspondence with Wibald twice,<sup>138</sup> and it was used by Rainald D for Burgundian recipients twice.<sup>139</sup> The Italian Godfrey of Viterbo, who had trained in the papal curia, used it thrice for Italian recipients and once for Maria Laach abbey.<sup>140</sup> Another document was written for the city of Cremona while Frederick was near Verona.<sup>141</sup> To sum up, 11 out of 15 appearances can be explained by Italian or Burgundian influence. The chancery employed more elaborate phrases by now, such as *corona imperii nostri*<sup>142</sup> or *gloriosum imperii culmen*.<sup>143</sup> While the phrase *honor imperii* was very widely used by Frederick's chancery, it does not belong to this examination.<sup>144</sup>

Frederick's chancery mentions *res publica* 12 times until June 1158.<sup>145</sup> Two of these are either written by or for Wibald,<sup>146</sup> one is written by Albert of Sponheim,<sup>147</sup> and two are written for Italians.<sup>148</sup> Even considering the occurrences for which Wibald's or Albert's influence can be surmised, it is clear that the Italianate terminology was spreading beyond the Alps. Moreover, Frederick's chancery used the term *res publica* in its

<sup>136</sup> *Friderici I. diplomata*, 1, 1152–1158, Docs 5–6, 31, 103, 105, 120, 161, 163–164, 181, 192, 196, 219, at 10–12, 53, 175, 178, 203, 277, 280–281, 304–305, 322, 328, 365.

<sup>137</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 5, at 10–11.

<sup>138</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 181, at 304–305.

<sup>139</sup> *Friderici I. diplomata*, 1, 1152–1158, Docs 192, 196, at 322, 328.

<sup>140</sup> *Friderici I. diplomata*, 1, 1152–1158, Docs 6, 31, 103, 105, at 12, 53, 175, 178.

<sup>141</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 120, at 203.

<sup>142</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 123, at 206.

<sup>143</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 130, at 218.

<sup>144</sup> P. Rassow, *Honor imperii. Die neue Politik Friedrich Barbarossas 1152–1159. Durch den Text des Konstanzer Vertrages ergänzte Neuauflage*, 2nd edn (Munich, 1961); Görlich, *Die Ehre Friedrich Barbarossas*.

<sup>145</sup> *Friderici I. diplomata*, 1, 1152–1158, Docs 9–11, 46, 65, 91, 128, 163, 189, 193, 201, 213, at 16, 18, 20, 77, 111, 151, 213, 280, 317, 324, 337, 356.

<sup>146</sup> *Friderici I. diplomata*, 1, 1152–1158, Docs 9, 11, at 16, 20.

<sup>147</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 128, at 213.

<sup>148</sup> *Friderici I. diplomata*, 1, 1152–1158, Docs 91, 189, at 152, 317.

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first six years as often as Lothar III's (four) and Conrad III's (eight) chanceries had done in twenty-seven. The term even appeared as *diva res publica* once.<sup>149</sup> Frederick's presence in Italy has no correlation to the use of *res publica*.

To sum up the statistics for the most common and important Romanising terms: *res publica* appears four times in the period 1125–1137, eight times in 1137–1152, and then twelve times from 1152 to 1158. *Romanum imperium* appears fourteen times in the first period (though eight times in Montecassino under Peter the Deacon's influence), ten times in the second (or fourteen, if one counts the *Romanum regnum* variant), and fifteen times in the early years of Frederick Barbarossa. Lothar III uses *gloriosus/gloriosissimus* and *invictus/invictissimus* a few times, but Conrad III used them about twenty times. In the era of Frederick Barbarossa, even the *MGH* editors stopped counting these as they had become as ubiquitous as any other word. Therefore, even with the caveat that the survival rate of Barbarossa-era documents is higher than for that of his two direct predecessors, it is clear that the Holy Roman Empire was not just Romanising, it was doing so at an express pace. More crucially for this discussion, *sacrum imperium* and other forms of sacral language were not phraseological isolates, but eminently just one particular strain of learned Latin that was being resuscitated. Finally, as it is not the purpose of this chapter to trace the development all the Romanising terminology of Frederick Barbarossa's reign, statistical overviews over the following periods will be eschewed.

#### 1.4 SACRUM IMPERIUM AND DIVA RES PUBLICA AT THE IMPERIAL COURT AND IN THE GERMAN IMPERIAL CHANCERY (APRIL 1155–AUTUMN 1157)

The most important Lombard anti-imperial text of the 1150s, the *De ruina civitatis Terdonae*, is the earliest text to ascribe the use of *sacrum imperium* to a person linked to the imperial court. Its anonymous author, a man well versed in the classics, has the imperial ambassador, Abbot Bruno of Chiaravalle, demand Tortona's capitulation for the glory and the honour of the king and the *sacrum imperium* in April 1155.<sup>150</sup> Hofmeister thought that the author preserved the formulaic language of the documents he used when writing, so Görich suggested that this implies that the imperial

<sup>149</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 163, at 280.

<sup>150</sup> A. Hofmeister, 'Eine neue Quelle zur Geschichte Friedrich Babarossas', *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde*, 43 (1920–1922), 87–157, at 155.

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court already used the term *sacrum imperium*, even if it does not appear in chancery documents of the period.<sup>151</sup>

The *sacrum imperium* in *De ruina civitatis Terdonae* appears in reported speech. In the passage, Bruno of Chiaravalle, a supporter of both Frederick Barbarossa and Eugene III who served as a witness for the pope in the treaty of Constance, tells the people of Tortona that they *velle solum urbis deditionem ob regis et sacri imperii gloriam et honorem*.<sup>152</sup> However, the author of the text never uses *sacrum imperium* in his own name. Rather, he makes his own point of view clear by calling the imperial army *Germani* in a general sense, but *Teutonici* when he wanted to stress their brutality, such as during the razing of Tortona.<sup>153</sup> There is no reason to doubt the use of *sacrum imperium* by Bruno of Chiaravalle, and it seems that he used it to mean *holy empire*. This was, however, just a rhetorical elevation based upon *imperium Romanum*, where the novel style was employed to give the Empire an aura. It would take many decades before it became an official title.<sup>154</sup> Since Bruno of Chiaravalle used the phrase in April 1155, and Rainald of Dassel became chancellor only around May 1156, the famous chancellor was not the originator of the *sacrum imperium*.<sup>155</sup> We will come back to this case after the early evidence is surveyed.

The term *sacrum imperium* first appears in a chancery text in late March 1157 in a *mandatum* of Frederick Barbarossa to Otto of Freising, his biographer and uncle. The original document has not been preserved.<sup>156</sup> Koch and Petersohn treated the *sacrum imperium* mandate as a general invitation to the princes of the Empire to assemble at the Diet of Würzburg in June 1158 for Barbarossa's second Italian campaign (1158–1162).<sup>157</sup> The protocol of the mandate, however, is clear:<sup>158</sup> the sender is Frederick, emperor of the Romans and ever august by the grace of God, and the recipient is only Frederick's beloved uncle, Otto, bishop of Freising. Otto cited the letter in his *Gesta Friderici*, but it is uncertain

<sup>151</sup> Görich, *Die Ehre Friedrich Barbarossas*, 473.

<sup>152</sup> Hofmeister, 'Eine neue Quelle', 155: 'that they wanted only the surrender of the city for the king's and the holy empire's glory and honour'; *Friderici I. diplomata*, 1, 1152–1158, Docs 51–52, 98, at 86, 88, 166.

<sup>153</sup> For his use of *Germani*, see Hofmeister, 'Eine neue Quelle', 145, 146, 152, 154. For his use of *Teutonici*, see Hofmeister, 'Eine neue Quelle', 153, 155.

<sup>154</sup> Schwarz, *Herrscher- und Reichstitel*, 50–96, esp. 94–96.

<sup>155</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 138, at 233.

<sup>156</sup> Otto of Freising and Rahewin of Freising, *The Deeds of Frederick Barbarossa*, ed. and trans. C. Mierow (New York, 1966), 5–7.

<sup>157</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, 198 and 276; Petersohn, *Kaisertum und Rom*, 322.

<sup>158</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 163, at 280.

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who would have had access to it.<sup>159</sup> Frederick requested Wibald's presence at the same Pentecostal diet the following year as he did Otto of Freising's, yet no one mistook this mandate for a programmatic text.<sup>160</sup> The contrast between the two mandates shows that each prince received his own individualised invitation to the Pentecostal court of 1158.

The author of Frederick's mandate appealed to Otto by mentioning the cause of the struggle: *Quia divina providente clementia urbis et orbis gubernacula tenemus, iuxta diversos eventus rerum et successiones temporum sacro imperio et divae rei publicae consulere debemus.*<sup>161</sup> He begins with *divina providente clementia*, an invocation of God's mercy, the source of all authority. Next up is the programmatic phrase *urbis et orbis gubernacula tenemus*, which alludes to another tenet of Frederick Barbarossa's regime: that the emperor ruled both the city of Rome and the Empire. *Iuxta diversos eventus rerum et successiones temporum* may be a reference to the difficult situation of the present, but one could read it as a reference to the *Chronica sive Historia de duabus civitatibus*, Otto's universal chronicle decrying the vicissitudes of the times.<sup>162</sup> The author, it seems, was catering to Otto's point of view.

Finally, there is the phrase *sacro imperio et divae rei publicae consulere debemus*. This pairing of a rare syntagm with an extremely rare one ('*diva res publica*') is a sign of an elevated and highly developed style. This contrasts with *sacrum imperium*'s second appearance in the *arena* of Frederick's charter for Walkenried promulgated in Goslar on 23 June 1157, where the *arena* is long-winded, but unremarkable.<sup>163</sup> As opposed to the Walkenried charter, the whole mandate to Otto of Freising is a thundering crescendo of indignation and rage directed against the enemies of the Empire, who have risen up against God's order of the world.

Otto responded to the mandate in the first prefatory letter to his *Chronica sive Historia*, where he paraphrases a part of the invitation he received: *De expeditione, quam contra Mediolanensium superbiam ordinastis, ob honorem imperii vestraeque personae exaltationem libenter audivi preceptumque*

<sup>159</sup> Otto of Freising, 'Ottonis Gesta Friderici I. imperatoris', in *Ottonis et Rahewini Gesta Friderici I. imperatoris*, ed. G. Waitz and B. von Simson, *MGH SS rer. Germ.* 46 (Hanover, 1884; reprinted 1997), II, 50, at 158.

<sup>160</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 162, at 278–279.

<sup>161</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 163, at 280: 'Because we hold by the providence of divine clemency the reins of the city and the world, we ought to, according to the diverse happenings of things and the changes of times, aid the holy empire and the blessed republic.'

<sup>162</sup> J. Ehlers, *Otto von Freising: Ein Intellektueller im Mittelalter* (Munich, 2013), 163.

<sup>163</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 271, at 291; *Arnolphi diplomata*, ed. P. Kehr, *MGH DD regum Germaniae ex stirpe Karolinorum* 3 (Berlin, 1940), Doc. 190, at 295.

## Sacrum imperium

*vestrum super hac re humilitati meae destinatum reverenter suscepi.*<sup>164</sup> Otto keeps the pride of Milan in his text, but he replaces *sacrum imperium* and *diva res publica* with the more commonplace *ob honorem imperii vestraeque personae*. This is more in accordance with the style of the time, but also with Otto's aversion towards attaching sacral epitheta to non-religious matters.<sup>165</sup> Had he opposed the wording more strongly, he would have paraphrased Frederick's call to arms, yet he chose not to do so.

The mandate's author is still unknown, but Appelt noted that the language used in a letter in which Barbarossa attempts to goad Otto of Freising into making peace with his nemesis Henry the Lion in 1158 is similar to our mandate. The relevant sentence is: *Ex quo divina benignitate Romani imperii gubernacula tenemus, dignum est, ut eius opitulatione, quantum possumus, quieti temporum et paci ecclesiarum curemus providere.*<sup>166</sup> Not only is a typical variation on *divina providente clementia* included, but the rare word *gubernacula* is related to *Romanum imperium*, both of which remind us of the *sacrum imperium* mandate. Moreover, the charter's next line contains the rare *orbis*, which appears in the mandate, too. The author of these lines is Heribert, though Appelt suspected Otto of Freising to have influenced the wording.<sup>167</sup> The imperial chancery knew how to impress Otto of Freising: by using his own rhetoric (though with added sacral epitheta) to address him. It seems that the question of authorship has been approached wrongly: whereas in other cases the standard method of stylistic analysis revealed the author, our case is peculiar in that the author was deliberately writing in the style of the recipient. This is more common than has previously been acknowledged, but our mandate is special in that its author introduced two completely new terms into the formulaic language of the chancery in addition to his imitation of Otto of Freising. Clearly, the author was a man of certain rhetorical acumen.

Otto of Freising's own style was based upon some of the most widely read ancient authors. Whoever was writing the mandate to him would have been aware of his models and of the larger imperial discourse that he

<sup>164</sup> Otto of Freising, *Chronica sive historia de duabus civitatibus*, ed. A. Hofmeister, *MGH SS rer. Germ.* 45 (Hanover, 1912; reprinted 1984), *Epistola Friderico imperatori*, at 3: 'Of the expedition regarding the exaltation of the honour of the Empire and your person, that you commanded against the pride of the Milanese, I have heard, and I have reverently received your message on this matter that was destined for my lowliness.'

<sup>165</sup> See the list of authors who do use such epitheta in the mid-twelfth century Empire in Koch, *Auf dem Wege zum Sacrum Imperium*, 269–273; Krieg, *Herrscherdarstellung in der Stauferzeit*, 333–348.

<sup>166</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 218, at 364: 'Since we hold the reins of the Roman Empire by divine benignity, it behoves us that we see, with its help, to provide for the tranquillity of our times and the peace of the churches as much as we can.'

<sup>167</sup> *Friderici I. diplomata*, 1, 1152–1158, 364.

#### 1.4 Sacrum imperium and diva res publica

was evoking. Otto adopts *urbis et orbis* from Orosius' first book.<sup>168</sup> *Consulere rei publicae* is a phrase Otto picked up from Sallust.<sup>169</sup> *Mediolanensium superbia iam diu caput contra Romanum erexit imperium* is a variation modelled on Augustine and Orosius.<sup>170</sup> *Sacrum imperium et diva res publica*, however, have no counterpart within Otto's work.

As my examination has shown, *sacrum imperium* was used in Italy for at least twenty years before it entered the imperial chancery and important members of the imperial court were aware of that. Moreover, Wibald had used the term since April 1150 (*sanctum imperium*)/September 1153 (*sacratissimum imperium*), but only to describe Manuel Komnenos in his personal correspondence. Bruno of Chiaravalle, however, used it in late April 1155 in his function as the imperial ambassador to Tortona.

Scholars have tried linking the mandate from late March 1157 with Frederick's Roman, papal, Byzantine and Sicilian politics, but they neglected the obvious message that Frederick was releasing his magnates from their oath to undertake a Sicilian expedition in favour of a Lombard campaign. Thus, the crucial Lombard aspect of the document was not considered. This change in Barbarossa's plans was affected by a Lombard anti-Milanese delegation that included Consul Opizo Buccafol from Pavia, Bishop Albericus de Merlino of Lodi and Bishop Ardicio of Como, whose complaints to Barbarossa are recorded. The Pavese consul Gaidun was present as well, as were the Novarese consuls Albert and Peter.<sup>171</sup>

One of the main sources for the Lombards' court visit is the anonymous Bergamasque author's epic *Carmen de gestis Frederici I. imperatoris in Lombardia*, where the three main diplomats' opinions are given through fictitious speeches, which may not reflect the reality of the situation adequately. The anonymous author makes use of sacral terminology

<sup>168</sup> Otto of Freising, *Chronica*, III, *prologus*, at p. 133: 'quare unius urbis legibus totum orbem informari Dominus orbis voluerit'; Orosius, *Pauli Orosii Historiarum adversum paganos libri VII: accedit eiusdem Liber apologeticus*, ed. K. F. W. Zangemeister (Vienna, 1882), I, 1, 14, at 8: 'Dicturus igitur ab orbe condito usque ad urbem conditam, dehinc usque ad Caesaris principatum natiuitatemque Christi ex quo sub potestate urbis orbis mansit imperium.'

<sup>169</sup> Sallust, *Catilina. Iugurtha. Fragmenta ampliora*, 3rd edn, ed. A. Kurfess (Berlin, 1957), VI, 6, at 7: 'rei publicae consultabant'; Otto of Freising, *Chronica*, II, 10, at 79: 'Pulso regno Tarquinio Romani rerum nomen abiurantes consules, qui rei publicae potius consulerent quam imperarent, sibi creavere.'

<sup>170</sup> Augustine, *De civitate Dei*, ed. B. Dombart and A. Kalb, 5th edn (Stuttgart, 1981), II, XIV, 3, at 8: 'quorum omnium malorum caput atque origo superbia est'; Orosius, *Historiarum adversum paganos libri VII*, VI, 17, 9, at 406: 'et tamen horum omnium malorum initium superbia est: inde exarserunt bella civilia, inde iterum pullularunt'.

<sup>171</sup> *Friderici I. diplomata*, I, 1152–1158, Doc. 164, at 280–281; Anonymus Bergamensis, *Carmen de gestis Frederici I. imperatoris in Lombardia*, ed. I. Schmale-Ott, *MGH SS. rer. Germ.* 62 (Hanover, 1965), vv. 1321–1466, at 44–49.

related to state matters in his work in general.<sup>172</sup> He styles the emperor *divus Fredericus* thrice: the first time in relation to his imperial coronation, the second and third time in relation to his response to the complaints of the Lombards against the Milanese.<sup>173</sup> It is significant that he has the diplomats use sacral terminology when beseeching the emperor to intervene on their behalf, but he also uses it in his own name to comment on the coronation ceremony. The new phrases were used only for the most important matters, and only by the supporters of the Empire. The form *divus Fredericus*, which the Bergamasque uses, is not without precedent: he was classicising the term *sanctus N.* into the form used in classical epic poetry: *divus N.*<sup>174</sup>

The mandate to Otto of Freising and Bruno of Chiaravalle's use were both produced while a Lombard delegation was at Barbarossa's court. Otto of Freising's contacts at court would have been the ones who decided on the text he should be sent. He was Frederick Barbarossa's uncle and a Bavarian bishop, but he also made other allies at court, some of them Lombard. He was at court on 23 April 1153, as a witness for Ardicio of Como, who had previously been a witness for Frederick Barbarossa in the treaty of Constance on 23 March.<sup>175</sup> These two apparently knew each other well enough to aid each other at court, and their visit coincided with that of the Lodigiani burghers Albernardus Alamanus and magister Homobonus, who convinced Frederick to intervene in their favour against the city of Milan.<sup>176</sup> Otto Morena, judge of Lodi, used *sanctus/santissimus rex* several times in his description of these events, and he ascribes his version of events to Albernardus, so it seems likely that such language was used in March 1153.<sup>177</sup> It follows that Otto of Freising would have been acquainted with the Lombard situation and the Lombard use of sacral terminology to refer to matters of state. Thus, when he received the mandate in March 1157, he may have suspected that his Lombard friends influenced its wording.

<sup>172</sup> Anonymus Bergamensis, *Carmen de gestis Frederici I.*, vv. 67–72, 244–245, 645–651, 1467, 1500–1518, 3210–3211, at 3, 9, 22, 49–50, 105.

<sup>173</sup> Anonymus Bergamensis, *Carmen de gestis Frederici I.*, vv. 67–72, 1467, 1500–1518, at 3, 49–50.

<sup>174</sup> Vergil, *Aeneis*, 2nd edn, ed. G. B. Conte (Berlin, 2019), vi, 792, at 171: 'Augustus Caesar, *divi* genus'; Ovid, *Metamorphoses*, 2nd edn, ed. W. S. Anderson (Berlin, 1982), xv, 842, at 386: '*divus* ab excelsa prospectet *Iulius* aede'; Ausonius, *Mosella*, ed. and trans. J. Gruber (Berlin, 2013), v, 11, at 52: '*divi* castra inclita *Constantini*'.

<sup>175</sup> *Friderici I. diplomata*, 1, 1152–1158, Docs 52, 54, at 87–89, 92–94.

<sup>176</sup> Otto Morena, 'Ottonis Morenae eiusdemque continuatorum Libellus de rebus a Frederico imperatore gestis', in *Italienische Quellen über die Taten Kaiser Friedrichs I. in Italien und der Brief über den Kreuzzug Kaiser Friedrichs I.*, ed. and trans. F.-J. Schmale (Darmstadt, 1986), 34–239, at 34–38; Anonymus Bergamensis, *Carmen de gestis Frederici I.*, vv. 61–74, at 3.

<sup>177</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 34–36.

#### 1.4 Sacrum imperium and diva res publica

Thus, Barbarossa's frequent contact with Cisalpine political actors enabled the new Romanising and sacral style to spread from Italy to the imperial court, but this process was not always straightforward. Otto of Freising died on 22 September 1158, and his chaplain Rahewin continued his biography of Frederick Barbarossa, the *Gesta Friderici*.<sup>178</sup> While Otto avoided the sacral epitheta except in reported speech, Rahewin, who spent some time at the imperial court during the siege of Milan, where he had contact with Lombard rhetoric, was not averse to it. However, he never used *sanctus imperator* or *sacrum imperium*. Because Rahewin set out to imitate the classics, he resorted to calling the emperor *divus*, as did the pagan authors.<sup>179</sup> He thus came to the same solution as the anonymous Bergamasque, potentially under Lombard influence.

In contrast, Otto of Freising makes use of the sacral terminology of the state only twice during the description of Frederick's rhetorical contest with the ambassador of the Roman commune in May 1155. The delegate, acting out a personified Rome, says: *Assurrexi tuae ac divae rei publicae profuturum gloriae ad sacrum sanctae Urbis senatum equestremque ordinem instaurandum, quatinus huius consiliis, illius armis Romano imperio tuaeque personae antiqua redeat magnificentia*.<sup>180</sup> Otto carefully uses the various sacral epitheta to enunciate the Roman point of view: everyone and everything is holy and Roman. The *sacer senatus* is typical for senatorial documents of the time and the *Corpus iuris civilis*,<sup>181</sup> and *sancta Urbs* can be found in a letter of Peter Damian, so it is possible that a Roman representative would have used that term as well.<sup>182</sup> *Divia res publica* means the Roman state as opposed to its ruling authority, the Empire, as Sickel concluded.<sup>183</sup>

<sup>178</sup> Ehlers, *Otto von Freising*, 130–131.

<sup>179</sup> Rahewin of Freising, 'Rahewini Gesta Friderici I. imperatoris', in *Otonis et Rahewini Gesta Friderici I. imperatoris*, ed. G. Waitz and B. von Simson, *MGH SS rer. Germ.* 46 (Hanover, 1884; reprinted 1997), 111, *prologus*, 2, 26, 48, 51 and IV, 43, 72, 78, 86, at 162, 168, 199, 225, 227, 284, 317, 328, 342; Suetonius, 'Divus Augustus', in C. Suetoni *Tranquilli opera*, I, *De vita Caesarum libri VIII*, ed. M. Ihm (Leipzig, 1907), 2, 5, 15, 17, 31, 94, 96, 100, at 49, 51, 56, 59, 69, 110–111, 116.

<sup>180</sup> Otto of Freising, 'Gesta Friderici', 11, 29, at 136: 'I have risen for the benefit of your glory and the glory of the blessed republic, so that the sacred senate of the holy city and equestrian order may be formed, so that with its counsels and its arms ancient magnificence may return to the Roman Empire and your person.'

<sup>181</sup> Justinian, *Corpus iuris civilis*, 11, *Codex Iustinianus*, ed. P. Krüger and T. Mommsen (Berlin, 1888), 277, 462; Justinian, *Corpus iuris civilis*, 111, *Novellae*, ed. R. Schöll and W. Kroll (Berlin, 1905), 626; I. Baumgärtner, 'Rombeherrschung und Romerneuerung: Die römische Kommune im 12. Jahrhundert', *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 69 (1989), 27–79, at 45–46; *Codice diplomatico del Senato Romano dal 1144 al 1347*, ed. F. Bartoloni (Rome, 1948), Docs 6, 11–13, at 6, 13, 16, 19.

<sup>182</sup> Peter Damian, *Die Briefe des Petrus Damiani*, ed. K. Reindel (Munich, 1988), 11, Ep. 65, at 234. For the earliest appearance of the *sacer senatus*, see *Codice diplomatico del Senato Romano dal 1144 al 1347*, Doc. 13, at 19.

<sup>183</sup> Sickel, 'Waitz, Georg, Deutsche Verfassungsgeschichte', 390.

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The Roman ambassador incurred Frederick's wrath by declaiming about *Frederick's* commonwealth and *Frederick's* Empire. The idealised Frederick responds: *Antiquam tuae proponis urbis nobilitatem, divinae tuae rei publicae veterem statum ad sidera sustollis*.<sup>184</sup> Now Frederick refers to the *diva res publica*, only to claim that this was now the Holy Roman Empire.<sup>185</sup> Otto, who scrupulously avoided attaching sacral epitheta to the emperor and the Empire, broke his rule in order to imitate what he believed was the current Roman style. It seems that Otto had heard of the term *diva res publica* prior to writing these passages, and that this was somewhere in Italy. This means that *sacrum imperium* and *diva res publica* were inserted into the mandate in order to gain Otto's attention.

As Wibald was absent from court, the only people who could avail themselves of such a starkly Romanising language in March 1157 were the Lombard diplomats headed by the Pavese consul Opizo Buccafol and the bishops Albericus de Merlino of Lodi and Ardicio of Como. The new phrases were accepted by our unknown author, who employed them to further Romanise the already flamboyantly Roman mandate. In Frederick's letter to Otto in June 1158 these terms are missing because no Italian apart from the cardinals visited the court, and these did not come to extoll the Empire.

*Divia res publica* appears once in March 1157 in the mandate to Otto of Freising and twice in Otto's part of the *Gesta Friderici*. Sickel found examples of *sancta/sacratissima res publica* and *sacrum/sacratissimum imperium* from the end of the sixth century to the fourth council of Constantinople (879–880).<sup>186</sup> Most of these sources would have been unavailable in twelfth-century Europe, but Gregory the Great's letters would have been read widely, while the *Liber pontificalis* and the acts of the oecumenical council would have been accessible to at least some churchmen. One cannot exclude the possibility of another source that has not been preserved. *Divia res publica* is definitely a variation on the term *sancta res publica*, but with the added value of sounding classical.

*Divia res publica* stands in contrast to the *sacrum imperium* in the mandate to Otto of Freising, and Otto's use of the term shows that it means the state as a whole as opposed to only the ruling authority itself, that is, the emperor. This is in line with how Peter the Deacon addresses Lothar III with *Unde si sancto imperio ceterisque magnatibus non videtur esse contrarium*.<sup>187</sup> It also fits the tendency of German emperors since Henry V to call the

<sup>184</sup> Otto of Freising, 'Gesta Friderici', 11, 30, at 136: 'You mention the ancient nobility of your city, you raise the old state of your blessed republic to the stars.'

<sup>185</sup> Otto of Freising, 'Gesta Friderici', 11, 30, at 136–137.

<sup>186</sup> Sickel, 'Waitz, Georg, Deutsche Verfassungsgeschichte', 390.

<sup>187</sup> Peter the Deacon, *Chronica monasterii Casinensis*, 582.

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magnates a source of imperial legitimacy and power.<sup>188</sup> Whereas Bruno of Chiaravalle used *sacrum imperium* to mean *holy empire* in 1155, the mandate of 1157 uses *diva res publica* to mean the same. Clearly, this was not a set phrase yet, let alone the official name of the Empire. The period of rhetorical experimentation with terms meaning *holy empire* had just begun.

It seems that the term *sacrum imperium*, as well as the correlated *diva res publica*, *divus imperator*, *sanctus rex*, *sacrae constitutiones* and others were a product of the rising Italian influence at the imperial court. Compared with the imperial court at any time since the death of Henry III in 1056, Frederick Barbarossa's court was the most Romanised and Italianate.

The exhaustive treatment of the mandate and its context allows us to reach for the chancery man who authored the mandate, that is, the person who sanctioned the sacralising innovations. As noted earlier, the only known member of the imperial chancery to use *sacrum imperium* before March 1157, Wibald, was absent at the time of the mandate's writing. Appelt's team identified Rainald C as the most likely author, even passing over Rainald H (= possibly the chancellor Rainald of Dassel?). Yet if one looks closely at the articles published on the notaries of Frederick's early years, one notices that Zeillinger and Riedmann agreed that they could not truly distinguish between Rainald C and the man from whom he learned his notarial style, Arnold H (= Albert of Sponheim). Both diplomatists and the editor-in-chief, Appelt, agreed that D FI 159, given on 15 March 1157 and providing imperial protection to the Cistercian abbey of Neusaß, was drafted by either of the two.<sup>189</sup>

Albert's whereabouts in Würzburg in March cannot be ascertained, nor has his presence in Cologne in April been proven beyond doubt, so we remain with 6 January in Trier and 3 June 1157 in Nijmegen, and then on 23 June in Goslar, where he served as a witness to the Walkenried charter, which contains the syntagm *sacrum imperium*. On this occasion the term was plucked out together with a long phrase from the *Codex Udalrici*, a chancery formulary a copy of which was held in Würzburg. The *MGH* edition straightforwardly says that Rainald C drafted and copied the charter.<sup>190</sup> Yet Riedmann noted in his investigation that the dating type with two epitheta attached to the imperial title did not belong to that notary, but to Arnold H, though this and Albert's presence in the

<sup>188</sup> Koch, *Auf dem Wege zum Sacrum Imperium*, 161–197, esp. 191–197.

<sup>189</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 159, at 273; K. Zeillinger, 'Die Notare der Reichskanzlei in den ersten Jahren Friedrich Barbarossas', *Deutsches Archiv für Erforschung des Mittelalters*, 22 (1966), 472–555, at 523–525; Riedmann, 'Studien über die Reichskanzlei', 328–337.

<sup>190</sup> *Friderici I. diplomata*, 1, 1152–1158, Doc. 171, at 291.

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witness list did not faze him.<sup>191</sup> In my view, as the only element in this charter that certainly distinguishes the two notaries is the dating, and this is Albertian, the document ought to be attributed to Albert, who was known to use the *Codex Udalrici* often, and who would have used *sacrum imperium* himself when corresponding in his own name with the emperors of Byzantium, not only during the Second Crusade (1147–1149), but on his many embassies (1140, 1142, 1145) to the east. He was even present in Rome in 1155, so he experienced the phraseology of the revived sacred senate of Rome, where *sacer senatus* is first documented on 23 October 1148.<sup>192</sup> Therefore, Albert is to be considered the main draftsman of the Walkenried charter. Additionally, Zeillinger concluded that Albert drafted the imperial mandate to Wibald of Stavelot in late March 1157, which is coeval to that sent to Otto of Freising, but Appelt wrongly left this out of the final edition.<sup>193</sup>

We now return to March 1157. Two of Albert's Lotharingian and Bavarian kinsmen and friends appear at court at the time: Bishop Godfrey of Utrecht, who must have known the provost of nearby Aachen, and Count Berthold III of Andechs, the brother of Otto of Andechs, Albert's second successor as provost of Aachen (1164–1166, 1174–1177), and also his relative.<sup>194</sup> Bishop Gebhard of Würzburg, to whose cathedral chapter Perseus (possibly identical to Rainald C) belonged, was also present, as well as Protonotary Henry of Wiesenbach, who is one of a few non-Aquensians immortalised in the middle necrology of Aachen.<sup>195</sup> On the other hand, Albert had some Italian ties, as he obtained a confirmation by Pope Hadrian IV of the rights and possessions of his family foundation, Knechtsteden Abbey, in 1155,<sup>196</sup> and in late September 1158 it was most likely he who acquired the papal confirmation of the *Karlsdekret*. If anything, he must have been one of those courtiers that would have conversed with the visiting Lombards.

Finally, as Appelt's team admitted they could not differentiate between Albert and Rainald C, it stands to reason that the mandate to Otto of Freising has all the diplomatic traits of either man's style. But what tips the

<sup>191</sup> Riedmann, 'Studien über die Reichskanzlei', 337.

<sup>192</sup> *Codice diplomatico del Senato Romano*, Doc. 12, at 16; Schwarz, *Herrscher- und Reichstitel*, 78, footnote 271.

<sup>193</sup> Zeillinger, 'Die Notare der Reichskanzlei', 525.

<sup>194</sup> J. Mötsch, 'Genealogie der Grafen von Sponheim', *Jahrbuch für westdeutsche Landesgeschichte*, 13 (1987), 63–179, at 69. This entry will only show the Sponheimers until Engelbert III of Krain, but his daughter Sophie married Otto of Andechs' father, Berthold II of Andechs.

<sup>195</sup> E. Teichmann, 'Das älteste Aachener Totenbuch', in *ZAGV*, 38 (1916), 1–213, 22 June, at 98.

<sup>196</sup> R. M. Herkenrath, 'Der frühstauische Notar Albert von Sponheim', *ZAGV*, 80 (1970), 73–98, at 92.

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balance in favour of the former, along with the aforementioned circumstantial evidence presented, are the Italianate Romanising phrases such as *sacrum imperium* and *diva res publica*, and also his learned quotations of Augustine, Orosius and Sallust, which only someone who knew Otto's *Chronica* could employ correctly in this document. And since both Albert and Otto took part in the Second Crusade, which took place just after the *Chronica*'s completion, and Frederick's first Italian expedition of 1155, where they would have experienced the pomposity of the Roman ambassadors together, it follows that Albert is the perfect candidate for the authorship of the mandate. In March 1157, the arrival of the Italians at court induced him to use their words, which the two crusaders would also have heard from the mouths of numerous Byzantine ambassadors. In that sense, Albert may have wanted to lend the letter a crusading atmosphere to intensify the message of Frederick's just war against the Milanese. After all, he surely considered the possibility that Otto would insert the mandate into his *Gesta Friderici*, if it were good enough. As it turns out, it would become a fundamental piece of imperial and European history.

On the other hand, it is impossible to prove (or disprove) an Italian presence during the production of the 23 June 1157 charter for Walkenried. Opizo Buccafol rushed from the beleaguered Pavia to the emperor at some point after the destruction of Vigevano on 18 June 1157, but whether he would have made it to Goslar is doubtful, even if he set off at the beginning of the siege three days earlier.<sup>197</sup> On this occasion *sacrum imperium* entered the document through the reuse of an earlier (forged) charter's *arenga*. Unlike the first two occasions, the third use of *sacrum imperium* seems to contain no extra layer of meaning behind the borrowing. It is also potentially the first use of the term without Italian influence, though this is unlikely. On the other hand, Rainald did the *recognitio* as chancellor, and his brother, Count Ludolf of Dassel, is present among the witnesses, so the Walkenried charter is the earliest witness to Rainald's acquaintance with *sacrum imperium*.

Finally, Sickel extrapolated that *sacer* meant 'made holy'/'consecrated', while *sanctus* meant 'holy', so things belonging to the emperor were *sacrae* by virtue of being made to serve the state and the emperor, who were holy.<sup>198</sup> On the contrary, Kern, Schatz and Weinfurter took the definitions of the *Corpus iuris civilis* at face value and concluded that *sacer* was

<sup>197</sup> F. Opll, *Die Regesten des Kaiserreiches unter Friedrich I. 1152 (1122) – 1190*, 11, 1158–1167, *Regesta imperii* (Vienna, 1980–2018), Nr. 46, at 143–144.

<sup>198</sup> Sickel, 'Waitz, Georg, *Deutsche Verfassungsgeschichte*', 387–388.

'holy', whereas *sanctus* was 'consecrated'.<sup>199</sup> They ignored the standard medieval usage in favour of a prescriptive definition, glossing over examples such as Gregory the Great's letter to Empress Constantina, where he called saints Peter and Paul *sanctissimi*, and their bodies *sacratissima*.<sup>200</sup> As a general rule, in medieval Latin *sanctus* was 'holy', and *sacer* was either 'holy' or 'consecrated', that is, contrary to the opinion of the Roman jurists.<sup>201</sup> Twelfth-century sources used *sacer* to describe the ruler and the Empire in imitation of the *Corpus iuris civilis* and other late Roman sources. Conversely, they used *divus* as an imitation of Augustan and early imperial Rome in general. But as the influential Kern sided with the jurists' explanation, later historians repeatedly followed his anachronistic view.

If one sets the phrase *sacrum imperium* to the side, however, and looks for further clues in contemporary documents, there is a clear precedent in D FI 154, an imperial letter sent to Wibald of Stavelot after Christmas 1156, but before 23 January 1157. This is a reply to Wibald's complaint that he was not being kept informed about imperial politics, so it is significant that the abbot is being invited to the Diet of Ulm, to be held on 2 February 1157, and is told of further plans meant to *ut cornua superbię eorum, qui manus suas in serenissimum imperium nostrum extendere ausi aunt, in brachio virtutis nostrę ita recidamus, ut filii et nepotes eorum exemplo patrum correcti discant imperio se non opponere, sed eius mandatis debito honore et reverentia subiacere*.<sup>202</sup> *Superbia* appears here, just as in the mandate to Otto of Freising. The mandate mentions a head being raised in pride, while the letter refers to horns, which would be located on the same body part. More important is *serenissimum imperium*, the first ever variation of *imperium* with a Romanising epithet in the imperial chancery. This is coupled with *in brachio virtutis*, a quote from the Book of Wisdom: *virtuti*

<sup>199</sup> F. Kern, *Gottesgnadentum und Widerstandsrecht im früheren Mittelalter. Zur Entwicklungsgeschichte der Monarchie*, ed. R. Buchner, 2nd edn (Darmstadt, 1954), 114–120 (133–139 in the 1st edn); J. Schatz, *Imperium, Pax et Iustitia: Das Reich – Friedensstiftung zwischen Ordo, Regnum und Staatlichkeit* (Berlin, 2000), 133–137, esp. 135; S. Weinfurter, 'Wie das Reich heilig wurde', in H. Kluger, H. Seibert and W. Bomm (eds), *Gelebte Ordnung, gedachte Ordnung: Ausgewählte Beiträge zu König, Kirche und Reich* (Ostfildern, 2005), 361–384, at 361–364, 373–374.

<sup>200</sup> Gregory the Great, *Gregorii I. papae Registrum epistolarum*, 1, *Libri I–VII*, ed. P. Ewald and L. M. Hartmann, *MGH Epp.* 1–2 (Berlin, 1891–1899), Ep. IV, 30, at 264–266.

<sup>201</sup> See also H.-W. Goetz, 'Sacer und sanctus. Sakralität und Heiligkeit im frühmittelalterlichen Verständnis (oder: Was ist dem frühen Mittelalter heilig?)', in D. Wagner and H. Wimmer (eds), *Heilige. Bücher – Leiber – Orte. Festschrift für Bruno Reudenbach* (Berlin, 2018), 11–41, esp. 21–24. I thank Bernd Schneidmüller for bringing the article to my attention.

<sup>202</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 154, at 265: 'So that the horns of the pride of those, who would dare extend their hand onto our most serene empire, may be cut through the arm of our virtue, so that their sons and nephews may learn through the example of the correction of their father not to oppose the Empire, but to submit themselves to its commands with deserved honour and reverence.'

#### 1.4 *Sacrum imperium and diva res publica*

*brachii tui quis resistet?* ('Who shall resist the strength of your arm?')<sup>203</sup> Similarly, *cornua superbia* is a common misquote from the Book of Psalms.<sup>204</sup> All of these reappear in March 1157, but stripped of their Biblical guise, and wrapped in Italianate classicism, Saint Augustine, Orosius and Sallust to better capture Otto of Freising's imagination.

*Serenissimum imperium* is another extremely rare form, found only in a few texts from Late Antiquity, just like *sancta res publica*. But an immediate and exactly matching model cannot be found in this case either. However, if one looks at Wibald's letter inquiring about news of the court, there is a clue: Wibald calls the emperor *serenitas vestra*.<sup>205</sup> The draftsman of the imperial transformed that into *serenissimum imperium* under the influence of the contemporary Romanising style. Once again important Italian matters were being decided at court: both the possession of the county of Chiavenna and the conflict between the city of Piacenza and the abbess of Santa Giulia in Brescia over a crossing over the Po River were discussed at court, and documents were promulgated settling both on 2 February 1157.<sup>206</sup> Their influence does not stop at that, however. An imperial letter for Wichmann of Magdeburg, which is coeval with the one for Wibald, uses *a pontifice almę nostrę urbis Romeę*, a quotation of Justinian.<sup>207</sup> Herkenrath believed this proved Rainald C's authorship of the letter, but considering the evidence presented here, namely Albert's Italian context, his introduction of *sacrum imperium* a few months later, his explicitly recorded presence at court, his high status at court, his proximity and long cooperation with Wibald, who was his neighbour through his possession of a residence in Aachen, it is once again very likely that Albert was the draftsman of these two documents.

The two letters from after Christmas 1156 show through their choice of words that the Empire's duty was to keep the peace (conveyed through *serenissimus*) against usurpers (*superbia*), and that the city of Rome was considered an imperial city, as was its pontiff (*pontifex almę nostrę urbis Romeę*). We can be certain that this is the meaning implied, as both imperial letters were written in response to Wibald's letter. This initiated the Romanisms and, indeed, asked for them, as he used the flattering

<sup>203</sup> *Sapientia* 11:22 in *Biblia Sacra iuxta Vulgatam versionem*, ed. R. Weber, 5th edn, ed. R. Gryson (Stuttgart, 2007), 1016.

<sup>204</sup> *Psalmi* 74:5–6 in *Biblia Sacra iuxta Vulgatam versionem*, at 862: *dixi iniquis nolite inique facere et delinquentibus nolite exaltare cornu, nolite extollere in altum cornu vestrum, nolite loqui adversus Deum iniquitatem*. Douai-Rheims translation: 'I said to the wicked: Do not act wickedly: and to the sinners: Lift not up the horn. Lift not up your horn on high: speak not iniquity against God.'

<sup>205</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, 111, Ep. 416, at 865.

<sup>206</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 1, 1152–1158, Nr. 433–434, at 134–135.

<sup>207</sup> R. M. Herkenrath, 'Studien zum Magistertitel in der frühen Stauferzeit', *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 88 (1980), 3–35, at 33.

## Sacrum imperium

addresses *serenitas vestra, clementia vestra, maiestas vestra*, but also the marvellous *inscriptio: Inclito triumphatori et glorioso domino suo F. dei gratia Romanorum imperatori augusto a deo coronato magno et pacifico*.<sup>208</sup> This is a perfect fusion of Charlemagne's (*a deo coronatus magnus pacificus imperator*) and Justinian's (*inclitus triumphator*) imperial style applied to Frederick Barbarossa, where the core elements of Barbarossa's *intitulatio* were also preserved (*dei gratia Romanorum imperator augustus*). This could hardly be outdone. Yet Wibald did so in the opening line of the letter proper: *Licet rerum vestrarum statum et victoriarum gloriam per sacratissimos affatus vestros cognoscere non meruerimus*.<sup>209</sup> Wibald, who was used to dealing with the Byzantines and their mannerisms, fully embraced the sacral terminology of power. The reply he was waiting for needed to respond not only to his legal and practical questions, which were delegated to Wichmann, but also to his conception of the Empire. Albert replied in full: the Justinianic-Carolingian reference was inserted into the imperial style, and the Empire received its first ever epithet (apart from 'Roman') by the imperial chancery. The path to *sacrum imperium* was now trodden. Unsurprisingly, the first attempts still varied the terminology (*serenissimum imperium, sacrum imperium, diva res publica*), just like how Peter the Deacon employed a whole arsenal of imperial style, and not just the fateful *sacrum imperium*.

### 1.5 SACRUM IMPERIUM IN THE DOCUMENTS OF THE IMPERIAL CHANCERY AND LEGATES (1159–1167)

We now turn to the history of the use of the *sacrum imperium* in the period from its reappearance in 1159 until it was dropped in 1167 in the wake of Frederick's fourth Italian campaign. The *sacrum imperium*'s third appearance in the imperial chancery is on 1 February 1159, in a charter given to the Cistercian monastery of Santa Maria di Lucedio near Vercelli while Frederick was in Occimiano near the future location of Alessandria. Its draftsman and scribe is Rainald H, whom scholars sometimes identify either with the Archpoet or with Rainald of Dassel himself.<sup>210</sup> The term *sacrum imperium* appears as *sacratissimum imperium* on this occasion, which shows that it was not yet a set phrase. On 17 April 1159, Rainald H drafted and probably also copied a charter for the Abbey of Fruttuaria containing

<sup>208</sup> Wibald of Stavelot, *Das Briefbuch Abt Wibalds von Stablo und Corvey*, III, Ep. 416, at 865–867: 'To the famous triumphator and his glorious master, F., by grace of God august emperor of the Romans, crowned by God, great and peace-making.'

<sup>209</sup> 'While we may not have merited to learn of your affairs and the glory of your victories through your most sacred words.'

<sup>210</sup> *Friderici I. diplomata*, II, 1158–1167, Doc. 254, at 54.

### 1.5 Documents of the Imperial Chancery and Legates (1159–1167)

*sacratissimum imperium*. Frederick was near Bologna at the time, and the charter was produced at the intervention of Rainald of Dassel and Abbot Rufino of Fruttuaria.<sup>211</sup>

As Hartmann demonstrated, magister Guido of Bologna had compiled his collection of fictional model letters in the period between April and July 1159, that is, precisely when Barbarossa was present in the region. One of his examples addresses the emperor as *imperator sanctissimus*. Hartmann believes that this reflects not an imperial influence on Bologna, but rather that the north Italian communes were developing new political phrases, some of which used sacral terminology. Hartmann concluded that notaries educated on these examples would have used them when they worked with the imperial court and chancery, which is how he believes that the transfer of knowledge happened.<sup>212</sup> One should add to this that novel terminology would most likely not have been added to the extant repertoire unless it was already tried and tested. On the other hand, it is distinctly possible that this was the influence of Lodigiani on both the Bolognese charter and the model letters, as Barbarossa was actively waging war against Milan in these months in favour of the small city of Lodi. He stayed there at the end of March and at the end of April 1159, after the fall of the imperial fortress of Trezzo. This makes it very likely that a Lodigian presence at his court was near constant in this period, and the detailed account of these events by the Lodigian judge Otto Morena would seem to confirm that.<sup>213</sup> Another possibility is that Cardinal Priest William of San Pietro in Vincoli, formerly archdeacon of Pavia, who came to Bologna as a part of a papal embassy, influenced the wording.<sup>214</sup> However, a Lodigian influence is much more likely and, consequently, Bologna may not have been a stronghold of the new style.

Soon after 8 September 1161, an unknown author penned Frederick's mandate to Archbishop Eberhard of Salzburg containing *sacrum imperium*.<sup>215</sup> A similar mandate to Bishop Roman of Gurk from the same period contains the same phrase. Frederick was in Landriano near Pavia just before that, and he was moving between Pavia and Lodi at the time.<sup>216</sup> On 13 June 1162, Rainald H used *sacratissimum imperium* in a charter about the agreement concluded between the Empire and the city of Cremona in Pavia.<sup>217</sup>

<sup>211</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 267, at 74.

<sup>212</sup> Hartmann, 'Reale und ideale Bilder von Friedrich Barbarossa', 47–56.

<sup>213</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 11, 1158–1167, Nr. 691 and 705, at 38 and 41.

<sup>214</sup> Rahewin of Freising, 'Gesta Friderici', IV, 34, at 275.

<sup>215</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 341, at 178.

<sup>216</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 342, at 179.

<sup>217</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 369, at 228.

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On 4 November 1163, Rainald H drafted and copied a charter confirming the rights and protection of the people of Sarzana, where he used both *sacrum imperium* and *sacratissimum imperium*. Barbarossa was confirming a legatine charter of Rainald's here and explicitly citing him.<sup>218</sup> On 5 November 1163, Rainald H drafted and copied a charter containing *sacrum imperium* for the monastery Santa Trinità in Fonte Benedetta in the county of Arezzo.<sup>219</sup> On 6 November 1163, Rainald H drafted and copied the charter for Abbot Franciano of Borgo San Sepolcro and the imperial legate Rainald of Dassel, where he mentioned the *sacrum imperium*. The emperor was once again confirming a legatine charter of Rainald's.<sup>220</sup> On 10 November 1163, Rainald H drafted and copied a charter mentioning *sacratissimum imperium* when confirming the agreement between the city of Gubbio and the imperial legate Rainald of Dassel.<sup>221</sup> On 10 November 1163, Rainald H drafted and copied Frederick's charter for the monastery of San Pietro near Perugia. *Sacrum imperium* appears in it, as does its variation, *piissimum imperium*.<sup>222</sup> The latter first appears in a charter dating to 6 November 1163, and given through the intervention of Rainald of Dassel to the bishopric of Città di Castello near Arezzo. The document calls itself a *sacrum preceptum*, while imperial laws are treated as *sacratissima imperatorie celsitudinis statute*. Thus, *sacrum imperium* was not the only phrasal option for supporters of the Empire related to Rainald of Dassel, even at this Lodigian zenith.<sup>223</sup> All these charters from November 1163 were written in Lodi by the same hand, which is either Rainald's or his secretary's, and in three of them Rainald's legatine authority was directly invoked. The next charter containing *sacrum imperium* was drafted and copied by Rainald H for Rainald of Dassel on 9 June 1164, in Pavia.<sup>224</sup> Moreover, two charters drafted and copied by Rainald H from the same period use the variation *piissimum imperium*.

This strong correlation between *sacrum imperium* in its positive and superlative forms with Rainald of Dassel's activity seemed to confirm Zeumer's theory for the *MGH* team, who concluded that November 1163 constituted the high point of the phrase and the ideology they believed was being expressed through it. And yet, it is notable that all of these charters from April 1159 to June 1164 were given either in or near Lodi and possibly

<sup>218</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 405, at 283.

<sup>219</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 406, at 285.

<sup>220</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 409, at 290.

<sup>221</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 410, at 292.

<sup>222</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 413, at 297–298.

<sup>223</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 407, at 287.

<sup>224</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 445, at 344.

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Bologna, where the use of the sacral terminology of the state by local authors has been documented, or in Pavia, whose consul Opizo Buccafol was present in March 1153 (with the Lodigiani and Comaschi, see later), March 1157 (together with his colleague, the consul Gaidun) and possibly June 1157, when *sacrum imperium* was utilised by Albert of Sponheim in Würzburg and Goslar.

The charter from 1 February 1159 may seem to be an outlier, but a Pavese presence can be determined even in its case, for it was at the end of January or the first two days of February that Bishop Peter of Pavia, among other Lombard delegates, referred to the emperor how his agents had been mistreated in Milan.<sup>225</sup> Among these agents was Rainald of Dassel, who was particularly badly handled, and who either commanded Rainald H, or was indeed that same notary. Whatever the case, *sacrum imperium* reappeared after an abeyance since June 1157 just when Rainald and the Lombards were complaining to Barbarossa about the Milanese. More importantly, even though no Lodigiano is mentioned at court at the beginning of February, the sources are clear that many Lombards were complaining about the Milanese, and it was in January 1159 that the Milanese resisted the imperial legates' imposition of an imperially appointed podestà in Lodi, among other matters. Therefore, a Lodigian presence is almost certain, and their influence on Rainald of Dassel's phrasing ought to be assumed. And as the Lodigian judge Otto Morena consistently used the sacral terminology of the state abundantly, and his son Acerbo Morena included the only detailed description of Rainald's person in their history of their city, a special proximity is assured.

One may go further: the treatment Rainald received at the hands of the Milanese when he was trying to save the Lodigiani from their oppressive neighbours induced him to accept the phrase *sacrum imperium*. The same event would later lead Rainald to seize and translate the Three Kings from Milan to Cologne, a sign of his triumph over the former city (this topic is further discussed in the canonisation of Charlemagne in Chapter 4). Even more pointedly, Rainald chose to accept the Lodigian terminology when the Milanese incurred Barbarossa's wrath, just as Albert of Sponheim opted to when the emperor transmuted his planned campaign against Sicily into an anti-Milanese expedition. As already noted, when Albert drafted the *sacrum imperium* mandate in March 1157, there was a sizable Lombard delegation at the court, among whom was Albericus de Merlino, bishop of Lodi, who would be instrumental for the return of *sacrum imperium* in May 1174, seven years after Rainald's demise near Rome (see later). And *plus ultra: sacrum imperium* appears in the charter for

<sup>225</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 11, 1158–1167, Nr. 663, at 31.

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Rainald of Dassel given on 9 June 1164 in Pavia, barely two days before he left Milan with his holy spoils. A Lodigian presence is not recorded for those days, but is very likely. Therefore, the phrase seems to have been a reference to his victory over Milan, and his partisanship for Lodi.

This interpretation can be confirmed by another odd example. On 10 July 1158, just as Frederick entered Italy at the head of a large army that was to reshape the north Italian political landscape, he gave a charter promising his protection to the hospital of the Saviour at Mantua. This was drafted and copied by Rainald H.<sup>226</sup> While he would later reintroduce *sacrum imperium* to the imperial chancery, he already experimented in this document, where he used *gloriosum imperium*. While the Empire could be styled in many different ways, only Albert of Sponheim had previously attached epitheta to it apart from the Roman name. *Gloriosus* was a typical imperial epithet of the late Roman style, and was common in the twelfth century, too. Its use precisely when Barbarossa came to conquer the Milanese, who had been the subject of the mandate to Otto of Freising in March 1157, and when all their Italian enemies were present at court, proves that these were connected. The return of *sacrum imperium* when the conflict flared up anew at the beginning of 1159 reinforces this point of view.

To sum up, the examples of 1159–1164 are not only related to Italy, but also specifically to the cities of Lodi and Pavia. The apex of *sacrum imperium* in November 1163 correlates not to Lodi's official refoundation, but to the translation of the body of Saint Bassianus from the old to the new cathedral, which Barbarossa and Beatrix co-financed. This, then, was a feast of the Empire's sanctity, exemplified not through Saint Charlemagne as a hammer of the popes, but through Saint Bassianus, a symbol of imperial justice and liberty in Lombardy.

This corroborates the idea that either the Lodigiani or the Pavese influenced Albert twice in 1157, and it is certain that the Lodigiani Albernardus Alamanus and magister Homobonus used the sacral terminology of the state in Constance in March 1153, perhaps accompanied by Otto Morena. Finally, even in April 1155, when Bruno of Chiaravalle delivered the imperial ultimatum to the city of Tortona, among those present were unspecified burghers of Pavia and Novara, whose consuls were also in attendance, and also Bishop Ardicio of Como, who was at court with the Lodigiani in March 1153 in Constance, and in March 1157, when Albert of Sponheim dictated the *sacrum imperium* mandate.<sup>227</sup> The Pavese presence must have been important, for on

<sup>226</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 221, at 3.

<sup>227</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 1, 1152–1158, Nr. 280 and 284, at 85–86.

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24 April 1155, a mere four days after Tortona's fall, Frederick was crowned in the San Michele in Pavia, and the ensuing feast lasted three days, which requires the imperial party to have made arrangements in town already and to have had regular and quick contact with the coronation city.<sup>228</sup> After all, Bruno of Chiaravalle may have brought the message to the Tortonesi as the imperial emissary, but the terms of the peace were not necessarily drafted by him and, indeed, it would seem that the Pavesi and their allies had their way, both politically and phraseologically. Moreover, Albert of Sponheim is recorded at Barbarossa's side in Italy in January 1155 and shortly after 7 July 1155,<sup>229</sup> which means that he was almost certainly present on this occasion. This is important, because he and Otto of Freising would have heard the term *sacrum imperium* during the Second Crusade (1147–1149), but this *translatio vocis* would have given it new life and a new meaning within the Empire, and it is on this that the mandate of March 1157 is predicated upon. As noted earlier, Otto had met the Lombards in April 1153, just after the Treaty of Constance was signed, and after the Lodigiani and others came to complain of Milan using the sacralising Roman terminology. Albert, on the other hand, was among the negotiators of the treaty, and he witnessed it together with Ardicio of Como.<sup>230</sup> This closes the circle of all the appearances of *sacrum imperium* from 1153 to 1157.

It is of no small importance that no further uses of *sacrum imperium* are known in imperial documents until Frederick and Rainald were once again together and on their way from Cologne to Aachen in the last months of 1165, when they planned to canonise Charlemagne, most likely in the presence of some Italian courtiers, among others. In November 1165, Rainald H used *sacrum imperium* in a charter concluding peace between Bishop Godfrey of Utrecht and Count Floris of Holland.<sup>231</sup> The document was written in Utrecht, and once again there is evidence of a delegation from Piacenza at court in Nijmegen, where Frederick had been just before going to Utrecht, but it seems unlikely that they left the emperor's side before the Christmas court, especially as the financial part of Frederick's fourth Italian campaign was regulated at the diet in Nuremberg in mid-February 1166.<sup>232</sup> On 29 December 1165, Rainald H utilised *sacrum imperium* in a charter for Bonne-Espérance Abbey in Hainault. Since this occurred on the very day

<sup>228</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 1, 1152–1158, Nr. 286, at 86.

<sup>229</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 11, 1152–1158, Nr. 271 and 330, at 82 and 99.

<sup>230</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 1, 1152–1158, Nr. 169, at 49.

<sup>231</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 497, at 428.

<sup>232</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 11, 1158–1167, Nr. 1520, 1543 and 1545, at 239–240 and 246–247.

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of Saint Charlemagne's canonisation during Frederick's Christmas court, it is nigh certain that every important diplomat would have been present, including otherwise unattested Italians, such as the Placentine embassy mentioned earlier.<sup>233</sup> Interestingly, the use of *sanctissimus imperator* and *sacer imperator* is attested in Piacenza in August 1163, when the notary Ranglerius used it.<sup>234</sup> This makes the Placentine influence quite likely. However, this case will be treated in more detail in the next section because of its exceptional nature and its relevance for my theory.

On 20 August 1166, the term *sacrum imperium* is used by the Magdeburgian notary Frederick in a charter confirming the exchange of goods between Archbishop Wichmann of Magdeburg and Frederick Barbarossa at Boyneburg near Kassel.<sup>235</sup> This seems to be the first occasion where *sacrum imperium* appears in a document for a German recipient without any Italian influence, but because Frederick had just arrived from Burgundy within the previous thirty days, and he entered Italy by the beginning of November, one ought to suppose that some Italians would already have accompanied the court. Additionally, no other charters survive from between 26 July 1166 and 25 September 1166, so the evidence is slim for this occasion.

A charter for Rimini dating to allegedly 23 March 1167 contains the phrase *sacrum imperium*, but it is a later forgery only possibly based on an original from this period.<sup>236</sup> The penultimate example is a charter from 1 August 1167, given to Rainald of Dassel in Saint Peter's church in Rome. The text was drafted and copied by Rainald H, and it contains *sacratissimum imperium*.<sup>237</sup> Our final example is the appearance of *sacratissimum imperium* in a charter for the abbey of Santa Maria de Serena near Chiusdino from 1167, probably August, and given in Pisa. It was drafted by the notary Christian E and copied by an Italian scribe.<sup>238</sup> While one may surmise that many Lombards participated in Barbarossa's Roman expedition and coronation, the only participant we know of by name is Acerbo Morena (for the Morenas, see the next section), an imperial partisan and sometime judge, *missus* and podestà of Lodi. Acerbo continued his father's history of Frederick's deeds in Lombardy, but did use the sacral terminology of state in his work. However, he may have transmitted that influence in the two charters containing it in August 1167. Alternatively, his father, Otto Morena, who applied it

<sup>233</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 500, at 429.

<sup>234</sup> Sprenger, 'Die Heiligkeit von Kaiser und Reich', 196.

<sup>235</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 516, at 453.

<sup>236</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 530, at 473.

<sup>237</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 532, at 476.

<sup>238</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 536, at 482.

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generously, may still have been alive and a participant of this campaign. A number of other Lodigiani died in the wake of the Roman fiasco, so it may have been another Lodigiano as well. All in all, it is quite likely that the Lodigiani were responsible for the use of *sacratissimum imperium* in these two documents. This is even more likely if one considers that the city of Lodi was forced to join the Lombard League in May 1167, but that many of its men, including Acerbo, followed Frederick southwards, choosing the emperor over their city's current regime.<sup>239</sup> Quite pointedly, after the death of Rainald of Dassel on 14 August 1167 and of Acerbo Morena on 28 October 1167, the terms *sacrum imperium* and *sacratissimum imperium* fell out of use in the imperial chancery until 1174, when the exiled Lodigian bishop Albericus de Merlino influenced the wording of an imperial charter just as Barbarossa was preparing his fifth Italian expedition.

The case for Lodigian and Pavese influence in the use of *sacrum imperium* can be reinforced further still. Two out of seven surviving letters of Rainald of Dassel contain *sacratissimum imperium*, both dating to early August 1167 in Rome and describing his and Christian of Buch's military victories. One is addressed to the clergy and people of Cologne, and for Count Henry of Limburg, and the other to the clergy of Liège, his allies.<sup>240</sup> This fits perfectly in the aforementioned model: the rare *sacratissimum imperium* appears in the imperial chancery and in Rainald's letters within the same fifteen days. Importantly, the letter to the Colognese also contains *imperium christianissimum*, a variation upon *sacratissimum imperium*. Moreover, Rainald's letter to the people of Cologne from around 11 June 1164, where he announces that is bringing the relics of the Three Kings from Milan, changes the traditional *sancta Colonia* into *sacratissima Colonia* for the one and only time.<sup>241</sup> This coincides with the only use of *sacrum imperium* that year on 9 June in Pavia. Two of Rainald's legatine charters, neither of whose original is preserved, but both of which were drafted by Rainald H, employ such terminology. The first example is Rainald's charter for Pistoia, given probably in Pistoia, probably in September 1163 (as judged from the witness list, as the eschatocol is missing). *Sacratissimum imperium* and *sacri imperii fideles*

<sup>239</sup> G. Raccagni, *The Lombard League 1167–1225* (Oxford, 2010), 40–41.

<sup>240</sup> Herkenrath, 'Reinald von Dassel als Verfasser und Schreiber', 42; *Registrum oder merkwürdige Urkunden für die deutsche Geschichte*, ed. H. F. G. J. Sudendorf (Jena, 1849–1854), 11, Doc. 62, at 147.

<sup>241</sup> H. J. Floß, *Dreikönigenbuch. Die Übertragung der heiligen Dreikönige von Mailand nach Köln* (Cologne, 1864), 114. Two out of three manuscripts contain *sacratissima*, but Floß chose the traditional *sanctissima* for his main text. However, the rule of *lectio difficilior potior*, that is, that the more difficult reading is usually correct because one normally simplifies texts when copying, and does not introduce unexpected wordings, ought to be applied here.

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appear here. The Pavese consul Opizo Buccafol is recorded as the only witness from outside Tuscany.<sup>242</sup> This was two months before the zenith of *sacrum imperium* use was reached in Lodi. The second example is Rainald's charter for Siena, given in San Quirico, halfway between Siena and Viterbo, on 27 April 1167, where once again the *sacri imperii fideles* turn up.<sup>243</sup> The motley crew of Sienese and Colognese witnesses does not help us out. Perhaps one ought to consider that the Lodigiani, who have so often been the decisive factor in the spread of *sacrum imperium*, may have travelled south with Rainald.

Yet the terminology spread via Rainald to other courtiers. On 7 September 1163 in Arezzo, Rainald gave a legatine charter for Abbot Franciano of Borgo San Sepolcro, where Opizo Buccafol of Pavia served as a witness.<sup>244</sup> But *sacrum imperium* does not appear in this piece drafted and copied by someone other than Rainald H. Only that notary's imperial charter dating to 6 November 1163, where Rainald's document is confirmed, introduces the term, as noted earlier. Finally, in San Salvatore di Montaguto, Christian of Buch in his capacity as legate donated some land to the same abbot before in 1166, but before 9 March.<sup>245</sup> In the document describing that action, Christian appears as *Cristianus dei gratia imperialis aule cancellarius, Maguntine sedis electus et sacre maiestatis in Italia legatus*, where his legatine title sacralises the emperor in a unique way.<sup>246</sup> The witnesses are irrelevant here – it is the previous imperial document which influenced this sacred aberration.

These documents have several elements in common apart from their use of *sacrum imperium*. Apart from the Magdeburgian charter, all of these texts exhibit Italian influence. Most of the recipients were Lombards, though sometimes just their presence at court was enough to influence the language of diplomata. The most fruitful period for the use of *sacrum imperium* was, expectedly, while the court resided in Lombardy. Interestingly, none of these documents apart from the mandate to Otto of Freising contain the term *imperium Romanum*. Rainald H, who wrote the vast majority of the charters with *sacrum imperium*, never mentioned

<sup>242</sup> Herkenrath, 'Reinald von Dassel als Verfasser und Schreiber', 42; R. Knipping, *Die Regesten der Erzbischöfe von Köln im Mittelalter*, 11, 1100–1205 (Bonn, 1901), Nr. 126; *Anecdotorum mediæ ævi maximam partem ex archivis Pistoriensibus collectio*, ed. F. A. Zacharia (Turin, 1755), Doc. 17, at 234–235.

<sup>243</sup> Herkenrath, 'Reinald von Dassel als Verfasser und Schreiber', 42; Knipping, *Die Regesten der Erzbischöfe von Köln*, 11, 1100–1205, Nr. 890, at 155; *Acta Imperii Selecta: Urkunden deutscher Könige und Kaiser*, ed. J. F. Böhm (Innsbruck, 1870), 11, Doc. 1130, at 818.

<sup>244</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 11, 1158–1168, Nr. 1233, at 170.

<sup>245</sup> Opll, *Die Regesten des Kaiserreiches unter Friedrich I.*, 11, 1158–1168, Nr. 1549, at 248.

<sup>246</sup> D. Hägermann, 'Die Urkunden Christians I. von Mainz als Reichslegat Friedrich Barbarossas in Italien', *Archiv für Diplomatik*, 14 (1968), 202–301, Nr. 11, at 239.

### 1.5 Documents of the Imperial Chancery and Legates (1159–1167)

the *imperium Romanum*. In this period both *sacrum imperium* and *diva res publica* appear to have meant the Holy Roman Empire as a state, but *sacrum imperium* could have been used to denote imperial authority in a lofty manner as well, as can be seen in the mandate to Otto von Freising.

Most Italian regions have no direct examples of *sacrum imperium* in the period. This was partially caused by Frederick's campaigns, which focused on Lombardy and which induced the inhabitants of that region to frequent the court and obtain imperial diplomata more often than others. Piedmont, Lombardy, Tuscany and Umbria seem to have had recipients who wanted *sacrum imperium* in their documents, while the rest were not as keen. Sprenger found the phrases *sanctissimus imperator* and *sacratissimus imperator* in documents from Lodi, Piacenza, Ravenna, Forlì, Rimini, Spoleto, Gubbio, Viterbo and Rome from the period of the Alexandrine schism (1159–1177), and he showed that these terms reflected the recipient's or author's partisanship for the emperor.<sup>247</sup> It seems safe to conclude that *sacrum imperium*, *sanctissimus imperator* and other sacral phrases relating to the emperor and his authority were used only by his supporters in the period from 1155 to 1177. Innocent II's papal curia, which had been pro-imperial, used this terminology to laud the Empire's achievements in 1130 and possibly 1137, but as the Empire's and the Papacy's interests started to conflict in the 1140s, sacral terminology referring to the emperor was dropped from papal documents.

On the other hand, places which still had regular Byzantine contacts in the twelfth century, such as Venice, Pisa and Genoa, were aware that these terms designated the still extant Roman Empire in Constantinople. Oberto Cancelliere, the continuator of Caffaro's *Annales Ianuenses* from 1163 to 1174, mentions the Byzantine Empire as *sanctum imperium* twice in the entry for 1170.<sup>248</sup> Whether he means the Empire or the imperial authority is a murky point, but he clearly refers to Byzantium. It is unclear whether this precluded the Genoese from calling the Holy Roman Empire *sacrum imperium* as well.

The main reason for the dissemination of the new terminology in Lombardy was that the emperor and his agents continued to march up and down the region from the start of Conrad III's preparation for his Italian campaign in 1150. The ground had already been prepared by that time by the reintroduction of Roman law and its terminology in learned contexts of the *regnum Italiae* in the later eleventh and early twelfth century. Thus, the importance of Lombardy in Frederick's politics caused

<sup>247</sup> Sprenger, 'Die Heiligkeit von Kaiser und Reich', 186–203.

<sup>248</sup> Oberto Cancelliere, 'Oberti Cancellarii Annales ann. MCLXIV–MCLXXIII', in *Annali Genovesi di Caffaro e de' suoi continuatori dal MXCIX al MCCXCIII*, ed. L. T. Belgrano, *Fonti per la storia d'Italia* 11–14, 5 vols (Rome, 1890), 1, 235–36 ad annum 1170.

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the surge in the use of *sacrum imperium* at the imperial court from 1155 to 1167 as constant contact between the communes and the court existed. Additionally, contact with the Byzantines, especially through the Latin presence in the Holy Land, may have contributed to this development.

Rainald of Dassel did not introduce the new terminology at the imperial court, but since he was an imperial legate in Italy for a long time, his shadow, Rainald H, was influenced by Lombard terminology. As a term establishing the continuity between the late Roman Empire and the Holy Roman Empire, the Italians made *sacrum imperium* current. Frederick was also interested in such continuity, as one can tell from his quoting of the acts of various late antique emperors as precedents for his convocation of the council of Pavia.<sup>249</sup> In 1165, Frederick judged the case of clergymen's last wills in Worms, and he cited the laws of Constantine, Justinian, Valentinian, Charlemagne and Louis the Pious as precedents for his actions.<sup>250</sup> Nor was the imperial court the only institution that sought to legitimise its behaviour by virtue of ancient authority. In late 1157, Hadrian IV claimed that the emperor should rule as Justinian once had, and the Roman Senate demanded the same of Conrad III as early as 1149.<sup>251</sup> In establishing the *Romanitas* of the Holy Roman Empire, its elite resorted to imitating late Roman and Byzantine sources, and eventually they succeeded in convincing themselves that they were Roman, and that Frederick Barbarossa was a Roman emperor.

As Beumann demonstrated, relevant terms were not always to be found in the *intitulatio* of charters issued by the chancery, but ideas would first be tested in other parts of public communication, such as on seals, golden bulls, monograms, *signa* and datations.<sup>252</sup> Only after the title *Romanorum rex* was normalised during the reign of Henry V (1106–1125) could the supporters of Conrad III (1138–1152) start searching for an even more exalted title. They first started using the imperial title for the king, before they introduced the novel *Romanorum imperator et semper augustus*. Once the long-contested *Romanorum rex* became the new norm, the process of elaboration and elevation of the status of the Empire by rhetorical means became unstoppable. Phrases that had previously scarcely been used, such as *sacrum imperium*, now started permeating political communication.

*Sacrum imperium* and *diva res publica*, just like *divus imperator* and *sanctus imperator* come from the vocabulary of Roman antiquity, though they

<sup>249</sup> Rahewin of Freising, 'Gesta Friderici', IV, 64, 74, at 309, 319.

<sup>250</sup> *Friderici I. diplomata*, II, 1158–1167, Doc. 492, at 416.

<sup>251</sup> Otto of Freising, 'Gesta Friderici', I, 29, at 47; Rahewin of Freising, 'Gesta Friderici', III, 16, at 187.

<sup>252</sup> H. Beumann, *Der deutsche König als 'Romanorum rex'* (Wiesbaden, 1981), 7–52.

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cannot be found in the same sources. As twelfth-century Italians started rediscovering their Roman past together with its rhetoric, they appropriated the language of their Roman models. The new terminology is first attested in Innocent II's letter to Lothar III from May 1130, and then in several judicial charters of Empress Richenza in late 1136. It passed beyond the Alps in late March 1157 in the mandate to Otto of Freising, but only under Italian influence. The first attested document containing *sacrum imperium* for a German recipient, where no Italian influence can be found, was the Magdeburg charter of 1166, but here the author was a notary from outside the chancery. While sacral and Romanising terminology appeared in Burgundy already in late 1157, the sacral terminology was applied only to imperial matters, but not the emperor or the Empire. More research is needed to confirm it, but it seems that Burgundians were not as interested in the political vocabulary of the late Roman Empire, or that they were not as keen on imperial sanctity as a rhetorical device.

While scholars have attempted for over a century to determine the ideological meaning that Rainald of Dassel gave to *sacrum imperium*, it turns out that he revived the phrase introduced by Albert of Sponheim for the exact same matter: to combat Milanese pride in favour of Lodi and Pavia. The schism (1159–1177) polarised its reception, with the Alexandrine party eschewing it completely, while the rise of the Lombard League (1164–1177/1183) led to the key Lombard diplomats, who used *sacrum imperium* to stay away from court, which in turn led to the term's abeyance. Generally speaking, the Italian Romanising phrase was used to refer to the Empire in an elevated way, but the purpose being to emphasise the *Romanitas* of both the adlocutor and the emperor, that is, to establish a clear link between the two so as to persuade the emperor to intervene for his Cisalpine subjects. As I have shown, *sacrum imperium* was not unique in this regard, as many other phrases were used in exactly the same way for similar purposes. What makes it special is its gradual ascent to the position of official title, for which it was admirably suited. Consequently, Frederick Barbarossa's project to restore the Empire can only be labelled *sacrum imperium* only from the point of view of his Latinate and legalese Italian supporters.

### 1.6 OTTO AND ACERBO MORENA, JUDGES AND CONSULS OF LODI, AND THE ROLE OF RAINALD OF DASSEL

The focus of this section will be on Otto Morena and his son, Acerbo Morena, and then on their associate, Rainald of Dassel. The Morenas have been overlooked in the past when the sacral terminology of the state was being investigated because it was expected that the initiative came

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from Rainald himself, and because their work only uses *sanctissimus rex* and *sanctissimus imperator*, but never the adjective *sacer*. An Italian provenance has been postulated, but not affirmed. Therefore, the Morenas could not fit any German-centric narrative about the sacralisation of the state. Having shown that not only was that assumption wrong, but that northern Italy was the epicentre of the new development, I have left the two Morenas for last in this period because of the nature of the evidence they provide us with.

But first, who were these men? Güterbock's biography of both can be mined for further particulars, but essentially, Otto Morena was *iudex ac missus* of Lothar III from sometime between 1133 and 1137, and he continued in the same role under Conrad III. He is mentioned in charters starting from 1142, and in April 1143 he is mentioned as one of the consuls of Lodi, his hometown. Otto was an important man there, as is clear from the fact that he authored the treaty between Emperor Frederick and Bishop John of Padua on 6 October 1161. He is mentioned for the last time in March 1165 together with son Acerbo. When an Otto Morena is referred to as judge and consul in 1174, it seems to have been a different person.<sup>253</sup> Acerbo Morena was Otto's successful son, who appears as a judge and *missus* of Conrad III, which means he obtained his title between 1138 and 1152. He is first mentioned in June 1153, and is known to have served as podestà of Lodi from 1 May 1160 to 1 May 1162. This means that he was personally present and even especially important in March 1162, when the Milanese surrendered to Barbarossa. He died in Siena on 18 October 1167 from the disease Frederick's army had contracted in August of that same year in Rome.<sup>254</sup>

Otto and Acerbo, and an anonymous third man who was most likely Acerbo's *amanuensis*, co-wrote a history of Frederick's interventions in Italy until early 1168. As Güterbock showed, they sometimes use judicial terminology, but also classical models, the most important of whom were Suetonius, Lucan and Sallust, the latter of whom Otto Morena liked in particular. Biblical quotations appear rarely, which is indicative of the laity, and the grammar is progressively worse and the choice of words ever closer to the vernacular, which reveals the rather adverse influence of the practical nature of the judges' work on their stylistic choices.<sup>255</sup>

Otto Morena seems to have written his part of the work, which makes up 60 percent of the whole, after the summer of 1159, and he finished writing by the end of 1160. Acerbo Morena took up the pen in

<sup>253</sup> Otto Morena, *Das Geschichtswerk des Otto Morena und seiner Fortsetzer*, ed. F. Güterbock, *MGH SS rer. Germ.* 7 (Berlin, 1930), IX–XII.

<sup>254</sup> Otto Morena, *Das Geschichtswerk*, ed. Güterbock, XII–XIV.

<sup>255</sup> Otto Morena, *Das Geschichtswerk*, ed. Güterbock, XVI–XXII.

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March 1161 or slightly earlier, but he made a break in May of the same year. Acerbo was at it once more from late October 1163 to early August 1164. The anonymous continuator only knows his dates starting from 1167, which shows that his role in the composition of Frederick's deeds only started when Acerbo died.<sup>256</sup>

This restatement of Güterbock's finds is essential to understand the level of sophistication and type of education we are dealing with here, and also which occasions gave the impetus for the sacralisation of the emperor. One cannot see the Morenas as learned Latinists, but one must recognise that they were educated judges. One could venture the hypothesis that they studied in Bologna, or at least that they were basking in the rising sun of that school, as can be gleaned from their relatively good coverage of the *quattuor doctores* of that university. However, this is not necessary, so one is left only with the knowledge that they knew about and respected the Bolognese legal school. This is crucial to our understanding of their style.

The three authors vary in their uses of the Romanising phraseology. The Morenas colour their accounts with it quite often, but in strictly different ways, while their anonymous continuator avoids it completely. But first, the examples by Otto Morena. Already the first line of the work contains the superlative-laden *a sanctissimo domino nostro imperatore Frederico, religiosissimo ac prudentissimo seu dulcissimo viro*. A few lines afterwards, Otto says *civitates et loca destructa sua sanctissima benignitate ac pietate ad imperii totius honorem in suo statu relevaverit ac pleniter in suo honore reformaverit*. Slightly below one finds *sanctissimus dominus imperator Fredericus* and *sanctissimus Fredericus in regno fuit electus*.<sup>257</sup> A bit later Otto has the Lodigian emissary Albernardus imploringly address Barbarossa as *domine rex sanctissime*, which is followed by *karissime domine, sanctissime rex* and *clarissime rex*.<sup>258</sup> Otto notes Frederick's reply to his hometown's embassy, and calls Frederick *rex itaque, qui pius fuerat et misericors*, and *litterae sanctissimi domini Frederici regis*.<sup>259</sup> More to the point, this is exactly where the sacral terminology stops in this text for a while.

Importantly, Otto begins the sentence in which Frederick was crowned emperor by calling him king, but the ends it by using his imperial title: *At ipse rex Romam pergens ibique a domino papa Adriano*

<sup>256</sup> Otto Morena, *Das Geschichtswerk*, ed. Güterbock, XXII–XXVIII.

<sup>257</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 34: 'from our most holy lord Emperor Frederick, the most religious and prudent or sweet man'; 'he raised up again and completely reformed in their honour the destroyed cities and places to their previous state for the honour of the entire Empire through his most holy benignity and piety'.

<sup>258</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 36–38.

<sup>259</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 38, 40.

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*honorifice susceptus et apud sancti Petri basilicam incoronatus Dei favente misericordia imperator est effectus.*<sup>260</sup> Slightly below Otto says *sed imperator ipse pius ac misericors.*<sup>261</sup> Sacrality returns to Frederick when he is about to found the new Lodi: *ascendit sanctissimus imperator Fredericus equum suum.*<sup>262</sup> The synod of Pavia led Otto to call Frederick *christianissimus imperator*, but only when he was paraphrasing an encyclical letter.<sup>263</sup> This is then shortly followed by *dulcissimus imperator* and *pius imperator una cum domina Beatrice coniuge sua.*<sup>264</sup> Otto last mentions Frederick as *imperator sanctissimus* as he rode to the battle of Carcano (9 August 1160) against the Milanese, the enemies of Lodi.<sup>265</sup>

Acerbo Morena avoids sacralising the monarch, but that does not mean that he is not interested in exalting him. The anonymous continuator is clearly not as infatuated with Frederick, so one cannot find a single positive adjective coupled with his name in the final part of the text. Beatrix is granted one such Romanising epithet during her imperial coronation, where the pope crowns her as *serenissimam augustam Beatricem.*<sup>266</sup> Were one to count the instances, one would find that Otto Morena uses Romanising phrases 16 times, Acerbo Morena 23 times, and their continuator only once. Important stylistic differences exist between these authors. Otto never decorates Beatrix with any particular adjectives, whereas Acerbo calls her *serenissima augusta* (twice), *serenissima imperatrix*, *serenissima coniunx*, *serenissima iugalis*, *felicissima augusta*, and *benigna coniunx*. His continuator only knows *serenissima augusta*. Acerbo's *augustus* is either *christianissimus* or *serenissimus*, while his *imperator* is *serenissimus* (thrice), *inclitus* (thrice), *clementissimus* (twice), *clarissimus* (twice), *christianissimus*, *peritissimus*, *dulcissimus*, *felicissimus*, *illustrissimus*, *nobilissimus* and *benignus.*<sup>267</sup> All of these, bar *dulcissimus*, are typical Romanisms, but the almost exclusive use of the superlative is definitely a twelfth-century trait not found in many classical sources, but abundant in Late Antiquity. The absence of *sacer* and *sanctus* is notable and clearly political. Otto Morena's style is more interesting, but he also avoids *augustus*, so Frederick is either *rex* or *imperator* to him. Otto's *imperator* Frederick is *sanctissimus* (four times), *pius* (twice), *misericors*, *christianissimus*, and *dulcissimus*, but also

<sup>260</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 60–62: 'But the king himself continued to Rome and was there honourably received by lord Pope Hadrian, and crowned in Saint Peter's Basilica, and through God's divine mercy he was made emperor.'

<sup>261</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 64.

<sup>262</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 82.

<sup>263</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 130.

<sup>264</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 130.

<sup>265</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 144.

<sup>266</sup> Anonymus Laudensis, 'Libellus de rebus a Frederico imperatore gestis', 226.

<sup>267</sup> Acerbo Morena, 'Libellus de rebus a Frederico imperatore gestis', 158–194.

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a *vir religiosissimus, prudentissimus* and *dulcissimus*, who *sanctissima benignitate ac pietate* restores cities. As *rex*, Frederick is *sanctissimus* (thrice), *karissimus*, *clarissimus*, *pius* and *misericors*. The disparity is clear: on four of nine occasions when the *imperator* is described by an adjective, he is *sanctissimus*, while the *rex* is *sanctissimus* on three out of seven such occasions. The *vir* is never styled thus. The only time Frederick is styled with an adjective, but without a ruling title, he is *sanctissimus*.

Almost all of these adjectives belong to the traditional late Roman repertoire, but one is an outlier: the Italianism *dulcissimus*, which both Morenas use, and which is so typical of later Italian tradition. Otto's Frederick is always *sanctissimus* when he is at his finest, whether he be saving a city from Milanese clutches, or rushing off to a difficult battle, or when he is refounding a city. Acerbo's Frederick, on the other hand, is only *christianissimus* and *clementissimus* when he helps Lodi Nuova build its cathedral. This, together with the absence of *sacer* and especially *sacrum imperium*, is indicative: there was no drive here to term the Empire holy or to grace the emperor with the more obscure *sacer* variant. Otto knew exactly what he wanted to say, and that was that Frederick was a holy man, a saviour king and emperor who would deliver Lodi from the cruelty of its enemies.

There is another key piece of evidence that Otto preserved. He mentions that *Albernardus, qui linguam Teutonicam optime didicerat, in vocem prorumpens sic ait: 'Domine rex sanctissime, nos pauperes cives de Laude'*.<sup>268</sup> As Otto refers to Albernardus' knowledge of German, he implies that the sanctity of the emperor thus reached the vernacular tongue in March 1153 in Constance. That Otto's account is reliable or at least verisimilar can be confirmed by his invocation of Albernardus himself as a witness just a few passages above.<sup>269</sup> This, however, is not the same as *sacrum imperium* having been translated and used. The terminology Otto and Albernardus utilise is identical, if the former is to be trusted in reporting the words of the latter. This shows that sanctity was slowly creeping into the written and spoken Latin of Lodi, and therefore almost certainly other parts of northern Italy.

This discovery of the oral nature of the spread of the sacral terminology of the state among numerous other Romanisms is essential for explaining why so few written traces have so far been found, but also why the only time Otto of Freising uses such words, it is precisely during the charged oral exchange between a Roman ambassador and Frederick Barbarossa as

<sup>268</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 36, ll. 28–32ff: 'Albernardus, who had learned the German tongue well, broke out saying "Oh most holy lord king, we poor burghers of Lodi".'

<sup>269</sup> Otto Morena, 'Libellus de rebus a Frederico imperatore gestis', 36, ll. 1–7.

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the latter descended upon Rome. It is also there, in reported speech of spoken language, that the most developed and magniloquent forms, such as *sacrum imperium* and *diva res publica* appear. Similarly, it is Frederick's mandate to Otto of Freising that introduces these two phrases into the imperial chancery, and not a more strictly formulaic charter. The first proper charter to include is the Walkenried charter, for which Rainald C copied the *arenga* of Otloh of Sankt Emmeram's forgery. One could also conclude that the existence of such a charter in the formulary tipped the balance over when the notary considered how to apply the novel Italianisms in his work.

Finally, the Lodigiani may have been instrumental in making the new sacral terminology acceptable to the imperial court, especially the rarer *diva res publica* and *sacratissimum imperium*. As discussed previously, Albericus de Merlino, bishop of Lodi, was at court in March 1157, when the momentous mandate to Otto of Freising, where *sacrum imperium* and *diva res publica* appear, was written. He was probably essential for the introduction of these phrases, as I have shown earlier.

*Sacratissimum imperium* was first used in a charter for Santa Maria di Lucedio near Vercelli on 1 February 1159. A Lodigian presence cannot be detected there directly, but it can be inferred. It was in early January that year that Rainald of Dassel was driven out of Milan (see the Three Kings in section 4.1) after having come from Lodi, where he set up the new podestà of that city in opposition to the previous Milanese domination.<sup>270</sup> Rainald was back at Frederick's court in Torino on 12 January,<sup>271</sup> but the relevant phrases do not reappear with his return. On 2 February 1159 Frederick celebrated Candlemas in Occimiano, which he used as a stage for invectives against the Milanese. The speech Rahewin attributes to the Bishop Ugo Pierleoni of Piacenza on this occasion is replete with *superbia Mediolanensium* and variations on the theme, which forges a link with the mandate of March 1157. Rahewin overindulges in that phrase, too.<sup>272</sup> Though the Lodigiani are not mentioned in the sources, it is extremely unlikely that their representatives would have missed out on this immaculate opportunity to vent their rage at their oppressors.

On 13 June 1162, the superlative form was utilised once again when the emperor made a treaty with the city of Cremona. The Lodigiani are once again absent from the sources, but it is necessary that their representatives were present. Namely, not only did Barbarossa reorganise

<sup>270</sup> R. M. Herkenrath, 'Reinald von Dassel. Reichskanzler und Erzbischof von Köln', unpublished PhD thesis, University of Graz (1962), 137–141.

<sup>271</sup> Herkenrath, 'Reinald von Dassel. Reichskanzler und Erzbischof von Köln', 499.

<sup>272</sup> Rahewin of Freising, 'Gesta Friderici', IV, c. 25–27, at 267–272.

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northern Italy in May–June 1162 while his court was in Pavia, but also the treaty itself included a clause that Cremona would control four castles in the diocese of Lodi, which must have been agreed with the Lodigiani, as it was a right held outside the diocese of Cremona, which the treaty focused on.<sup>273</sup> The apex of both *sacrum imperium* and *sacratissimum imperium* occurred in November 1163, when Barbarossa was in Lodi. In five charters drafted and copied by Rainald H between 4 November and 10 November, *sacrum imperium* appears four times and *sacratissimum imperium* twice. While it is not absolutely necessary that the Lodigiani affected this, it is extremely likely. The superlative form's two final appearances in the imperial chancery were in August 1167, that is, right before Acerbo Morena died. On 1 August 1167 it was used in a charter for Rainald of Dassel drafted and copied by Rainald H, and sometime during the same month a charter was given to Santa Maria de Serena near Chiusdino while the court was in Pisa. As Acerbo died in nearby Siena, the city closest to Chiusdino, it is possible that this is a trace of his influence, or even that of his father, who died at some unknown point after March 1165, since the son never used sacral terminology on his own.

If one breaks these occasions down by personal influence, one could consider Albericus de Merlino as the (co-)author of *diva res publica* and *sacrum imperium* in March 1157, and Otto Morena (?) as crucial for the use of *sacratissimum imperium* in February 1159, June 1162 and November 1163, and possibly also in August 1167, as his son never used sacral terminology in his work. This explanation would make Lodi fundamental to the use and spread of sacral terminology in Frederick Barbarossa's chancery. The advantage of this theory would be that it would be easy to explain how the linguistic novelties waned as that generation of imperial partisans in Italy died, or just lost influence, especially after the Peace of Venice (1177) and Peace of Constance (1183). This view is also convenient in that it attributes *sacratissimum imperium* to Otto Morena, a member of the Lodigian elite. It does not, however, mean, that he invented it, nor that he was its only or most prominent user, only that he and his colleagues can be connected to it. Even more to the point, not a single legal document from Lodi in the twelfth century uses *sacer* or *sanctus* with *rex*, *imperator*, *imperium* or anything imperial. This shows that without Otto Morena's work the only evidence we would have would be the statistical likelihood derived from frequent Lodigian appearances at court precisely when *sacrum imperium* was used. For this the period 1152–1167 this applies to Pavia, for whose

<sup>273</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 369, at 228, ll. 39–41.

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use of the same there is no proof, and for 1174–1190 (and beyond) it is valid for Verona as well.

While it cannot be claimed that the Lodigiani were always responsible for the new terminology, there is either a provable and significant Lodigian element present, or one can be posited with a very high likelihood on every single occasion that the most exorbitant variants appear. This does not make them solely responsible for the innovation, nor does it mean that only one person was vital for the process, but it does narrow the potential candidates for a select few phrases to a small group of people. Therefore, it would make sense that Otto Morena would be just one identifiable member of a much larger group who made it possible for something as extraordinary as *sacrum imperium* to catch on not only locally, but also regionally and even at the level of the Kingdom of Italy, and later the Empire. On other occasions, as I have shown earlier, it is more likely that Opizo Buccafol of Pavia (June 1157) or a Placentine delegation (November–December 1165) influenced the wording of imperial charters.

One final matter that the new proposal helps explain is the high correlation between Rainald of Dassel's presence at court and the use of sacral terminology in imperial documents during his tenure, as well as Rainald's use of the same in his legatine charters. Clearly, if not only the notaries themselves, but also the recipients and even other persons present at court could have influenced the particulars of imperial documents, then one cannot deny the chancellor and archchancellor a role in the negotiations over the exact wording. Moreover, in 1956 Friedrich Hausmann found that Arnold of Wied (chancellor 1138–1151, archbishop of Cologne and archchancellor 1151–1156) drafted and copied charters in the years 1138–1142, but he thought his findings so strange that he minimalised their importance,<sup>274</sup> and he even reaffirmed the earlier dogma about the regularity of the chancery by stating that after Adalbert of Saarbrücken's fall as chancellor (1106–1112), the chancery stopped being a political institution, and fully transitioned into a bureaucratic service.<sup>275</sup> This book is not the place to thoroughly reassess the work of the German diplomatists working on the period 1125–1190, but determining the place of Rainald of Dassel in the imperial chancery has been long overdue.

One final corollary of the aforementioned view is that the chancellor could not only play a role in the drafting and copying of documents, but also set the tone for what was acceptable, even though the mechanisms of

<sup>274</sup> Hausmann, *Reichskanzlei und Hofkapelle unter Heinrich V. und Konrad III.*, 95–122, but esp. 99–103.

<sup>275</sup> Hausmann, *Reichskanzlei und Hofkapelle unter Heinrich V. und Konrad III.*, 5.

## 1.6 Otto and Acerbo Morena, Lodi and Rainald of Dassel

doing so remain obscure. It then also follows that Rainald's role was not negligible, as it is during his leadership of the chancery (1156–1159) that *sacrum imperium* is first used in imperial documents, and not just orally, as in April 1155 at the siege of Tortona. Moreover, Rainald's archchancellorship (1159–1167) coincides with the greatest use, expansion and variety of the new terminology. However, Rainald himself, as I have shown earlier, was not the source of the novelty, but rather its very receptive recipient. This is clear from the absence of any such usage in years following his death. In 1167, many Lombard imperial partisans defected to the Lombard League, so one can assume that it was both sides (the chancery and the recipients) that failed to preserve continuity, hence the stark difference between the periods before and after 1167. Therefore, one may suspect that Rainald was in favour of the phrase *sacro imperio et divinae rei publicae consulere* in March 1157, when it appeared in the mandate to Otto of Freising. However, it was only the visiting Lombards who suggested that particular part.

One final Rainaldism can be noticed in the charter for the Abbey of Bonne-Espérance, given in Aachen on 29 December 1165, and drafted and copied by Rainald H. This piece was promulgated on the day of the translation of the body of Saint Charlemagne, as the text states, and several lines below *sacrum imperium* appears, too.<sup>276</sup> This find is quite consequential: even though Rainald performed the translation of the new imperial saint, no other document mentions the much-expected Italianate phrase. Only Rainald's influence could hammer it in, and that only occurs because of his attempt to subject the bishopric of Cambrai, to which Bonne-Espérance belonged, to the archbishopric of Cologne by spreading his influence in the region. Therefore, Rainald even used *sacrum imperium* to further Cologne's agenda. However, the other imperial diplomata given around that time, and especially those for the city and convent of Aachen, ignore it. This shows the limits of Rainald's new programme: he may have combined Saint Charlemagne and the *sacrum imperium* into one, but his novelty was to remain a subalpine affair for several more generations.

This section may sound somewhat schizophrenic: sometimes it is Italian/Lombard influence that makes *sacrum imperium* appear in imperial documents, while other times it is Rainald of Dassel. It is also notable that the Lodigiani used sacralising language most frequently among the Lombards, and that Rainald seems to have been exceptionally close to them, as can be noticed not only by his frequent stops there, but also via the linguistic innovation they share. Moreover, Acerbo Morena, an

<sup>276</sup> *Friderici I. diplomata*, 11, 1158–1167, Doc. 500, at 427–429.

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author who decidedly avoids such language, is also keen to describe Rainald's person in detail.<sup>277</sup> While some others are given the same treatment, these are all major political actors in early Barbarossa era imperial politics. This proximity shows that there need not be any contradiction or binary choice between seeing both the Lombards and Rainald as having used and spread the sacral terminology of the state. Indeed, it would only make sense for it to enter the chancery were both sides in agreement that it was inoffensive, but also that it made sense.

The initial point broadly stands: it was the Lombards who invented this new style and increasingly used it. However, Rainald of Dassel, who spent much of his time in imperial politics as the archbishop of Cologne, whose duty was to look after Italian affairs, was receptive to it both as chancellor (1156–1159) and archchancellor (1159–1167), but also as the imperial legate to Italy (winter 1158–1167, though with breaks). While the sources do not mention it, it is almost impossible that Rainald did not have an Italian advisor or advisors even when he left Italy so that he could perform his office. This would also explain why Rainald's absence from Italy was not accompanied by an absolute pause in the use of *sacrum imperium*, unlike in the period 1167–1174. As Rainald used it in the imperial charters he personally drafted and copied for himself, and even in the charter for Bonne-Espérance, it is clear that he was interested in harnessing the new adulatory phrase. Few others in Germany were. Wichmann of Magdeburg, Philip of Harvengt (abbot of Bonne-Espérance) and Walkenried Abbey were, but those make up a small minority. The time of *sacrum imperium* in Germany had not yet come to pass, and with Rainald's passing after the Roman catastrophe, it would be postponed for a while longer.

<sup>277</sup> Acerbo Morena, 'Libellus de rebus a Frederico imperatore gestis', 186–192.