

The Roman Curia

(until about 1300)

Brigide Schwarz



The history of the Roman Curia¹ that I will write will not be the usual one that deals with papal 'bureaucracy' (avant la lettre, at least for the earlier periods), but rather that of a medieval court that was admittedly *sui generis*.²

This chapter is organized according to the various phases of papal and

I am greatly indebted to Dr. Brigitte Flug, now at the University of Bochum, for her generous help with the translation.

1. A definition of the Roman Curia will be given below. There is no history of the 'curia' that is more than a mere history of the organization of curial bureaucracy. My own article is a first attempt: see Brigide Schwarz, 'Die römische Kurie, Teil Mittelalter', TRE 20 (1990) 343–347. Written from different angles are the articles of Agostino Paravicini Bagliani on the history of the Roman curia from 1054 to 1274 in several chapters of volume 5 of the *Histoire du christianisme des origines à nos jours: Apogée de la papauté et expansion de la chrétienté (1054–1274)*, ed. A. Vauchez et al. (Paris 1993) sections 1.2.II, 2.1.VI, 2.1.XI, 4.1.IV,V; Paravicini Bagliani, *Il papato nel secolo XIII: Cent'anni di bibliografia (1875–2009)* (Millennio medievale 83, Strumenti e studi 23; Florence 2010). Brigide Schwarz, 'Die Erforschung der mittelalterlichen römischen Kurie von Ludwig Quidde bis heute', *Friedensnobelpreis und Grundlagenforschung: Ludwig Quidde und die Erschließung der kurialen Registerüberlieferung*, ed. Michael Matheus (BDHI 124; Berlin-New York 2012) 415–439.

2. Of the literature on the currently fashionable theme of 'court', the following works can be cited: H. Patze and W. Paravicini, ed. *Fürstliche Residenzen im spätmittelalterlichen Europa* (Vorträge und Forschungen 36; Sigmaringen 1991); ed. H. Ragotzky and H. Wenzel, *Höfische Repräsentation: Das Zeremoniell und die Zeichen* (Tübingen 1990); *Feste und Feiern im Mittelalter*, ed. D. Altenburg et al. (Sigmaringen 1991).

curial history, though it has been necessary on occasion to pursue the history of a particular institution beyond the chronological limits of this essay, because the phases of development of each part of the curia did not occur concurrently with that of the curia as a whole.

'Pre-history' and the Beginning

Since the days of early Christianity, the bishops of Rome have had a permanent entourage of clerics and secular servitors, in order to fulfil their obligations in liturgy and ceremonial, jurisdiction, administration of possessions, and the care of the poor.³ However, their see was not referred to as the 'curia Romana' until the era of the reform popes, from about 1090. This new term indicates a significant change in structures, so that it has become customary to speak of the 'emergence of the Roman curia' in this period.⁴

To be sure, the reform popes did not create something entirely new ex nihilo. Any interpretation of the 'structural change'⁵ in the history of the papal entourage as the 'emergence' of an institution should not overlook the fact that there were naturally elements of continuity.⁶ In this section I shall describe some of the traditional structures derived from the older history of the papal court, that is, from the 'pre-history' of the curia Romana, as well as the situation of the papal court as the first reform popes encountered it, and their reform ideas and measures which were important for the 'emergence of the Roman curia.'⁷

3. For the time leading up to the alliance with the Franks, see Jeffrey Richards, *The Popes and the Papacy in the Early Middle Ages, 476-752* (London-Boston-Henley 1979) esp. 287-323; for the period following, see Karl Jordan, 'Die päpstliche Verwaltung im Zeitalter Gregors VII.', *Studi Gregoriani* 1 (1947) 111-135, reprinted in *Ausgewählte Aufsätze zur Geschichte des Mittelalters* (Kieler Historische Studien 29; Stuttgart 1980) 129-153, with updating 348-349; and Edith Pásztor, 'La curia romana', *Le istituzioni ecclesiastiche della 'societas christiana' dei secoli XI-XII: Papato, cardinalato ed episcopato: Atti della quinta settimana internazionale di studio, Mendola, 26-31 agosto 1971* (Miscellanea del Centro di Studi Medioevali 7; Milan 1974) 490-504.

4. Karl Jordan, 'Die Entstehung der römischen Kurie: Ein Versuch', *ZRG Kan. Abt.* 28 (1939) 97-152, reprinted as a book, Darmstadt 1962; the later edition is used in what follows. Also Étienne Humbert, 'Curia: Origin to Gregory the Great', Levillain, *Papacy* 1.444-446.

5. Jordan, *Entstehung* 7.

6. Jordan, 'Die päpstliche Verwaltung' 129; Pásztor, 'Curia romana' 491.

7. It is common to see the curia as subject to continual development, despite the break constituted by the reform papacy, cf. Pásztor, 'Curia romana', which divides the 'pre-history' of the curia into three phases: era of the *episcopium* (5th-6th centuries), the *patriarchium Lateranense* (7th-8th centuries); the *sacrum palatium Lateranense* (9th-10th centuries).

The Offices and Titles of Office in the Early Curia

The offices and titles of office (sometimes with altered or obsolete functions)⁸ and traditions⁹ often survived into a new era from very distant times. Offices were renewed by reverting to earlier traditions, often with altered functions (see below). The basic structures derived from earlier times were

1. the conception of the office as an institution with a constant sphere of responsibilities which survive the individual office-holder ('objective perpetuity' according to Max Weber);¹⁰
2. the organization of office-holders in colleges of persons who were equal in principle (according to seniority);¹¹
3. the recruitment of the entourage of the pope¹² from celibate clerics;¹³ hence no development of heritability of office;
4. the granting of higher ranking offices only to clerics with higher grades of ordination, and the employment of the entire papal entourage as liturgical assistants;

8. (Cardinal-)deacons and subdeacons, acolytes, notaries, cubicularies, *hostiarii*, legates, and rectors. Later, old titles of office were used to show off, as the occasional use of *sacellarius*, *maior-domus*, and *annonarius* shows.

9. It appears that the offices of 'prosecutor for the crown' of the *Romana ecclesia* (in antiquity the *defensor*, in the Middle Ages the *procurator fiscalis*) and the official in charge of petitioners (in antiquity the *nomenculator* and in the Middle Ages the *referendarius*) were such traditional functions. In the same way, some organizational principles were reassumed, such as the division of the financial office and the central treasury, as well as that of the central treasury and the privy treasury of the pope. On the other hand, there might have been practical reasons as well.

10. 'Objektive Perpetuität' and 'subjektive Perpetuität' (holding an office for lifetime) are key terms of 'bürokratische Herrschaft' (bureaucratic government) in Max Weber, *Wirtschaft und Gesellschaft* (5th ed. Tübingen 1976; trans. Keith Tribe, *Economy and Society: The Final Version*, ed. Sam Whimster (London 2008)).

11. On the *scholae* organization, see Emmanuel Pierre Rodocanachi, *Les corporations ouvrières à Rome: Depuis la chute de l'empire romain* (2 vols. Paris 1894) I.viii. Such old colleges survived, at least in part, in ceremonial: see Bernhard Schimmelpfennig, 'Die Bedeutung Roms im päpstlichen Zeremoniell', *Rom im hohen Mittelalter: Studien zu den Romvorstellungen und zur Rompolitik vom 10. bis zum 12. Jahrhundert: Reinhard Elze zur Vollendung seines siebenzigsten Lebensjahres gewidmet*, ed. B. Schimmelpfennig and Ludwig Schmugge (Sigmaringen 1992) 47–61, esp. 59.

12. In line with Tellenbach's example, every effort shall be made in what follows to avoid speaking of 'the papacy' and 'the pope', since one can speak of an institutionalized papacy only from the High Middle Ages onward; Gerd Tellenbach, *Die westliche Kirche vom 10. bis zum frühen 12. Jahrhundert* (Die Kirche in ihrer Geschichte 2, F1; Göttingen 1988) 152–153; in English: *The Church in Western Europe from the Tenth to the Early Twelfth Century*, trans. Timothy Reuter (Cambridge Medieval Textbooks; Cambridge 1993); Michael Borgolte, *Die mittelalterliche Kirche* (Enzyklopädie deutscher Geschichte 17; Munich: 1992) 89.

13. Usually from lower orders, which did not exclude marriage; Bernhard Schimmelpfennig, *Das Papsttum: Von der Antike bis zur Renaissance* (6th ed. Darmstadt 2009) 68–69; in English: *The Papacy*, trans. James Sievert (New York 1992). The only laymen who were the pope's legal advisors; Richards, *Popes and the Papacy* 299. Attempts by Gregory I to replace them by monks provoked a harsh reaction within the higher Roman clergy (ibid. 268, 289).

5. the appointment to most offices of the entourage for life (subjective perpetuity).

Another significant feature was that most of the office-holders were protégés of the former pope, which gave rise to a typical situation that a newly elected pope was confronted by a circle of persons he could not rely on, and hence he had to try to form a new clientele for himself by giving trusted persons, especially close male relatives (nepotes), special commissions and appointing them to lifetime positions if any became vacant during his pontificate. The new pope would also draw upon as many of the clients inherited from his predecessors as possible into his own clientele. Nepotism and clientelism are constants in this history of the curia.

Ever since antiquity, but reaching new heights in Carolingian times, the popes adopted forms of princely, particularly imperial, ceremonial.¹⁴

The Curia in the Eleventh Century

With the accession of Leo IX in 1049, the age of the popes selected from the Roman nobility¹⁵ came to an end, and that of the reform popes began. Under the rule of the popes from the Roman nobility, the papacy had lost power and prestige within the church. On the other hand, these popes had further intensified their own 'imitatio imperii' as they had copied the ceremonial practices and vocabulary of the Western Empire.

The permanent residence¹⁶ of the popes was now the Lateran, thought to have once been an imperial palace and now called the 'sacrum palatium', after the example of the imperial court.¹⁷ The 'iudices sacri palatii' were court officials modelled after the 'supreme court officials' of the emperor of the same name. (There were seven of them at the papal court, following the number of the 'scholae' of late antiquity; they were also called the iudices de clero.) Older offices lived on in 'iudices de clero': primicerius and secundicerius notariorum; primicerius defensorum; 'ar-

14. Percy E. Schramm, 'Sacerdotium und Regnum im Austausch ihrer Vorrechte: "Imitatio imperii" und "imitatio sacerdotii"', *Kaiser, Könige und Päpste* (4 vols. Stuttgart 1968-1971) 4.1.57-106; Schramm, 'Die Imitatio Imperii in der Zeit des Reformpapsttums' (first published 1956), *Kaiser, Könige und Päpste* 4.1.180-191. Horst Fuhrmann, 'Papst Gregor VII. und das Kirchenrecht: Zum Problem des Dictatus Papae', *Studi Gregoriani* 13 (1989) 123-149.

15. Klaus-Jürgen Herrmann, *Das Tusulaner-Papsttum, 1012-1046* (Päpste und Papsttum 4; Stuttgart 1973). Agostino Paravicini Bagliani, 'Curia: 11th to 13th Centuries', Levillain, *Papacy* 1.448-455.

16. Ingo Herklotz, *Gli eredi di Costantino: Il papato, il Laterano e la propaganda visiva nel XII secolo* (La corte dei papi 6; Rome 2000) 41-94; Hans Belting, 'Die beiden Palastaulen Leos III. im Lateran und die Entstehung einer päpstlichen Programmkunst', *Frühmittelalterliche Studien* 12 (1978) 55-83.

17. Previously called the *patriarchum*; Reinhard Elze, 'Das Sacrum "Palatium Lateranense" im 10. und 11. Jahrhundert', *Studi Gregoriani* 4 (1952) 27-54, reprinted in Elze, *Päpste - Kaiser - Könige und die mittelalterliche Herrschaftssymbolik* (Variorum reprints, Collected Studies 152; London 1982) no. 1.

carius'; 'sacellarius'; 'nomenclator' and 'protoscriniarius', with somewhat altered functions. They also formed a schola, led by the 'primicerius notariorum'. The 'iudices de clero' increasingly fell into the hands of Roman noble families in the course of the tenth century, becoming honorary offices in the ceremonial.¹⁸ It was not only in the liturgy in the Lateran Basilica,¹⁹ but also on ceremonial occasions²⁰ in the 'sacrum palatium',²¹ that the pope was assisted not only by the palace clergy—the seven (cardinal)²² deacons,²³ the cardinal sub-deacons as well as other 'cardinales clerici' and (undefined) 'clerici Lateranenses'²⁴—but also by the high Roman clergy,²⁵ among whom were the seven (cardinal) bishops of neighboring (suburbicarian) bishoprics.²⁶

The circle of persons responsible for papal correspondence was now called the 'chancery', following the imperial model, which also influenced the external form and 'dictamen' of the documents.²⁷

The fact that this splendid court was more a matter of appearance than reality around 1050, insofar as the scarcity of sources permits an evaluation here, can be seen by a closer look: the offices of the iudices de clero had long become hereditary and honorary offices in Roman ceremonial.²⁸

18. These older offices did retain some jurisdictional duties in the city of Rome; Jordan, 'Die päpstliche Verwaltung' 133–134; Pásztor, 'Curia romana' 492–493.

19. Sible de Blaauw, *Cultus et décor: Liturgie en architectuur in laatantieken en middeleeuws Rome* (Delft 1987); in Italian: *Cultus et décor: Liturgia e architettura nella Roma tardoantica e medievale*, trans. Maria B. Annis (Studi e Testi 355–356; Vatican City 1994).

20. Herklotz, *Eredi di Costantino* 41–57; Schimmelpfennig, 'Bedeutung Roms', esp. 58 on the 'festival crownings' and the 'wearing of the crown' in the ceremonial of the pope.

21. Herklotz, *Eredi di Costantino* 41–57, 159–209.

22. On the concept of cardinal: the adjective 'cardinalis' derives from the noun 'cardo', originally meaning 'hinge', applied to the cathedral as the turning point of a diocese. 'Cardinales' in Rome, but also in other great sees, signifies those clergy standing particularly close to the bishop or assisting him in his liturgical duties; Stephan Kuttner, "'Cardinalis': The History of a Canonical Concept", *Traditio* 3 (1945) 160–163, reprinted in Kuttner, *The History of Ideas and Doctrines of Canon Law in the Middle Ages* (Variorum reprints, Collected Studies 113; London 1980) no. IX, with additional thoughts.

23. These are the six *diaconi palatini* plus the archdeacon. At the start of the eleventh century the archdeaconry was united with the office of the *vicedominus*. On the novel use of the office of archdeacon by Hildebrand, see Jürgen Sydow, 'Untersuchungen zur kurialen Verwaltungsgeschichte im Zeitalter des Reformpapsttums', *DA* 11 (1954) 18–73, esp. 23–27.

24. Elze, 'Sacrum Palatium' 46.

25. *Ibid.* 40–46.

26. At first sight, this list seems to show the high medieval structure, lacking only the cardinal priests presiding over the titular churches of the city of Rome. The cardinal priests, however, did not belong to the papal entourage until the later eleventh century.

27. Elze, 'Sacrum Palatium', 36–37; see also Harry Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien* (2nd ed. Leipzig 1912) 1.240; in Italian: *Manuale di diplomatica per la Germania e l'Italia*, trans. Anna Maria Voci-Roth (Pubblicazioni degli Archivi di Stato, Sussidi 10; Rome 1998); Leo Santifaller, *Saggio di un elenco dei funzionari, impiegati e scrittori della cancellaria pontificia dall'inizio all'anno 1099* (2 vols. BISM 56–57; Rome 1940).

28. See above n. 18.

The chancery, which is by far the best-documented institution, consisted of a 'cancellarius' (also 'bibliothecarius'),²⁹ and, in theory, the 'notarii et scriniarii sacri palatii', who had to write the engrossments (*mundum*). But as these officials could scarcely support themselves on the commissions from the chancery, they, together with other notaries, had long become part of an urban professional class from which the drafters and writers of papal documents were drawn.³⁰ This demonstrates that the demand for papal settlements of dispute and interventions had decreased considerably, not only in terms of quantity but of quality:³¹ letters of protection,³² confirmations of possession, and settlements of disputes constituted the bulk of 'manifestations of the will of the pope'. In contrast to earlier centuries, papal legates were usually sent in response to the initiative of interested parties. When filling administrative offices far from Rome, the popes could no longer prevail upon office-holders living there (such as bishops). They had to rely on persons from the city of Rome and its environs, mostly on (low-ranking) clients. The popes' area of control had shrunk to a central region around Rome, and the structures of 'clientela' considerably exceeded the institutional ones³³ in importance and had begun to replace them.

The 'Reform' Curia

The reform popes, who no longer came from the local nobility and who sought a fundamental and comprehensive reform of conditions within

29. The 'cancellarius' appears to have originally been a subordinate of the librarian; then the two offices were united, and, from the middle of the eleventh century, given to a cardinal deacon or priest; Paulius Rabikauskas, 'Kanzlei, päpstliche', LMA 5, 921-22; and 'Chancery, Papal', Levillain, *Papacy* 1, 289-294. While earlier the bibliothecarius had been a bishop to emphasize the dignity of the office, that rank became sheer necessity in the tenth through eleventh centuries in order to protect the office against power struggles within the Roman nobility. In the reform era, the office was hence given to an experienced cardinal who was trusted by the reform group.

30. Elze, 'Sacrum Palatium' 38. See also Paulius Rabikauskas, *Die römische Kuriale in der päpstlichen Kanzlei* (Miscellanea Historiae Pontificiae 20; Rome 1958) 28-33, 65-71, 90-100; Cristina Carbonetti Vendittelli, 'Tabellioni e scriniari a Roma tra IX e XI secolo', *Archivio della Società romana di storia patria* 102 (1979) 77-156.

31. Heinrich Fichtenau, 'Vom Ansehen des Papsttums im 10. Jahrhundert', *Aus Kirche und Reich: Studien zu Theologie, Politik und Recht im Mittelalter: Festschrift Friedrich Kempf*, ed. Hubert Mordek (Sigmaringen 1983) 117-124.

32. Jean-François Lemarignier, 'L'exemption monastique et les origines de la réforme grégorienne', *A Cluny: Congrès scientifique* (Dijon 1950) 288-340; Heinrich Appelt, 'Die Anfänge des päpstlichen Schutzes', *MIÖG* 62 (1954) 101-111; Johannes Fried, *Der päpstliche Schutz für Laienfürsten: Die politische Geschichte des päpstlichen Schutzprivilegs für Laien (11.-13. Jahrhundert)* (Abh. Akad. Heidelberg 1; Heidelberg 1980). On the development of privileges of protection for monasteries until Alexander III, see Ian Stuart Robinson, *The Papacy 1073-1198: Continuity and Innovation* (Cambridge 1990) 223-234.

33. Tellenbach, *Die westliche Kirche* 66-67.

the church,³⁴ could at first³⁵ make only few alterations to those conditions; their position in the city of Rome was too precarious for that. At first they were only able to hold their own in certain parts of Rome, if at all. Long vacancies of the throne, successful Roman 'anti-popes', and their own financial calamity restricted their freedom of action even further. Insofar as the reform popes placed their own adherents in high offices,³⁶ or gave to them important political functions without the offices traditionally linked to them,³⁷ they continued the policies of their immediate predecessors. The difference now was that, wherever possible, they favored reformers, who were in most cases non-Romans. The tradition was also continued in as much as (in addition to their difficulties) the reformers had to rely on clans of Roman nobles.

Still, the reform popes laid the foundations for decisive change:

1. They tried to bring the concept of 'Christianitas' (Christendom) which their predecessors had developed in the confrontation with Islam,³⁸ to life in a Europe that was segmented in small regions hardly in contact with each other or with the pope.³⁹
2. They searched everywhere for the 'tradition of the Romana eccle-

34. Rudolf Schieffer, 'Motu proprio: Über die papstgeschichtliche Wende im 11. Jahrhundert', *HJb* 122 (2002) 27–41. The new conception can already be traced in the pontificate of Leo IX: see Felicitas Schmieder, 'Peripherie und Zentrum Europas: Der nordalpine Raum in der Politik Papst Leos IX (1049–1054)', *Kurie und Region: Festschrift Brigide Schwarz*, ed. Brigitte Flug et al. (Geschichtliche Landeskunde 59; Stuttgart 2005) 359–369.

35. Sydow, 'Untersuchungen' 19–38; Pasztor, 'La curia romana' 500–502.

36. Particularly the cardinal bishops; see Edith Pásztor, 'Riforma della chiesa nel secolo XI e l'origine del collegio dei cardinali', *Studi sul Medioevo Cristiano, offerti a Raffaello Morghen: Per il 90. anniversario dell'Istituto storico italiano (1883–1973)* (2 vols. Studi Storici fasc. 88–92; Rome 1974) 2.609–625; Pásztor, 'San Pier Damiani, il cardinalato e la formazione della curia romana', *Studi Gregoriani* 10 (1975) 317–339; Claudia Zey, 'Entstehung und erste Konsolidierung: Das Kardinalskollegium zwischen 1049 und 1143', *Geschichte des Kardinalats im Mittelalter*, ed. J. Dendorfer and R. Lützelshwab (Päpste und Papsttum 39; Stuttgart 2011) 63–94, at 63–76.

37. Cf. Pásztor, 'La curia romana' 500–501.

38. Raoul Manselli, 'La republica christiana e l'Islam', *L'Occidente e l'Islam nell'Alto Medioevo* (Atti delle Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo 12; Spoleto 1965) 1.115–147; Friedrich Kempf, 'Das Problem der Christianitas im 12.–13. Jahrhundert', *HJb* 79 (1960) 104–123.

39. *Römisches Zentrum und kirchliche Peripherie: Das universale Papsttum als Bezugspunkt der Kirchen von den Reformpäpsten bis zu Innozenz III.* ed. Jochen Johrendt and Harald Müller (Abh. Akad. Göttingen, Neue Folge 2; Berlin 2008), which includes these essays: Harald Müller, 'Zentrum und Peripherie. Prozesse des Austausches, der Durchdringung und der Zentralisierung in der lateinischen Kirche des hohen Mittelalters' 1–16; Müller, 'Entscheidung auf Nachfrage: Die delegierten Richter als Verbindungsglieder zwischen Kurie und Region sowie als Gradmesser päpstlicher Autorität' 109–131; Thomas Wetzstein, 'Wie die *urbs* zum *orbis* wurde: Der Beitrag des Papsttums zur Entstehung neuer Kommunikationsräume im europäischen Hochmittelalter' 47–75; Lotte Kéry, 'Dekretalenrecht zwischen Zentrale und Peripherie' 19–45; Lotte Kéry, 'Klosterfreiheit und päpstliche Organisationsgewalt. Exemtion als Herrschaftsinstrument des Papsttums?' *Rom und die Regionen: Die Homogenisierung der lateinischen Kirche im Hochmittelalter*, ed. J. Johrendt and H. Müller (Abh. Akad. Göttingen, Neue Folge 19; Berlin 2012) 71–130.

sia', of which they had a preconceived idea, and they interpreted what they found (or invented) according to their idea. The preferred medium through which they propagated their vision, especially on their travels, was that of liturgical⁴⁰ and ceremonial acts,⁴¹ so effective and influential in the Middle Ages.

3. They particularly sought the 'old, incorrupted law of the "Romana ecclesia"⁴² in order to support their concept of her significance in the history of salvation, an idea which was to have great influence in the years to come. The evocation of the great popes of the past also becomes evident in the stilus of the chancery.⁴³

4. However, the most important prerequisite for change which the reformers created was the new concept of the pope as monarchical head of the whole church,⁴⁴ a concept through which he gradually came to resemble the secular rulers of his time in theory and in ceremonial practice.

The new conception of the office of the pope found its expression in changes in the formulary but also in the external appearance of papal char-

40. On the renewal of the stationary liturgy: see Elze, 'Sacrum Palatium' 49–50, 53; Hans-Walter Klewitz, 'Die Krönung des Papstes' ZRG Kan. Abt. 30 (1941) 96–130, esp. 118; Herklotz, *Gli eredi di Costantino* 45–48. See also Gerd Althoff, 'Demonstration und Inszenierung: Zur Funktion von Zeichen, Reden und Ritualen im Mittelalter', *Frühmittelalterliche Studien* 27 (1993) 27–50.

41. Herklotz, *Gli eredi di Costantino* 41–45. In what was believed to be the revival of old tradition, 'a new type of papal "laudes" was developed on the analogy of the "laudes of rulers", but fashioned only to the person of the pope'; see Reinhard Elze, 'Die Herrscherlaudes im Mittelalter', ZRG Kan. Abt. 40 (1954) 201–223, reprinted in *Päpste - Kaiser - Könige* no. X, 206, 216. The reformers also sought to follow tradition in their burials, by being buried in St. Peter's Basilica. However, this was only accomplished for two of them (Leo IX and Urban II), while two others were buried by the Lateran canons they had supported (Alexander II, Paschal II). In all other cases, the principal Roman churches were too distant, so that the popes were interred in their old episcopal churches or religious houses; Michael Borgolte, *Petrusnachfolge und Kaiserimitation: Die Grablagen der Päpste, ihre Genese und Traditionsbildung* (Veröffentlichungen des Max-Planck-Instituts für Geschichte 95; Göttingen 1989) 146–147. It is only with Calixtus II that a fundamental change takes place.

42. On the attempts of the reformers to revive the old Roman legal tradition in the sense in which they understood it, see John T. Gilchrist, *Canon Law in the Age of Reform, 11th and 12th Centuries* (Variorum reprints, Collected Studies 406; Aldershot 1993); Uta-Renate Blumenthal, 'Conciliar Canons and Manuscripts: The Implications of their Transmission in the Eleventh Century', *Proceedings Munich 1992*, ed. P. Landau and J. Müller 357–379, reprinted in Blumenthal, *Papal Reform and Canon Law in the 11th and 12th Centuries* (Variorum reprints, Collected Studies 18; Aldershot 1998) no. VII.

43. As when Gregory VII refers back to Gregory I: see Sydow, 'Untersuchungen' 23.

44. Yves M.-J. Congar, 'Der Platz des Papsttums in der Kirchenfrömmigkeit der Reformen des 11. Jahrhunderts', *Sentire Ecclesiam: Das Bewusstsein von der Kirche als gestaltende Kraft der Frömmigkeit*, ed. J. Daniélou and H. Vorgrimler (Freiburg i. B. 1961) 196–217; Colin Morris, *Papal Monarchy: The Western Church from 1050 to 1250* (Oxford History of the Christian Church; Oxford 1989). On the development of the idea of 'episcopus universalis ecclesiae', see Georg May, *Ego N.N. Catholicae Ecclesiae Episcopus: Entstehung, Entwicklung und Bedeutung einer Unterschriftenformel im Hinblick auf den Universalepiskopat des Papstes* (Kanonistische Studien und Texte 43; Berlin 1995); Matthias Schrör, *Metropolitangewalt und papstgeschichtliche Wende* (Historische Studien 494; Husum 2009).

ters: Leo IX invented the Rota as part of the papal subscription. The design of this disc was understood by contemporaries as that of the orbis (face of the earth), for whose salvation the pope was responsible.⁴⁵ At the same time the iconography of the papal seal began to borrow from that of the emperors.⁴⁶

Two interdependent structural changes important for the development of the papacy and the papal court were introduced or initiated in this period, namely, the new regulation of papal election and the transformation of the position of the cardinals.

The papal electoral decree of 1059⁴⁷ regulated papal elections until 1179, although it was ignored in many specific instances.⁴⁸ It distinguishes between a 'preliminary election' by the cardinal bishops and eventually by the other cardinal clergy⁴⁹ and the subsequent acts of confirmation by the clergy and people of Rome. The constitutive act is the preliminary election, which determines the candidate, and reduces all further acts to subordinate ones in a series.⁵⁰ The intention behind this becomes clear when one considers that the popes themselves had strong rights in nominating the cardinal bishops:⁵¹ by investing the right of papal election in a circle of persons whose composition was largely determined by the popes, the reformers had assured themselves a monopoly on the papacy. The affir-

45. Joachim Dahlhaus, 'Aufkommen und Bedeutung der Rota in den Urkunden des Papstes Leo IX.' AHP 27 (1989) 7-84; Leo Santifaller, 'Über die Neugestaltung der äußeren Form der Papstprivilegien unter Leo IX.' Festschrift Hermann Wiesflecker zum 60. Geburtstag, ed. Alexander Novotny and O. Pickl (Graz 1973) 29-38.

46. Ingo Herklotz, 'Zur Ikonographie der Papstsigel im 11. und 12. Jahrhundert', *Für irdischen Ruhm und himmlischen Lohn: Stifter und Auftraggeber in der mittelalterlichen Kunst*, ed. H.-R. Meier and C. Jäggi (Berlin 1995) 116-130, esp. 120. The same change seems to appear in the coins of this pope; Phillip Grierson, 'HENRICUS IMP or ALBRICUS PRINCEPS: A Note on the Supposed Denaro of Pope Leo IX (1049-54) and Henry III', *Numismatiska meddelanden* 30 (1965) 51-56, reprinted in Grierson, *Dark Age Numismatics* (Variorum reprints, Collected Studies 96; London 1979) no. XXXIX.

47. Detlev Jasper, *Das Papstwahldekret von 1059: Überlieferung und Textgestalt* (Beiträge zur Geschichte und Quellenkunde des Mittelalters 12; Sigmaringen 1986). In addition, Hans-Georg Krause, 'Die Bedeutung der neuentdeckten handschriftlichen Überlieferung des Papstwahldekrets von 1059: Bemerkungen zu einem neuen Buch' ZRG Kan. Abt. 76 (1990) 89-134.

48. Rudolf Schieffler, 'Rechtstexte des Reformpapsttums und ihre zeitgenössische Resonanz', *Überlieferung und Geltung normativer Texte des frühen und hohen Mittelalters*, ed. H. Mordek (Quellen und Forschungen zum Recht im Mittelalter 4; Sigmaringen 1986) 51-69, esp. 51-56.

49. Jasper, *Das Papstwahldekret von 1059*: 'in primis cardinales episcopi diligentissima simul consideratione tractantes, mox sibi clericos cardinales adhibeant, sicque reliquos clericus et populus ad consensum nove electionis accedant' (101-102). The passage is carefully formulated so as to be imprecise. It only regulates unequivocally that the cardinals should have the primary role (*nova electio*), but it leaves open what roles the 'cardinales clerici' were to play: is it left to the cardinal bishops whom they call in and at what point in the procedure?

50. Cf. Heinrich Mitteis, *Die deutsche Königswahl: Ihre Rechtsgrundlagen bis zur Goldenen Bulle* (2nd ed. Brunn-Munich-Vienna 1944, reprinted Darmstadt 1965) 75-81.

51. He had a traditional right of nomination, and he alone was the competent consecrator.

mation of the 'clergy and people of Rome' continued to be necessary in principle, as well as in practice, if the pope wished to rule in Rome.

The independence de jure from Rome was laid down in the disposition that the papal election could take place outside the city of Rome, and the pope so elected could begin his rule without an installation ceremony in Rome. However, these regulations were only to be applied in case of necessity, since the usual solemn acts of elevation—taking possession of the Lateran, benediction in St. Peter's Basilica (after his consecration as bishop, if that was necessary) and coronation (since 1099 at the latest), and finally the solemn procession back to the Lateran⁵²—remained necessary. These acts were now clericalized and spiritualized, in keeping with the transformed conception of the papal office.⁵³

By the eleventh century, in a process that is hard to trace in any detail, the cardinals had become the most important liturgical assistants of the pope.⁵⁴

The seven suburbicarian bishops and the Lateran clergy assisted in the particularly extensive papal liturgy in the Lateran (on all Sundays).⁵⁵ The cardinal bishops alone could take the place of the pope at the services on the other days (work days and specific festivals) as well as in the four other principal basilicas, where they served in a weekly cycle. Here they were assisted by seven cardinal priests from the twenty-eight titular churches, who also took weekly turns. There was a corresponding regulation for the twelve 'cardinales diaconi regionarii', who assisted in a lower function. The three ordines of the cardinal clergy—cardinal bishops, car-

52. Schimmelpfennig, 'Bedeutung Roms', 58; see Schimmelpfennig, 'Die Krönung des Papstes im Mittelalter, dargestellt am Beispiel der Krönung Pius' II. (3.IX.1458)', QF 54 (1974) 192–270; Eduard Eichmann, *Weihe und Krönung des Papstes im Mittelalter: Aus dem Nachlass herausgegeben von Klaus Mörsdorf* (Münchener Theologische Studien 3, Kanonistische Abt. 1; Munich 1951); Nikolaus Gussone, *Thron und Inthronisation des Papstes von den Anfängen bis zum 12. Jahrhundert: Zur Beziehung von Herrschaftszeichen und bildhaften Begriffen, Recht, Liturgie im christlichen Verständnis von Wort und Wirklichkeit* (Bonner Historische Forschungen 41; Bonn 1978).

53. While the city still did homage to the pope as its Lord in the *possesso* in the ninth century, from the start of the twelfth century it was conceived that only the cardinals and other clerics would submit to the pope as the Successor to the apostles and Lord of the palace. The homage of the city only took place during his procession through the city. Correspondingly, the crowning of the pope, which took place after consecration in St. Peter's, was altered: now the pope was crowned with the *phrygium* by the archdeacon, instead of by the 'prior stabuli', who could only present the crown; Schimmelpfennig, 'Bedeutung Roms' 58; Schimmelpfennig, 'Ein bisher unbekannter Text zur Wahl, Konsekration und Krönung des Papstes im 12. Jahrhundert', AHP 6 (1968) 43–70, esp. 61.

54. For the cardinals from 1049 to 1143 see Zey, 'Entstehung und erste Konsolidierung' 63–94; Kuttner, 'Cardinalis' 129–214, 160–163. Ancient ideas and antique forms play a role in the gradual closing together of the cardinals to form a body among others.

55. Jean Caudemet, 'Suburbicarian Italy', Levillain, *Papacy* 3.1464–1467; Kristina Sessa, *The Formation of Papal Authority in Late Antique Italy: Roman Bishops and the Domestic Sphere* (Cambridge 2012) 25–29 and *passim*.

dinal priests, and cardinal deacons—assisted in the Roman stationary liturgy, which was held throughout the entire ecclesiastical year at various churches, the so-called station churches.⁵⁶

Assistance in the papal liturgy was certainly honorable, but for the cardinals their tie with their titular church took precedence. This only changed when the reform popes started filling the positions of cardinal bishops with reformers; by 1059 they had succeeded in establishing five cardinal bishops, four cardinal priests, and three cardinal deacons out of their own circle.⁵⁷

In these years the position of the cardinals changed profoundly. Most obviously, the cardinal bishops now became assistants of the popes, a concept whose theological foundations were laid down by Peter Damian,⁵⁸ who saw them as participants in the primatial mission of the successor of St. Peter, sharing the pope's commitment to reform the church. Their most important new function in this context has already been mentioned: the (preliminary) election of the pope. The signatures under the Papal Election Decree, which was passed at the Easter Synod of 1059, demonstrate the recognition by the 'ecclesiastical hierarchy' that the cardinals had a particular rank.⁵⁹ The signatures are not arranged according to the date of ordination, as was traditional: instead, now the *diaconi cardinales* were ranked even above archbishops.

During the following decades, more cardinal positions were filled with reformers, who increasingly did not come from Rome. This, combined with the repeated absence of the papal court from Rome for years, loosened the ties between these Roman supreme liturgists and the city of Rome itself. The preferential use of reform cardinals as advisors, legates, and officials fulfilling other functions (see below) led to their gradually growing into a group, despite their division into three ordines. Yet it took the entire twelfth century for all of the 28 cardinal priests and 18 cardinal

56. In addition to the twelve regional deacons, there were also the seven (later six) Lateran deacons.

57. According to the list of subscriptions to the papal election decree. The cardinals who did not sign were not all on the side of the 'anti-pope' Benedict X; a considerable number probably remained neutral. Hildebrand's nomination as archdeacon in the Lateran was also decisive in their success.

58. *Die Briefe des Petrus Damiani*, ed. K. Reindel (MGH Briefe der deutschen Kaiserzeit 4.2; Munich 1988) 2.52–61, no. 48. The fact that the cardinal bishops participated in the liturgy at the papal altar in the Lateran plays a great role in Peter Damian; Sible de Blaauw, 'The Solitary Celebration of the Supreme Pontiff: The Lateran Basilica as the New Temple in the Medieval Liturgy of Maundy Thursday', *Omnes circumstantes: Contributions towards a History of the Role of the People in the Liturgy*, ed. Charles Caspers and M. Schneiders (Kampen 1990) 120–143.

59. Deusdedit charged that these were not 'the hierarchy', but rather a narrow party of papalists: see Uta-Renate Blumenthal, 'Rom in der Kanonistik', *Rom im hohen Mittelalter 1–19*, reprinted in *Papal Reform and Canon Law*, no. V, 29–39, esp. 32.

deacons to complete the change from an orientation toward their titular churches and diaconates to a focus on serving the pope, and for internal homogeneity and coherence to develop to such an extent that a college of cardinals could be formed.⁶⁰

The 'Emergence of the Roman Curia' (from about 1090 to 1130)

This section discusses the term 'curia' around 1100 and its applicability to the papal court.⁶¹ The term curia⁶² for the court of the pope first appears in 1089 in a papal treaty⁶³ applied to a city of the Patrimony (Velletri). It is certainly no accident that this was a treaty of feudal content, and that Urban II (1088–1099), who as a Frenchman and former prior of Cluny was well acquainted with feudalism, concluded it.

The curia of a ruler in those days meant (1) in a personal sense, the household of the prince, which moved with him as he travelled;⁶⁴ (2) in an institutional sense, the solemn court which the prince held together with his confidantes, ministers, and courtiers, as well as with the magnates of

60. How little the papalist interpretation of the mission of the Romana ecclesia was recognized in the city of Rome, even among the lower orders of the cardinals, is shown by the interpretation of *Deusdedit* by Blumenthal, 'Rom in der Kanonistik'. Until the time of Alexander III, cardinal priests and deacons gave up their positions as cardinals when they were promoted to bishoprics somewhere. From the time of Clement III, they remained 'honorary cardinals'; Klaus Ganzer, 'Das römische Kardinalskollegium', *Le istituzioni ecclesiastiche della 'societas christiana' dei secoli XI–XII* 153–181, esp. 179–180; Werner Maleczek, *Papst und Kardinalskolleg von 1191–1216: Die Kardinäle unter Coelestin III. und Innozenz III.* (Publikationen des Historischen Instituts beim Österreichischen Kulturinstitut in Rom 1.6; Vienna 1984) 251–252.

61. Fundamental on this is Jordan, 'Die Entstehung'. The caesura caused by the defection of the whole curia of Gregory VII to the anti-pope Clement III (who preserved the Roman tradition), the long vacancy of the Holy See, and the short pontificate of Victor III is also stressed by Sydow, 'Untersuchungen' 18, 22–23, 37–39. The reformers purposefully established new institutions that were meant to terminate the dependency on the Roman nobility; *ibid.* 41.

62. On the history of the concept of 'curia', see Jordan, 'Die Entstehung' 18–32; Thomas Zotz, 'Curia regis', *LMA* 3.373–375. From the first half of the eleventh century the notion of curia replaced terms such as 'palatium' and 'curtis', since the concept of the house as the center of princely lordship had given way to 'lordship with the counsel of the magnates'.

63. See *Italia Pontificia*, ed. P. F. Kehr (10 vols. Berlin 1906–1978) 2.104 n. 2. This is the first instance of the court offices being mentioned (see below, 174). Certainly one must be very careful with such terms, since they are often creations by analogy, used either by outsiders applying something they know to something actually or only apparently similar, or they are used by those concerned who seek to make themselves understood; see Sydow, 'Untersuchungen' 41. In the term 'curia' as a self-description of the Roman curia, vague memories of the curia of the ancient Roman Senate (with which the cardinals loved to equate themselves) merged with contemporary meanings of holding court, court assembly, and judicial court; see Jordan, 'Die päpstliche Verwaltung' 152. In secular realms, 'curia' is preferred to older terms such as 'palatium' when the consultation with the princes became the distinctive element (see the previous note). The Roman curia for a long time preferred to describe itself with other terms.

64. In the twelfth century the term long vacillated between holding court and juridical court; Jordan, 'Die päpstliche Verwaltung' 152.

his realm at central places of that realm (usually on high ecclesiastical festivals) for the purpose of common counsel and decision, jurisdiction, the granting of privileges, and the like;⁶⁵ and (3) the prince's judicial court.

Corresponding phenomena are to be found with the popes of this period: (1) the entourage (Hofstaat) that was often forced to move about with him; (2) the solemn papal synod, more and more replaced by the consistory;⁶⁶ and (3) the papal judicial court.

These are not simply external analogies. 'Curia' is a fitting self-description for the entourage of the pope after the structural changes initiated by the reform popes: the monarchical conception of the papacy, the development of the cardinals into the most important collaborators of the pope, and a loosening of the ties to the city of Rome (see above). The papacy developed similar structures as similar solutions for similar problems, besides simply adopting institutions of secular courts. There were naturally differences arising from the fundamental dissimilarity of the functions of the head of Christendom, at once supreme hierarch and liturgist on the one hand and ruler of a secular principality (Herrschaftsverband) on the other. The pope had functions that had no equivalent in the secular realm (such as penance and liturgy). Correspondingly, the composition of the curia was considerably different from that of secular courts (with an overwhelmingly clerical,⁶⁷ international⁶⁸ recruitment), and liturgy⁶⁹ and ceremonial⁷⁰ not only played a much larger role, but also differed considerably from what was usual at princely courts.

The Curia in a Personal Sense: The Composition of the Court of the Pope

The court of a ruler as a Personenverband (association of persons) can be divided into the following groups of persons:

65. Or at least of the area affected; how seldom assemblies corresponded to this ideal is shown by the study of Wolfgang Petke, *Kanzlei, Kapelle und königliche Kurie unter Lothar III. (1125-1137)* (Beihefte zu J. F. Böhmers, *Regesta imperii* 5; Cologne-Vienna 1985).

66. On these innovations by the reform popes, see 182.

67. Which was only one element at secular courts, though an important one. The fact that there were phases at the curia when there was a relatively large lay element was a result of the dependence on the favor of Roman families. These also participated in decisions that, in the strict sense, were spiritual; Jordan, 'Die Entstehung' 45-49; Sydow, 'Untersuchungen' 63.

68. In keeping with the concept of universal sovereignty, which the popes claimed at least in matters of jurisdiction, the composition of the court personnel is international, compared with the other courts; see 225.

69. In contrast to secular courts, the liturgy at the papal court did not bow to local traditions, and, when travelling, the curia always placed its own liturgy over that of the place of its sojourn.

70. Papal ceremonial developed according to its own Roman traditions. Until Innocent III, for instance, the old palace personnel of the Lateran had a higher rank in the ceremonial than the originally non-papal prelates such as cardinal bishops and cardinal priests; Schimmelpfennig, *Papsttum* 155-156, 182-184.

- the person of the prince, together with his closest relatives and friends, forming the core;
- the holders of court offices (and their subordinates), who are responsible for maintaining the court according to the estate of the prince, for appearance appropriate to a ruler, and for military defense;⁷¹
- a group of clerics who celebrate the court liturgy and serve as experts in jurisdiction, administration, and particularly the issuing of charters (court chapel);⁷²
- a group, with changing composition, of magnates who are tied to the prince by blood relation, service, and/or office; they also form a juridical court with the prince at its head; depending on the subject and the situation, this council can also be augmented by persons from the lower ranks;
- in addition, petitioners and litigants in extremely varying number and composition.

These persons lived together as a court, which followed the strict rules established and sanctioned by tradition, and they participated in court liturgy and ceremonial, where their place was determined partly by their status, partly by the favor of the prince. They formed a commemorative fraternity for the dead members of the court⁷³ as well as a community exempt from the spheres of law of the place where they took temporary residence.

The court of the pope can be divided into the following groups by analogy:

I. The person of the pope with his closest confidants who form the head of his familia (see below); to the familia belonged the following two groups: (1) the court officials and (2) the clerics of the papal chapel.

(1) The court officials. These played a smaller role at the curia than at secular courts, since they lacked the usual representational duties.⁷⁴ In the

71. Werner Rösener, 'Hofämter', LMA 5.67-68. They derived from a time when the concept of the house (*domus, palatium*) of the ruler as the central element of his lordship was predominant.

72. The classic study on this is Josef Fleckenstein, *Die Hofkapelle der deutschen Könige* (MGH Schriften 16.1-2; Stuttgart 1959-1966).

73. The commemorial confraternity of the pope and the cardinals is first documented in the thirteenth century: Alexander IV decrees regulations on the celebration of the *commemoratio* of all hitherto deceased popes and cardinals as well as for the future death of each pope and cardinal; Raynaldus, *Annales Ecclesiastici*, appendix ad an. 1261 § 7; see *Le Liber censuum de l'Église Romaine*, ed. P. Fabre, L. Duchesne, et al. (3 vols. Paris 1910-1952) 1.584-585; *De Rome en Avignon ou le cérémonial de Jacques Stephaneschi*, ed. Marc Dykmans (Le cérémonial papal de la fin du Moyen Age à la Renaissance 2, Bibliothèque de l'Institut Historique Belge de Rome 25; Brussels-Rome 1981) 205-206, 411-412.

74. Karl Jordan, 'Das Eindringen des Lehnswesens in das Rechtsleben der römischen Kurie', *Archiv für Urkundungsforschung* 12 (1931): 13-110; Jordan, 'Die päpstliche Verwaltung' 150; Pierre Tou-

document of 1089 quoted above, the steward and the cupbearer⁷⁵ appear for the first time, whereas the marshal first appears in the middle of the twelfth century, though the office must be much older. The first chamberlain known to us was a monk of Cluny, who had obviously been brought along by Urban II. In the course of the next two centuries, the offices of steward and cupbearer vanished, with only the sub-offices necessary for the purposes of the pope's household in a stricter sense remaining: the 'buticularia',⁷⁶ (out of the cupbearer's office) and the 'panetaria' and 'coquina' (from the office of the steward) survived. The seneschal, formerly in all likelihood a subordinate of the chamberlain, became the head of these offices. The marshal increasingly was in charge of the military and police functions of the court (see below) and lost a part of his original functions (preparing quarters, provisioning) to the chamberlain; the office was always held by a layman. The two constables,⁷⁷ who since the time of Gregory IX were usually monks, were in charge of the mounts of the curia. The chamberlain and his closest collaborators always belonged to the chapel and will therefore be dealt with in that context.

(2) The clerics of the papal chapel. They were more important for the papal court than their counterparts in secular courts, though it should be borne in mind that they were adopted from secular courts.⁷⁸ The per-

bert, *Les structures du Latium médiéval: Le Latium méridional et la Sabine du IXe siècle à la fin du XIIe siècle* (2 vols. Bibliothèque des Écoles Françaises d'Athènes et de Rome 332; Rome 1973) 2.1038-1052, 1089-1102.

75. The 'emissarius' of the treaty of 1089 cited above (n. 63) is probably the *buticularius* and not, as Jordan, 'Die Entstehung' 38 n. 2, believes, an envoy who was sent along with the steward, since what is being talked about here is the commission which was negotiating, on the pope's behalf, the obligations of the town of Velletri in providing hospitality to the papal court. To this delegation probably belonged, other than the person responsible for the food, the one responsible for the drink; similarly Sydow, 'Untersuchungen' 48. The offices of steward and chamberlain had much in common. In the middle of the twelfth century the office of steward was replaced by that of seneschal; Jordan, 'Die päpstliche Verwaltung' 130. Under Paschal II in 1118 a *thesaurarius* is recorded who did not belong to the camera; Sydow, 'Untersuchungen' 56.

76. Agostino Paravicini Bagliani, *La vita quotidiana alla corte dei papi nel Duecento* (Rome 1996); in French: *La cour des Papes au XIIIe siècle* (Paris 1995), 64-65, 99-102. It was not uncommon for the heads of the court offices, even the head cooks, to be monks. On the 'coquina', see Borwin Rusch, *Die Behörden und Hofbeamten der päpstlichen Kurie des 13. Jahrhunderts* (Schriften der Albertus-Universität, Geisteswissenschaftliche Reihe 3; Königsberg 1936) 112-117 (in the last third of the thirteenth century, a 'coquina parva' was separated off from the 'coquina magna'). On the 'panetaria', see *ibid.*, 118-119; on the *buticularia*, see 120-122.

77. Rusch, *Die Behörden und Hofbeamten* 122-127. They took over some of the functions of the old marshal. For the pope's travels, they were in part responsible for the packing of all movable goods of the apostolic camera, the wardrobe of the pope (*camera papae*), and the papal treasure, as well as for their transport, and for preparing quarters. They further had the superintendence of the prisons of the 'camera'. In the thirteenth century there were two stables, the so-called 'white' stable (in which the white palfreys and mules of the pope were kept) and a larger, 'black' stable.

78. Fundamental is Reinhard Elze, 'Die päpstliche Kapelle', ZRG Kan. Abt. 36 (1950) 145-204; reprinted in *Päpste - Kaiser - Könige* no. II. See also Sydow, 'Untersuchungen' 49; the attempt by

sonnel belonging to the chapel cannot be distinguished clearly until the twelfth century, because the sources use only the ambiguous term 'subdiaconi' for the chaplains.⁷⁹ As there were also subdiaconi in Rome who did not belong to the chapel, it is often not possible to determine with complete certainty whether or not the term refers to a papal chaplain. Even the term 'subdiaconus Romanae ecclesiae' and the term 'subdiaconus papae', which came into use in the middle of the twelfth century, do not provide definite indications, since the latter can mean a cleric who was merely ordained by the pope himself. From the time of the reform, on the basis of their universal episcopacy,⁸⁰ the popes have claimed the right to consecrate clerics from all dioceses.

The papal subdiaconi enjoyed a high rank in ceremonial; were, according to canon law, exempt from the ordinary ecclesiastical jurisdiction; and were entitled to provision by the pope (even with benefices). For that reason it was an attractive and sought-after honor to be consecrated as a subdiaconus by the popes on their travels, even when the ordained remained in partibus, for example as a canon (see below on these 'external chaplains'). Those subdiaconi who actually were papal chaplains had important functions in the Roman stationary liturgy, and they participated in the daily divine service in the papal chapel.⁸¹ Otherwise, they appear in a situation similar to the cardinals, though lower in rank, particularly in the chancery,⁸² in the judicial court or as envoys.⁸³ Many of the chaplains later became cardinals, bishops, or prelates.⁸⁴

Siegfried Haider, 'Zu den Anfängen der päpstlichen Kapelle', *MIÖG* 87 (1979) 38–70, to set the beginnings of the papal chapel at a significantly earlier date does not appear convincing. The 'chaplains' 'found' by him in the entourage of popes earlier than Urban II prove little about a functioning chapel in the sense of the court of the emperor or of bishops.

79. Elze, 'Kapelle' 157, explains why the title of 'subdiaconus' was preferred to that of 'capellanus': while 'capellanus papae' meant an actual servant of the pope, the 'subdiaconi' were a rank of high prestige within the Roman church and represented the Roman tradition. The same problem arose in the thirteenth century, since chaplains who held another curial office were referred to by the title of that office, so that even now the size of the chapel cannot be fully determined. The model of the imperial chapel is still showing through in the thirteenth century; Elze, 'Kapelle' 204.

80. Thomas Wetzstein, 'Die Welt als Sprengel: Der päpstliche Universalepiskopat zwischen 1050 und 1215', *Die Ordnung der Kommunikation und die Kommunikation der Ordnungen im mittelalterlichen Europa, 2: Zentralität: Papsttum und Orden im Europa des 12. und 13. Jahrhunderts*, ed. Cristina K. Andenna et al. (Aurora; Stuttgart 2013) 169–190.

81. Elze, 'Kapelle' 154; Paravicini Bagliani, *La vita* 55–56. Their participation in stationary liturgy was now restricted to the two principal basilicas. The normal papal divine service took place in Rome in the Lateran in the papal chapel of St. Nicholas (although the chapel of St. Lawrence was the proper private chapel of the pope; such exclusive altars included the high altar of the Lateran basilica as well as that of St. Peter's in the Vatican).

82. Elze, 'Kapelle' 158–160.

83. Ibid. 154. On the duties of a chaplain, see the telling treatment by Godfrey of Viterbo, *MGH SS* 22.105.

84. Elze, 'Kapelle' 164–168.

Also belonging to or deriving from the chapel were (a) the chamberlain and (b) the chancellor and their collaborators. One may speak of 'administrative departments' even in a medieval sense only after the institutional solidification around 1200.

(a) The office of chamberlain was apparently introduced by Urban II to raise financial resources in the desperate situation in which he found himself at the time.⁸⁵ In the period before 1082 (when Gregory VII had been abandoned by almost his entire entourage), the reform popes had succeeded—especially through the determined efforts of Hildebrand first as an archidiaconus, and later as Pope Gregory VII—in opening up new sources of income beyond the traditional revenue from the city of Rome and the Patrimony,⁸⁶ drawing upon Christendom as a whole (particularly from the lands on the periphery).⁸⁷ (1) census payments from churches and religious houses in return for papal protection; (2) census payments from secular princes deriving from feudal obligations or the privilege of papal protection; and (3) Peter's Pence.⁸⁸ In order to collect these dues, papal envoys and local prelates were used.⁸⁹ What these incomes had in common is that they were basically voluntary contributions. They were the only ones that Urban II, with a great deal of effort, was able to mobilize for himself, and they were by far not enough. Hence the pope and the growing curia were compelled to try all sorts of expedients (support by churches or princes who had a close relationship to the papacy;⁹⁰ 'taxing' visitors to the curia;⁹¹ raising loans).

Not only did the first chamberlain⁹² and his immediate successor come from Cluny,⁹³ but the institution of the camera⁹⁴ was obviously also

85. Karl Jordan, 'Zur päpstlichen Finanzgeschichte im 11. und 12. Jahrhundert', QF 25 (1933-1934): 61-104, reprinted in *Ausgewählte Aufsätze* 85-128, with updating 347-348; Jordan, 'Die päpstliche Verwaltung' 146-150; Robinson, *Papacy* 244-291.

86. On the feudal transformation of the Patrimony, see Jordan, 'Die päpstliche Verwaltung' 141-142; Sydow, 'Untersuchungen' 62.

87. Sydow, 'Untersuchungen' 24-31. Robinson, *Papacy* 269-275, demonstrates this also for the first two of these types of payment of dues. Thomas Wetzstein, 'Noverca omnium ecclesiarum: Der römische Universalepiskopat des Hochmittelalters im Spiegel der päpstlichen Finanzgeschichte', *Rom und die Regionen* 11-52.

88. Peter's Pence, hitherto seen as an offering (*oblatio*), which was presented on the altar of St. Peter's, was now claimed exclusively for the pope and interpreted and collected as a tax.

89. Sydow, 'Untersuchungen' 32.

90. Even the papal synods (see below) were instruments of fundraising; Robinson, *Papacy* 268.

91. *Ibid.* 262-265, using mainly the example of the very high *pallium* charges, demonstrates how earlier voluntary donations gradually became taxes. In addition, there were 'gifts' that the officials of the curia demanded; *ibid.* 265-266.

92. Robinson, *Papacy* 249-252; Jordan, 'Die päpstliche Verwaltung' 146.

93. Jordan, 'Finanzgeschichte'; Jürgen Sydow, 'Cluny und die Anfänge der Apostolischen Kammer: Studie zur Geschichte der päpstlichen Finanzverwaltung im 11. und 12. Jahrhundert', *Studien und Mitteilungen des Benediktinerordens und seiner Zweige* 63 (1951) 45-66, reprinted in Sydow, *Cum omni mensura et ratione: Ausgewählte Aufsätze: Festgabe zu seinem 70. Geburtstag*, ed. Helmut Maurer (Sigmaringen 1991) 31-53; Sydow, 'Untersuchungen' 42-44, 55-59.

94. Robinson, *Papacy* 244-291.

brought from there by Urban II. He and his successors until Calixtus II used Cluny as the 'papal house bank': to borrow money and, using Cluny's connections, to raise dues or transfer money. Until 1130, the camerarii all had a close personal relationship to 'their' pope. This can also be deduced from the fact that, unlike the other curials, the chamberlain⁹⁵ was referred to as the 'camerarius domini papae' (and not sanctae Romanae ecclesiae) from the beginning, and the office-holders changed with each pope.⁹⁶ Despite their subordinate rank, individual chamberlains obviously wielded considerable influence.⁹⁷

(b) The papal chancery was thoroughly reorganised after 1082 as well, according to the model of western princely courts. The new cancellarius, Johannes of Gaeta, was a monk from Montecassino, who first became acting head of the chancery, then cardinal deacon and chancellor.⁹⁸ It is under him that there was a thorough renewal of the production of charters (dating, chancery style, writing).⁹⁹ The charters were now drawn up by palace notaries, who accompanied the popes on their travels.¹⁰⁰ It was out of the

95. In general, Rusch, *Die Behörden und Hofbeamten* 20–38.

96. "The 'Lateranense palatium'" continues to figure in papal documents as the collecting place for payments to the curia. Sydow, 'Untersuchungen' 58.

97. Robinson, *Papacy* 252. The office of chamberlain had absorbed that of the archdeacon (who remained only as a liturgical figure), as well as the early medieval offices of the arcarius and sacellarius.

98. On Johannes of Gaeta, see Dietrich Lohrmann, 'Die Jugendwerke des Johannes von Gaeta', QF 47 (1967) 335–445; Lohrmann, *Das Register Papst Johannes' VIII. (872–882): Neue Studien zur Abschrift Reg. Vat. I, zum verlorenen Originalregister und zum Diktat der Briefe* (BDHI 30; Tübingen 1968) 80–94; Robinson, *Papacy* 213–214. The chancellor of Alexander II, Gregory VII, and Wibert—Petrus, cardinal of S. Grisogono—and another collaborator in the chancery—Leo, later cardinal deacon of SS. Vitus and Modestus—also came from Montecassino; the Roman *dépendance* of Montecassino was actually a sub-archive of the papal chancery; Hans-Walter Klewitz, 'Montecassino in Rom' QF 28 (1937–1938) 36–47, esp. 45.

99. A lot of research has been done recently on the products and the production of the papal chancery of this time: besides Dahlhaus, 'Aufkommen und Bedeutung' see Gudrun Bromm, *Die Entwicklung der Grossbuchstaben im Kontext hochmittelalterlicher Papsturkunden* (Elementa diplomatica 3; Marburg-Lahn 1995); Frank M. Bischoff, *Urkundenformate im Mittelalter: Größe, Format und Proportionen von Papsturkunden in Zeiten expandierender Schriftlichkeit (11. – 13. Jahrhundert)* (Elementa diplomatica 5; Marburg-Lahn 1996); Beate Kruska, 'Zeilen, Ränder und Initiale—Zur Normierung des Layouts hochmittelalterlicher Papsturkunden [1050–1250]', *Mabilions Spur: Zwei- und zwanzig Miszellen aus dem Fachgebiet für Historisches Hilfswissenschaften: Zum 80. Geburtstag von Walter Heinemeyer*, ed. Peter Rück (Marburg-Lahn 1992) 231–245. Rudolf Hiestand, 'Die Leistungsfähigkeit der päpstlichen Kanzlei im 12. Jahrhundert mit einem Blick auf den lateinischen Osten', *Papsturkunde und europäisches Urkundenwesen: Studien zu ihrer formalen und rechtlichen Kohärenz vom 11. bis 15. Jahrhundert*, ed. Peter Herde and H. Jakobs (Cologne 1999) 1–26; Stefan Hirschmann, *Die päpstliche Kanzlei und ihre Urkundenproduktion (1141–1159)* (Peter Lang, Reihe 3: Geschichte und ihre Hilfswissenschaften 913; Frankfurt am Main 2001). Przemyslaw Nowak, 'Die Urkundenproduktion der päpstlichen Kanzlei 1181–1187', *Archiv für Diplomatik* 49 (2003) 91–122. Since from Alexander III onward privileges became rare, I prefer to talk of letters as products of the chancery.

100. Paulius Rabikauskas, *Diplomatica pontificia: Praelectionum lineamenta* (4th ed. Rome 1980) 35–41. See also Andreas Meyer, 'Die päpstliche Kanzlei im Mittelalter – ein Versuch', *Archiv für Diplomatik* 61 (2015) 291–342, and see an abbreviated version of this essay in *A Companion to the Medieval Papacy*, ed. Keith Sisson and Atria Larson (Brill's Companions to the Christian Tradition

chapel (and the court offices) that the central curial offices developed in the thirteenth century (see below).

II. The *grandees*. These were part of the papal court insofar as they travelled with the pope, and they were primarily cardinals and other high-ranking persons (see below).

III. The group of those who were part of the papal court only temporarily: this group was much more numerous than at other courts and had an entirely different composition: (1) prelates on a visit (*visitatio liminum*)¹⁰¹ and clerics who wished to be ordained at the curia;¹⁰² (2) petitioners for papal favors, as well as penitents; (3) litigants; (4) legal experts (notaries, proctors, advocates), whose knowledge and services were indispensable¹⁰³ for petitioners as well as parties to litigation because of the formal canon-law process at the curia (that had to be put down in writing). These 'iurisperiti' remained at the curia for some time, but they were not formally in service there. The legal status of all these persons 'Romanam curiam sequentes' presented special problems.

The Hofstaat (Max Weber's Court) and the Person of the Pope

Like that of secular rulers, the 'Hofstaat' of the pope from now on consisted in large part of members bound to his person, belonging to his 'familia'. This group was dissolved at the death of the pope, and the familiars lost their functions. For that reason, a vacancy of the throne now had a more disintegrating effect than before and than at the secular courts, where the princely dynasty provided an element of continuity which obviously did not exist in the case of the celibate elective monarchy that was the papacy.¹⁰⁴

70; Leiden 2016) as well as the other chapters on the papal curia in the volume; Thomas Frenz, *Papsturkunden des Mittelalters und der Neuzeit* (Historische Grundwissenschaften in Einzeldarstellungen 2; 2nd rev. ed. Stuttgart 2000), is rather specialized on the later Middle Ages. This is the period of the development of the new curial minuscule, with which papal documentary practice left the Roman tradition and fell in line with that of other chanceries; Sydow, 'Untersuchungen', 50–51, 63. See note above.

101. Johann B. Sägmüller, 'Die Visitatio liminum ss. apostolorum bis Bonifaz VIII', *Theologische Quartalschrift* 82 (1900) 69–117; Januarius Pater, *Die bischöfliche Visitatio liminum ss. Apostolorum: Eine historisch-kanonistische Studie* (Görres-Gesellschaft: Veröffentlichungen der Sektion für Rechts- und Sozialwissenschaften 19; Paderborn 1914).

102. See above n. 80.

103. Sydow, 'Untersuchungen' 63. Patrick Zutshi, 'Petitioners, Popes, Proctors: The Development of Curial Institutions, c. 1150–1250', *Pensiero e sperimentazioni istituzionali nella 'Societas Christiana' (1046–1250)*, ed. Giancarlo Andenna (Atti della sedicesima Settimana internazionale di studio; Milan 2007) 265–293.

104. But the college of cardinals, which resided continuously at the curia and from which the popes were almost always chosen, in a certain sense developed into an *Ersatz* of a dynasty; see 191.

With the death of the pope, the normal functions of the curia came to a halt.¹⁰⁵ The fact that the often lengthy vacancies of the throne, which repeatedly placed the survival of the reform papacy in question, did not lead to complete crippling of the institution, can be explained by the fact that at least a part of the curials considered themselves to be representatives (officeholders) of the Roman church and believed that that church remained alive in them even when the pope died. Here we find the first traces of an ecclesiology of the cardinalate, whose final articulation still lay far into the future.¹⁰⁶

Now the temporary absence of the pope from Rome no longer created overwhelming difficulties. After it had been established that Rome was where the pope was ('ubi papa ibi Roma'),¹⁰⁷ the regulation which had previously existed for representation in Rome whenever the pope was absent from the city was no longer necessary.¹⁰⁸

The Papal Hofstaat as a Travelling Court

The fact that the Hofstaat of the popes of this period was at most times an itinerant one is yet another characteristic shared with contemporary secular princes. However, there were different reasons for these travels. For the princes, they were a necessary instrument of governance (Reiseherrschaft, itinerant lordship),¹⁰⁹ while for the popes of our period travel was one of the few means to contact their followers and demonstrate their program;¹¹⁰ at times it was simply necessary, because they were seldom able to hold themselves in the city of Rome.¹¹¹

It was more important to the popes to reside in Rome, since this was

105. On the death of the pope in the Middle Ages, see 190.

106. Zey, 'Entstehung und erste Konsolidierung' 87–90.

107. Thus the title of an essay by Michele Maccarone, 'Ubi est papa, ibi est Roma', *Aus Kirche und Reich* 371–382.

108. Jordan, 'Die päpstliche Verwaltung' 139.

109. Hans Conrad Peyer, 'Das Reisekönigtum des Mittelalters', *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 54 (1964) 1–21; John W. Bernhardt, *Itinerant Kingship and Royal Monasteries in Early Medieval Germany, c. 936–1075* (Cambridge Studies in Medieval Life and Thought, 4th series, 21; Cambridge 1993); Eckhard Müller-Mertens, 'Reich und Hauptorte der Salier: Probleme und Fragen', *Die Salier und das Reich, 1: Salier, Adel und Reichsverfassung*, ed. St. Weinfurter et al. (Sigmaringen 1991) 139–158. On the orientation of the itineraries towards the high festivals, see Hans Martin Schaller, 'Der heilige Tag als Termin mittelalterlicher Staatsakte', *DA* 30 (1974) 1–24.

110. Currently a fashionable theme: Jochen Johrendt, 'Die Reisen der frühen Reformpäpste – Ihre Ursachen und Funktionen', *RQ* 96 (2001) 57–94; André Grabois, 'Les séjours des papes en France au XII^e siècle et leur rapports avec le développement de la fiscalité pontificale', *Revue d'histoire de l'église de France* 49 (1963) 5–18, reprinted in Grabois, *Civilisation et société dans l'occident médiéval* (Variorum reprints, Collected Studies 174; London 1983) no. 1; Agostino Paravicini Bagliani, 'Der Papst auf Reisen im Mittelalter', *Feste und Feiern* 501–514.

111. Werner Maleczek, 'Rombeherrschung und Romerneuerung durch das Papsttum', *Rom im hohen Mittelalter* 15–27.

one proof of their legitimacy, even if juristically it was not necessary.¹¹² The reform popes, who often met with opposition, naturally were glad to make use of the opportunities presented by their travels to promote themselves and their cause. The popes practiced an itinerant lordship in the manner of a secular prince within their Patrimony from the twelfth century onwards.¹¹³ From the thirteenth century, their residence changed at half-yearly intervals: they spent the cool season in the capital, while during the warm one practicing itinerant lordship in the Patrimony of St. Peter.¹¹⁴

In their manifestations the itinerant courts of the princes had much in common with that of the pope. The secular ruler showed himself in his territory, adorned by the insignia of his office and surrounded by his court on special occasions: on high ecclesiastical festivals and at the court assemblies, which often followed. Even the solemn entry into a town (*adventus*) and solemn departure from it¹¹⁵ offered occasions for self-representation.

The manifestations of the papal court were quite similar; the popes even adopted the practice of festival crownings.¹¹⁶ They also held a kind of court assembly. Solemn entries are documented since the end of the reform era;¹¹⁷ they were also a right of the papal legates.¹¹⁸ A difference ex-

112. The loosening of the ties to Rome was not intended: every connection to the city of Rome was exploited by later reform popes to demonstrate the legitimacy of their claim. For that reason, Roman officeholders were admitted, although they did not fit into the new policy; Sydow, 'Untersuchungen' 54.

113. Robinson, *Papacy* 29–32; *Itineranza pontificia: La mobilità della Curia papale nel Lazio (secoli XII–XIII)*, ed. Sandro Carocci (Nuovi studi storici 61; Rome 2003).

114. Agostino Paravicini Bagliani, 'La mobilità della Curia Romana nel secolo XIII: Riflessi locali', *Società e istituzioni dell'Italia comunale: L'esempio di Perugia (secoli XII–XIV)* (Perugia 1988) 155–278; the appendix (225–253) includes an itinerary of the popes from 1181 to 1304. On the *alternatio* introduced by Innocent III between the city of Rome, where he spent winter and spring, with their liturgical high points, and the summer rulership (*villegiatura*) and itinerant lordship, see *ibid.* 168. The curia in Avignon followed the same usage, as did later the popes from Martin V onward. Itinerant lordship outside the Patrimony between the time of Innocent III and the Renaissance only occurred due to extraordinary circumstances (as in the cases of Innocent IV, Gregory X, Urban V, Gregory XI, Eugene IV, and Pius II) or schisms (the Great Schism until the return of Martin V to Rome).

115. Paravicini Bagliani, 'Papst auf Reisen' 511–514; Theo Kölzer, 'Adventus regis', LMA 1.170–171; Susan Twyman, *Papal Ceremonial at Rome in the Twelfth Century* (Henry Bradshaw Society, Subsidia 4; London 2002) *passim*. On the tradition, see Joachim Lehnen, *Adventus principis: Untersuchungen zu Sinngehalt und Zeremoniell der Kaiserankunft in den Städten des Imperium Romanum* (Prismata 7; Frankfurt am Main 1997); and Gerrit Jasper Schenk, *Zeremoniell und Politik: Herrscher-einzüge im spätmittelalterlichen Reich* (Beihefte zu J. F. Böhmer Regesta Imperii 21; Köln-Weimar-Wien 2003). On the flags of the Roman Church carried on travels, see Carl Erdmann, 'Das Wappen und die Fahne der römischen Kirche', QF 22 (1930–1931) 227–255. This papal symbol of lordship also derived from imperial ceremonial; *ibid.* 231.

116. Robinson, *Papacy* 20–22.

117. As in other cases, it is Calixtus II who founds a tradition (cf. JL 7457 and elsewhere); see n. 41 above.

118. The cathedral clergy of Tours refused to receive the legates of Gregory VII 'processuali-

isted in the form of the liturgy of high festivals. While the princely courts celebrated the liturgy of the church they were in, the Roman court always celebrated the Roman stationary liturgy,¹¹⁹ insofar as the host town or church¹²⁰ could accommodate it, to demonstrate by this liturgical action that one stood within the Roman tradition.

The lodging and feeding of the itinerant court depended on the dues from the areas being visited. Similarly to secular princes, Urban II and other popes demanded a tax to support their itinerant court, which was apparently considered the equivalent of the compensation of a visiting bishop, the 'procuratio canonica'.¹²¹ But this claim appears to have met with little success, as is demonstrated by the fact that until the middle of the twelfth century the popes chose as their hosts primarily churches and lordships with whom there was already a treaty of papal protection—so that their contributions could be interpreted as arising from this relationship—or bishoprics of the French crown, which the king had conceded to the popes for joint use. The popes attempted to compensate their hosts with privileges, but preferably by consecrating churches and altars, which, like the celebration of the grand Roman liturgy, drew an audience and thus donations in favor of these churches.¹²² Consideration for the hosts forced the sojourns to be brief.

Financing changed with Alexander III: he demanded and received a 'subsidiium' from the entire ecclesiastical province to relieve the hosts.¹²³

ter'. It cited its privilege that it had to receive only the pope himself and (once in his life) the king of France and the archbishop of Bordeaux (JL 5620 = Migne PL 151.449-450 § 177).

119. The curia continued to take the responsibility of the pope as supreme liturgist of the city of Rome very seriously. The 'ordines' of the twelfth century assumed the presence of the pope in Rome, although that really only applied for 1140-1143 and from 1179 on. The curia defined in the 'ordines' corresponds to developments before the emergence of the reform papacy; see Schimmelpfennig, *Papsttum 1155-1156, 1182-1184*.

120. During longer stays, especially in the thirteenth century, certain churches and the papal palace (or parts thereof) were equated with Roman 'stationes'. For Avignon see Bernhard Schimmelpfennig, 'Die Funktion des Papstpalastes und der kurialen Gesellschaft vor und während des Großen Schismas', *Génèse et débuts du Grand Schisme d'Occident (1362-1394)* (Paris 1980) 317-328, esp. 319-320.

121. Cf. Robinson, *Papacy* 283-284; Carlrichard Brühl, 'Zur Geschichte der procuratio canonica vornehmlich im 11. und 12. Jahrhundert', *Le istituzioni ecclesiastiche della 'societas christiana' dei secoli XI-XII* 419-431, reprinted in Brühl, *Aus Mittelalter und Diplomatik* (3 vols. Hildesheim 1989) 1.323-335. On the corresponding difficulties of secular princes, see Brühl, *Fodrum, Gistum, Servitium regis: Studien zu den wirtschaftlichen Grundlagen des Königtums* (Kölner Historische Abhandlungen 14.1-2; Cologne-Graz 1968). Travels outside the Patrimony became an increasingly delicate matter in the course of the twelfth century, since the princes no longer wanted to cede their rights in the places where the curia was sojourning; Graboïs, 'Les séjours des papes' 13, 16.

122. Graboïs, 'Les séjours des papes' 10-12; Robinson, *Papacy* 288. On the consecration of altars and churches in this period, see also Cyriakus Heinrich Brakel, 'Die vom Reformpapsttum geförderten Heiligenskulte', *Studi Gregoriani* 9 (1972) 241-311.

123. This was dictated by precaution. The travels of the popes could be compared to the visitation travels of bishops only by a great stretch of the imagination; those of the legates were more comparable; see 184.

In addition, he 'asked' individual churches to provide for curials by giving them benefices (provision).¹²⁴

The Curia in an Institutional Sense

The papal synod had been introduced by the first reform popes using elements of the old Roman provincial synods (the place of assembly, that is, the Lateran; the time of meeting, that is, normally at Easter, or later Lent; the ceremonial) and elements of the Imperial councils of the past and present (being convened and presided over by the 'monarchical' pope).¹²⁵ Even bishops from outside Italy and the Empire were summoned to these papal synods, particularly those competent for the cases in question. Universal validity was claimed for resolutions. The synods were juridical bodies for trying the offences of highly-placed clerics and laymen (even princes), and they were also assemblies for issuing reform decrees. In the former case, the participants acted as the court assessors, while in the latter they passed resolutions by majority vote. The pope had the right to veto these decisions or to make them law through his consent.

In this epoch, the character of the papal synod was transformed, particularly under Urban II and Calixtus II.¹²⁶ Synods were now also (and predominantly) held when the popes were travelling, abandoning the traditional place and time of assembly, and some synods had a much larger circle of participants than even those of Gregory VII had ever had.¹²⁷ On the whole, the majority of participants would be those from the country being visited, particularly those from the immediate vicinity, and those who were visiting the curia in order to pursue their own interests, especially in legal disputes.

The traditional procedure at the synod—debate and formulation of decrees by the participants—also underwent a change: (1) While the 'causae maiores' continued to be negotiated at synods at least in part, it was the pope who decided the case, after deliberation (*de consilio*) with the high curials he consulted, particularly the cardinals, who held an elevated po-

124. Robinson, *Papacy* 289–291.

125. Georg Gresser, *Die Synoden und Konzilien in der Zeit des Reformpapsttums in Deutschland und Italien von Leo IX. bis Calixt II. 1049–1123* (Konziliengeschichte, Reihe A; Paderborn 2006); Gresser, 'Sanctorum patrum auctoritate: Zum Wandel der Rolle des Papstes im Kirchenrecht auf den päpstlichen Synoden in der Zeit der Gregorianischen Reform', *ZRG Kan. Abt.* 91 (2005) 59–73. Franz-Josef Schmale, 'Synodus - synodale concilium - concilium', *AHC* 8 (1976) 80–102; and Atria Larson, 'Early Stages of Gratian's *Decretum* and the Second Lateran Council: A Reconsideration', *BMCL* 27 (2007) 21–56 at 27–36.

126. Robinson, *Papacy* 124–135.

127. On the dominant role of the cardinals at the synods, see Maleczek, *Papst und Kardinalskolleg* 304, 307. They prepared the synods, and at the synods they constituted a kind of standing committee, since the other participants continually came and went.

sition (in the literal sense as well) at the synod. The plenum was given the part of the 'people' in the announcement of the verdict or decision.¹²⁸

(2) Legal disputes that participants brought before the synod were only received there, while the actual negotiations took place outside the synod in the consistory. (3) The plenum no longer voted on measures for reform, although it might still debate them. It became common practice for the synod only to acclaim proposals made and formulated by the pope. From the time of Calixtus II on, the decrees were published in the form of papal decretals.

In this way the synods lost importance both for the popes and for the participants. They became correspondingly less frequent, and they were now only called when the pope sought the advice and help of the entire church in questions of fundamental importance, such as resolving a schism or fighting heresy. The synod, now regularly referred to as 'concilium generale', between 1130 and 1179 developed into the legislative assembly that it was in the high Middle Ages.¹²⁹

Since Urban II, the popes, in addition to the synods, which in form and function came to resemble the great diets of princes, also held solemn court assemblies (called by contemporaries 'curiae solemnes'), which were celebrated on high festivals at ecclesiastical centers of the country visited. They only differed from the synods in the restriction of the circle of participants and the limitation of matters to be dealt with to less important, usually regional, problems. In addition, as at the princely courts, court assemblies without any special solemnity became more frequent, with an even more restricted number of participants (besides the cardinals, there were other curials, high-ranking ecclesiastical visitors, and occasionally Roman nobles). This body, which was called the consistorium from about 1130, gradually took over almost all the functions of the synods and solemn court meetings and became the council of the pope in all questions touching the Roman church and the government of the universal church.¹³⁰

128. The synods continued to consult participants as experts. A judgment could be passed after the synod.

129. With participants of the whole church and a claim to orthodoxy (which are the two original senses of *generalis*); see Horst Fuhrmann, 'Ecclesia Romana - Ecclesia Universalis', *Rom im hohen Mittelalter* 41-45.

130. 'Consistory' in the narrower sense meant the promulgation and rendering of judgments. In the case of legal disputes between third parties, it also included the proceedings before a judicial court, also called the 'audientia publica'. The term derives from a hall of this name in the Lateran in which the curial judicial sessions were held by preference; Jürgen Sydow, 'Il "consistorium" dopo lo scisma del 1130', *RSCI* 9 (1955) 165-176, reprinted in *Cum omni mensura* 53-64; and 'Untersuchungen' 52-55; Maleczek, *Papst und Kardinalskolleg* 297-302; Robinson, *Papacy* 188-190.

The Connection between the Curia and the Periphery: Papal Legates

The institution of legates made it possible for the popes to keep up a more intensive contact with the periphery than contemporary secular princes were able to establish. The use of legates to achieve the claims of primacy and to enforce reform decrees goes back to Gregory VII. He and his successors until about 1120 used special representatives with temporary commissions, and also commissioned local bishops and archbishops for the duration of the pontificate with full deputy powers. (Both categories of representatives were usually called 'vicarii' at first.) They were assigned a specific defined district. To carry out their mission, they convened legatine synods. During their legation in the specific district, they held a rank superior to the episcopate.¹³¹ So far as they were acting in an official capacity, they had a claim on the procuratio¹³² for themselves and their suite.¹³³

From about 1120 the legal status of the legates was differentiated and more clearly defined.¹³⁴

(1) Full representation of the pope—which was also expressed in ceremonial—was held only by those now technically called 'legati a latere'.¹³⁵ Their mission was limited not only with regard to time and space, but also with regard to subject.¹³⁶ Increasingly, only cardinals were named legati a latere, and they usually were cardinal bishops.

131. Based on the edition by Stefan Weiß, *Die Urkunden der päpstlichen Legaten von Leo IX. bis zu Coelestin III. (1049–1198)* (Cologne 1995); see Claudia Zey, 'Die Augen des Papstes: Zu Eigenschaft und Vollmachten päpstlicher Legaten', *Römisches Zentrum und kirchliche Peripherie* 77–108; and Zey, 'Gleiches Recht für alle? Konfliktlösung und Rechtsprechung durch päpstliche Legaten im 11. und 12. Jahrhundert', *Rechtsverständnis und Konfliktbewältigung: Gerichtliche und außergerichtliche Strategien im Mittelalter*, ed. S. Esders (Cologne-Weimar-Vienna 2007) 93–119; Zey, *Die päpstliche Legatenpolitik im 11. und 12. Jh.* (forthcoming).

132. Demanded from the time of Gregory VII onward; see Brühl, 'Zur Geschichte der procuratio canonica' 427. On procurations for legates and nuncios (later especially collectors), see also William Edward Lunt, *Financial Relations of the Papacy with England to 1327* (Studies in Anglo-Papal Relations during the Middle Ages 1; Cambridge, Mass. 1939) 1.532–570.

133. The costs of the legates' entourages were a notorious point of complaint; see Hans Ollendiek, *Die päpstlichen Legaten im deutschen Reichsgebiet von 1261 bis zum Ende des Interregnums* (Historische Schriften der Universität Freiburg 3; Freiburg, Switzerland 1976) 125–127; Robinson, *Papacy* 162–163.

134. Robinson, *Papacy* 146–78; bibliography of historical studies in Maleczek, *Papst und Kardinalskolleg* 336 n. 94.

135. See Lunt, *Financial Relations* 1.534–541, where one finds documentation for the early period. Real 'ordines' for legates are only known from the later Middle Ages, composed by Guillelmus Durandi: *Le pontifical de Guillaume Durand*, ed. M. Andrieu (Le pontifical Romain 3, Studi e testi 88; Vatican City 1940) 627–629; Jacopo Stephaneschi, *De Rome en Avignon* 496–502 (1334), 245–247; see also Franz Wasner, 'Fifteenth Century Texts on the Ceremonial of the Papal "Legatus a latere"', *Traditio* 14 (1958) 295–358, and 16 (1960) 405–416 (with a collection of evidence from earlier times).

136. An exception were legates called 'vicarii' with long-term commissions, installed in northern Italy and in France. They had personal relations to their geographical areas. See Robinson, *Papacy* 164–166.

(2) Besides the *legati a latere*, until the end of the twelfth century the popes continued to use other representatives. These legates were drawn from the lower ranks (mainly papal chaplains) and had special missions, usually without a specific area of competence and without a special title and status (the later 'nuntii').¹³⁷

(3) There were archbishops who were named in *partibus* as permanent legates for the duration of a pontificate, usually based on a personal relationship of trust (to be distinguished from the later 'legati nati'). They were definitely secondary to the *legati a latere*. Their function was increasingly (particularly since Alexander III) to stem the flow of litigation, which flooded the curia.

In the thirteenth century the decretalists developed a system of legation that was binding for the future.¹³⁸ They distinguished the following: (1) *legatus a latere*; (2) *legatus missus* (cardinal legate with restricted powers) and *nuntius* (legate of non-cardinal rank); (3) *legatus natus* (the status of legate dependent on the episcopal see, not the person, with restricted powers).¹³⁹

The iudices delegati

Another official link between the curia and the periphery, and because of their sheer numbers probably an even more important link, were the 'iudices delegati'.¹⁴⁰ These were local clerics, usually prelates, who—ignor-

¹³⁷ Elze, 'Kapelle' 181–183.

¹³⁸ Paul Hinschius, *Das System des katholischen Kirchenrechts mit besonderer Rücksicht auf Deutschland* (Berlin 1869) 1.103–115; Karl Ruess, *Die rechtliche Stellung der päpstlichen Legaten bis Bonifaz VIII* (Görresgesellschaft zur Pflege der Wissenschaft im katholischen Deutschland: Veröffentlichungen der Sektion für Rechts- und Sozialwissenschaften 13; Paderborn 1912); see the various studies by Robert C. Figueira, 'Papal Reserved Powers and the Limitation of Legatine Authority', *Popes, Teachers and Canon Law in the Middle Ages*, ed. James R. Sweeney and S. Chodorow (Ithaca-London 1989) 191–211, and 'The Medieval Papal Legate and His Province: Geographical Limits of Jurisdiction', *Apollinaris* 16 (1988) 817–860; and by Clifford Jan Kyer, 'The Legation of Cardinal Latinus and William Duranti's "Speculum legatorum"', *BMCL* 10 (1980) 56–62, 'Legate and Nuntius as Used to Denote Papal Envoys 1245–1378', *Mediaeval Studies* 40 (1978) 473–477, and 'The Papal Legate and the "Solemn" Papal Nuncio, 1243–1378: The Changing Pattern of Papal Representation' (PhD Diss. Toronto 1979).

¹³⁹ There were also rulers who claimed the legation for their own realms; see József Deér, 'Der Anspruch der Herrscher des 12. Jahrhunderts auf die apostolische Legation', *AHP* 2 (1964) 117–186.

¹⁴⁰ For the literature (historical and pragmatic), see Harald Müller, *Päpstliche Delegationsgerichtsbarkeit in der Normandie (12. und frühes 13. Jahrhundert)* (Studien und Dokumente zur Gallia Pontificia 4.1 and 2; Bonn 1997); and Müller, 'Gesandte mit beschränkter Handlungsvollmacht: Zu Struktur und Praxis päpstlich delegierter Gerichtsbarkeit', *Aus der Frühzeit europäischer Diplomatie: Zum geistlichen und weltlichen Gesandtschaftswesen vom 12. bis zum 15. Jahrhundert*, ed. Claudia Märkl and C. Zey (Zürich 2008) 41–65; Jane E. Sayers, *Papal Judges Delegate in the Province of Canterbury 1198–1254* (Oxford Historical Monographs; Oxford 1971). Canonistic literature: Richard A. Schmutz, 'Medieval Papal Representatives: Legates, Nuncios and Judges-Delegate', *Collectanea Stephan Kuttner* (SG 15; Bologna 1972) 441–463; George Pavloff, *Papal Judges Delegate at the time of*

ing the hierarchy—had been commissioned by the pope to investigate, in partibus, individual cases pending at the curia. Brought into being in the 1130s, the iudices delegati served, as did the archbishop-legates, to reduce the burden on the curia, particularly from Alexander III onward.

The Connections between the Curia and the Periphery through Networks

The envoys (legates or nuntii) represented the popes in the periphery.¹⁴¹ Since they were usually chosen because they already had contacts in their districts, and added further contacts during their stay, on their return to the curia they were regarded as representatives of (and not just as experts on) their region at the curia.¹⁴² The connections of other curials functioned in a similar way: their contacts with the periphery on the basis of such factors as family, local connections, common educational background or professional activity, or in some cases monastic association, were exploited in both directions, but more by the periphery toward the curia than vice versa. Since there were only a few institutions that could afford a representative of their own at the curia (such as, for a time, reform houses and orders), the net of personal ties of curial officials was, from the beginning, very important for the connections of the pope with the periphery.

Moreover, there are signs of first efforts on the part of the curia to develop institutions through which the relations to the periphery could be systematically maintained: important prelates in partibus received the title of cardinal or of papal chaplain, with the honorary rights tied to it. These 'external' cardinals and chaplains did not reside at the curia and were its exponents in partibus.¹⁴³ In this way, the reform papacy began to create a

the Corpus Iuris Canonici (The Catholic University of America Canon Law Studies 426; Washington, D.C. 1963); Richard H. Helmholz, 'Canonists and Standards of Impartiality for Papal Judges Delegate', *Traditio* 25 (1969) 386–404. A variant of the iudex delegatus is the conservator; see Charles Lefebvre, 'La concession des conservateurs apostoliques au temps d'Innocent IV (1234–1254)', *Ephemerides Juris Canonici* 31 (1975) 116–135; various studies by Henri Hénaff in *RDC* 27 (1977) 243–272, *RDC* 35 (1985) 194–221, *RDC* 36 (1986) 3–26, *RDC* 47 (1997) 71–88, *RDC* 50 (2000) 283–308.

141. The concept of networks is currently a fashionable theme: see *Zentrum und Netzwerk: Kirchliche Kommunikationen und Raumstrukturen im Mittelalter*, ed. Gisela Drossbach and H.-J. Schmidt (Scriinium Friburgense 22; Berlin-New York 2008); see also the essays in the volume by Claudia Zey, 'Handlungsspielräume - Handlungsinitiativen. Aspekte der päpstlichen Legatenpolitik im 12. Jahrhundert' 63–92; and Wetzstein, 'Kommunikationsgeschichtliche Bedeutung der Kirchenversammlungen des hohen Mittelalters' 247–297. Robert Gramsch, 'Kommunikation als Lebensform: Kuriale in Thüringen vom 13. bis zum 16. Jahrhundert', *Kurie und Region* 417–434.

142. Experts for the region and also protectors; Sydow, 'Untersuchungen' 70.

143. Klaus Ganzer, *Die Entwicklung des auswärtigen Kardinalats im hohen Mittelalter. Ein Beitrag zur Geschichte des Kardinalskollegiums vom 11. bis 13. Jahrhundert* (BDHI 26; Tübingen 1963). The subdiaconi consecrated by the pope took positions in partibus as honorary papal chaplains, with ceremonial precedence over the clergy of their church, notwithstanding the superior ordination of

net of client relationships without which no medieval lordship could survive.

Years of Peril and Consolidation (1130–1198)

The outbreak of the schism of 1130, on the one hand, and the accession of Innocent III, on the other, demarcate an epoch in curial history.¹⁴⁴ The two schisms, that of 1130 to 1138 and particularly that of 1159 to 1180, rudely interrupted the consolidation of the curia, cutting the popes off from the Patrimony once more. Again there followed years of unsettled travelling, extreme financial need, and improvisation. On the other hand, this is a period of strong and increasing demand for papal interpretation of the law in cases of doubt, and for settlement by the pope in disputed cases, as well as for papal dispensation and absolution.¹⁴⁵ Such demand came particularly from the culturally advanced areas of Northern Italy and France, which belonged to the obedience of Popes Innocent II and Alexander III and where they repeatedly resided. The curia, which became increasingly dependent on consent, had to adapt to this demand and had to organize the chancery.

The most striking change in diplomatic affairs was in the external appearance of papal charters. Since the schism of 1130 the signatures of the cardinals were found on all charters of a specific type (particularly confirmations of possession) in three columns below that of the pope, according to their ordination date. Previously, charters had only carried signatures when they seemed called for in keeping with the content of the charter, and then not only those of cardinals but also of others.¹⁴⁶

The courts and the penitentiary were also reorganized accordingly, a

the latter. This, as well as their exemption (and possibly their claim to provision by the pope with benefices in partibus) created increasing tensions with the bishops. They could receive higher degrees of ordination only at the curia. Hence the popes from the end of the twelfth century onward tended increasingly to appoint chaplains instead, which also had the advantage that one could choose clerics who already had higher degrees of ordination; Elze, 'Kapelle' 156, 177. See 175.

144. Werner Maleczek, 'Das Kardinalskolleg unter Innocenz II. und Anaklet II.' *AHP* 19 (1981) 27–78.

145. On censures imposed by *iudices delegati*, see 185–186.

146. On the 'rationalization measures' undertaken at the chancery due to the great demand, see below. Also see Maleczek, *Papst und Kardinalskolleg* 320–321. This change is to be understood (1) as a propaganda measure: presenting one's own high-ranking cardinals is meant to demonstrate the better claim to the papal throne; (2) as a fiscal accommodation, since it provided the cardinals with fees from the pockets of solvent petitioners. The second change in diplomatics was an adaptation of the *cursus* to the practice of northwestern chanceries, completing the process begun by the reform popes of separating the chancery from the city of Rome; see 177.

change which was reflected in the recruitment of the curia.¹⁴⁷ In a certain sense the pontificate of Clement III (1187–1191) constitutes another break in the history of the curia, because he achieved a lasting reconciliation with the Romans, which had considerable impact on the recruiting of curial personnel.¹⁴⁸ Yet a truly new era was marked later by the pontificate of Innocent III, who systematically reorganized the curia.¹⁴⁹

Altered Conception of the Papacy

The development of the pope into a monarch of the hierarchically organized clerical church went forward. Parallel to this, to the same extent that his position as the head of christianitas was strengthened, he became alienated from the city of Rome.¹⁵⁰

These changes were expressed in the fashioning of the papal residence after the return to the city of Rome in 1120: as a sign of the victorious ending of the investiture contest, Calixtus II triumphally enlarged and transformed the Lateran palace, creating a quasi-imperial residence.¹⁵¹ Following the example of the emperors, the popes collected the most holy relics in the chapel of their palace—not in the Lateran church. This was designated by nearly all the popes of that time as their place of burial.¹⁵² Although they were often compelled to leave Rome, the popes held fast

147. In the twelfth century the centralization of the penitential system of the church initially only led to the appointment of one cardinal as penitentiary; Emil Göller, *Die päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V.* (2 vols. Bibliothek des königlich Preussischen Historischen Instituts in Rom 3–4, 7–8; Rome 1907, 1911) 1.75–81.

148. See on this point Maleczek, *Papst und Kardinalskolleg* 241, 291. Clement's cardinals were less educated than those of both his predecessors and his successors. See also note 167.

149. See Maleczek, *Papst und Kardinalskolleg* 331–333, 336, concerning the use of chaplains as auditors; on the use of lower-ranking curials and extra-curial persons as legates, see *ibid.* 338–341, and in the Papal States, *ibid.* 345–346; on other innovations of Innocent (in ceremonial, in his itinerant rulership, in the chapel, chancery, penitentiary, and in the position of the procurators), see below.

150. Gerhart B. Ladner, 'The Concept of "Ecclesia" and "Christianitas" and Their Relation to the Idea of Papal "Plenitudo Potestatis" from Gregory VII to Boniface VIII', *Sacerdotio e Regno da Gregorio VII a Bonifacio VIII* (Miscellanea Historiae Pontificiae 18; Rome 1954) 1.49–77, reprinted in *Images and Ideas in the Middle Ages* (Storia e Letteratura 156; Rome 1983) 2.487–515; Walter Ullmann, *The Growth of Papal Government in the Middle Ages: A Study in the Ideological Relation of Clerical to Lay Power* (London 1955) *passim*; Michael Wilks, *The Problem of Sovereignty in the Later Middle Ages: The Papal Monarchy with Augustinus Triumphus and the Publicists* (Cambridge Studies in Medieval Life and Thought, 2nd series, 9; Cambridge 1964).

151. On the 'imitatio imperii' in Roman churches in the twelfth century, see Dorothy F. Glass, 'Papal Patronage in the Early Twelfth Century: Notes on the Iconography of Cosmatesque Pavements', *Journal of the Warburg and Courtauld Institutes* 32 (1969) 386–390. See also Peter Cornelius Claussen, 'Renovatio Romae: Erneuerungsphasen römischer Architektur im 11. und 12. Jahrhundert', *Rom im hohen Mittelalter* 67–125.

152. Borgolte, *Petrusnachfolge und Kaiserimitation*, chapter 5: 'Papstgräber als Herrschermonumente' 151–178. In the thirteenth century, the graves of the 'universales pontifices' lay scattered across the Papal States; *ibid.* 179–213.

to the Lateran as their residence until 1188. After their permanent return, however, they resided at various places within Rome.

Corresponding tendencies can be seen in the ceremonial, which, at the papal court, includes the liturgy.¹⁵³ In this period a special curial ritual (*mos Romanae curiae*) developed for the liturgical celebration of the ecclesiastical year, which differed significantly from previous Roman practice.¹⁵⁴ This was maintained even after the permanent return to Rome in 1188.¹⁵⁵ The Roman ritual, to which the popes had attached such importance during their exile, sank to the level of a local special liturgy in the following period.

A comparison of the ordines for the papal processions of about 1100 and about 1200 shows the change in self-portrayal from the pope as 'Lord of the Lateran palace and of the City of Rome' to 'Leader of the Universal Church'.¹⁵⁶

The partly spiritual, partly secular ceremonies for bestowing the Golden Rose (on Laetare Sunday),¹⁵⁷ and for distributing to court society candles (on Mary Candlemas), palms (on Palm Sunday), and the Agnus dei tablet (on the Saturday after Easter) were typical opportunities for displaying the court ceremonial, with the positions of participants being determined by the official order of rank on the one hand, and the favor of the pope on the other.

Similar to secular courts, a special ceremony was developed at the curia to receive visitors of rank, secular or clerical, which included solemn adventus or reception in the papal palace, and entertainment.¹⁵⁸ The dif-

153. Bernhard Schimmelpfennig, *Die Zeremonienbücher der römischen Kurie im Mittelalter* (BDHI 40; Tübingen 1973) 381–382, Konkordanz.

154. Codified ca. 1200 in liturgical regulations, called ordines; see Schimmelpfennig, *Zeremonienbücher* 6–35; *Le pontifical romain au Moyen Age*, 1: *Le pontifical romain au XIIIe siècle*, 2: *Le pontifical de la curie romaine au XIIIe siècle*, 4: *Index*, ed. M. Andrieu (Studi e testi 86–87; Vatican City 1938–1941); Pierre-Marie Gy, 'La papauté et le droit liturgique aux XII^e et XIII^e siècles', *The Religious Roles of the Papacy: Ideals and Realities 1150–1330* (Pontifical Institute of Mediaeval Studies, Papers in Mediaeval Studies 8; Toronto 1989) 229–245.

155. Schimmelpfennig, 'Die Bedeutung Roms' 47, and 'Päpstliche Liturgie und päpstliches Zeremoniell im 12. Jahrhundert', *Das Papsttum in der Welt des 12. Jahrhunderts*, ed. E.-D. Hehl et al. (Mittelalter-Forschungen 6; Stuttgart 2002) 263–272.

156. Citation from Schimmelpfennig, 'Die Bedeutung Roms' 60; on the same subject, his essay 'Krönung' 219–229.

157. Elisabeth Garms-Cornides, *Rose und Schwert im päpstlichen Zeremoniell von den Anfängen bis zum Pontifikat Gregors XIII.* (Wiener Dissertationen aus dem Gebiete der Geschichte 9; Vienna 1967); Paravicini Bagliani, *La vita* 216–231. For documentation of the practice of the popes to honor hosts and protectors on their travels in this way, see Robinson, *Papacy* 22.

158. A systematic study of the pope's reception is lacking. On the ritual of receiving an emperor in Rome see Achim Thomas Hack, *Das Empfangszeremoniell bei mittelalterlichen Papst-Kaiser-Treffen* (Forschungen zur Kaiser- und Papstgeschichte des Mittelalters 18; Cologne 1999) 271–367. The popes at Avignon developed a very fine gradation of courtoisie: for example, the pope received only very high-ranking persons, whom he fed at his own table, in his camera secreta, while

ferences in detail in this procedure showed how much the curia valued a guest.

The ceremonial after the death of the pope was significantly different from that observed with secular princes. While in the case of secular rulers, the mourning and burial developed into an apotheosis of princedom,¹⁵⁹ the pope was buried 'ut homo ante apostolatam'.¹⁶⁰ But even this simple manner of burial was not always assured; it was not unusual for the dead pope to be plundered,¹⁶¹ since his relatives and clients, chiefly responsible for the care of the corpse, scattered quickly after his death.¹⁶²

Status and Tasks of the College of Cardinals

Pope Gregory VII had been the first to claim the prerogatives of the Roman senate for the cardinals.¹⁶³ It is only in our period that the differences between the three ordines diminish to such an extent that the cardinals are referred to as a collegium, from about 1150.¹⁶⁴ From Alexander III onwards, the cardinals had a common purse, which is always an indica-

those of lower rank had to be content with a group reception, and they would be fed in a chamber far from the arcanum and with different company; see Stefan Weiß, *Die Versorgung des päpstlichen Hofes in Avignon mit Lebensmitteln (1316–1378): Studien zur Sozial- und Wirtschaftsgeschichte eines mittelalterlichen Hofes* (Berlin 2002) 226–264.

159. Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton 1957) 409–413, 419–427; Ralph E. Giesey, *The Royal Funeral Ceremony in Renaissance France* (*Travaux d'humanisme et Renaissance* 37; Geneva 1960); Elizabeth M. Hallam, 'Royal Burial and the Cult of Kingship in France and England 1060–1330', *JMH* 8 (1982) 359–380.

160. Formulation by Johannes Burchard: 'quia in eo quod homo est moritur et desinit esse major hominum, ideo ut homo ante apostolatam sepeliri debet'; *Liber notarum*, ed. E. Celani (Muratori, *RIS* 32.1.1–2; Città di Castello 1910–1942) 1.16, lines 28–29.

161. Reinhard Elze, 'Sic transit gloria mundi: Zum Tode des Papstes im Mittelalter', *DA* 34 (1978) 1–18, reprinted in *Päpste - Kaiser - Könige* no. IV. Agostino Paravicini Bagliani, *Il corpo del papa* (Torino 1994) 183. The suite, as well as the conclave cell of the newly elected pope, was pillaged. Cardinals were also robbed; Paravicini Bagliani, 'Die Polemik der Bettelorden um den Tod des Kardinals Peter von Collemezzo (1253)', *Aus Kirche und Reich* 355–362, esp. 357–358.

162. Burial was a family obligation in the case of secular princes. Here, as well, looting is known in cases when the prince died far away from his family; Elze, 'Sic transit gloria mundi'.

163. Prosopographical studies on subsequent cardinals, chronologically (though with gaps), are: Rudolf Hüls, *Kardinäle, Klerus und Kirchen 1049–1130* (BDHI 48; Tübingen 1977); Barbara Zenker, *Die Mitglieder des Kardinalskollegiums von 1130–1159* (Würzburg 1964); the two works of Maleczek, *Papst und Kardinalskolleg* (1191–1216) and 'Das Kardinalskolleg unter Innocenz II.' (1130–1143, revising Zenker); Robinson, *Papacy*; as well as the works of Paravicini Bagliani, *Cardinali di curia e 'familiae' cardinalizie dal 1227 al 1254* (2 vols. Italia Sacra 18–19; Padua 1972), and *I testamenti dei cardinali del Duecento* (Miscellanea della Società Romana di Storia Patria 25; Rome 1980). The biographies of all known cardinals in the Middle Ages will be treated in the forthcoming volume 2 of *Geschichte des Kardinalats im Mittelalter*, see above note 36.

164. For a long time to come, 'translatio' to a higher ordo was a step up in a career; Zenker, *Mitglieder* 227. Further, as is the case today with chairs at prestigious universities, there seem to have been titular churches particularly distinguished by preeminent occupants; Michael Horn, *Studien zur Geschichte Papst Eugens III. 1145–1153* (Europäische Hochschulschriften 3,508; Frankfurt am Main 1992) 191–192.

tor of a tighter corporate organization. Gradually the view developed by analogy that the college of cardinals together with the pope represented the Roman church, just as contemporary cathedral chapters together with the bishop constituted a particular church.¹⁶⁵

The decretal *Licet de vitanda* of 1179 on papal election was important for this development;¹⁶⁶ it had been promulgated because of two schisms, and it ruled that the person elected by two-thirds of the cardinals became pope, establishing the election as the constitutional foundation of the papal office. The cardinals of all three ordines were established as the legitimate electoral body. The canon excluded all other electors. Since the cardinals de facto were almost the only ones to be eligible, the college of cardinals was comparable in some respects to the dynastic arrangements at secular courts. As was the case in the first phase, the recruiting of the cardinals¹⁶⁷ remained international until the end of the twelfth century, though a significant proportion of them was Roman. The criteria for selection continued to include expertise and experience in administration (particularly in the papal chapel) and connection to the centers of reform¹⁶⁸ as well as political considerations (particularly that of securing the Patrimony).¹⁶⁹ Like the magnates in secular principalities, the cardinals were also representatives of the centers and the princes who were important for the popes. With the growing importance of jurisprudence at the curia, the proportionate number of cardinals who had an academic education in law increased. The total number of cardinals declined towards the end of the twelfth century.

Tasks and Responsibilities

The primary task of the cardinals was electing the pope. In our period further special tasks and responsibilities of the cardinals developed. The most important of them was that of participating in the consistory. The consistory from about 1130 was the solemn public assembly of the cardi-

165. See Rudolf Schieffer, *Die Entstehung von Domkapiteln in Deutschland* (Bonner Historische Forschungen 43; Bonn 1982).

166. 3 Lat. c. 1 (1 Comp. 1.4.15(11) = X 1.6.6).

167. Robinson, *Papacy: the role of reform orders*, 209–218, 222–223; of the reform monasteries and chapters, 218–220, 223–226; of learned centers, 220–222. Werner Maleczek, 'Die Kardinäle von 1143 bis 1216: Exklusive Papstwähler und erste Agenten der päpstlichen *plenitudo potestatis*', *Geschichte des Kardinalats* 95–154 at 99–110.

168. Maleczek, *Papst und Kardinalskolleg* 251. The pontificate of Clement III marks a caesura: Clement sought reconciliation with the Romans by receiving sons and nepotes of the leading families, thus dividing the college; *ibid.* 352.

169. In the twelfth century the cardinals were primarily from Italy, but from central and northern Italy with their communes. France was represented by a few but important cardinals (learned members of orders); Maleczek, *Papst und Kardinalskolleg* 251.

nals presided over by the pope, meeting to deliberate and decide matters of great significance.¹⁷⁰

In our period it still had no competence to make decisions. It was simply a consulting body whose composition was determined from case to case by the pope himself, with the cardinals predominating.¹⁷¹ The pope also determined those matters in which he desired counsel. The course of the sessions did not yet follow any set rule, which is why Maleczek,¹⁷² among others, would rather speak of a council of cardinals, although the term consistorium is the usual one from our era onwards.¹⁷³ Matters dealt with at these assemblies included questions of general importance: particularly political matters and questions of doctrine, planning of legatine missions,¹⁷⁴ administration of the Patrimonium Petri,¹⁷⁵ creation of new cardinals, legislation, and canonizations.¹⁷⁶

Jurisdictional issues took up most of the time. From about 1100 the consistory was the supreme court of the curia. Since Urban II, *causae maiores* were handled here. For other cases the consistory was primarily a court of appeal, though toward the end of the twelfth century it was also a court of first instance in certain cases. The sheer number of cases pending gave the papal curia the appearance of a judicial court, to a considerably larger extent than was the case with secular courts. Because of this, the curia was criticized as growing worldly.¹⁷⁷

In the judicial proceedings, the pope presided, while the other members of the consistory acted as assessors, and were complemented when necessary by persons who were regarded as qualified. To reduce the bur-

170. Robinson, *Papacy* 99-102, with literature. The institution was juristically developed only in the second half of the thirteenth century (*causae consistoriales*); Maleczek, *Papst und Kardinalskolleg* 297-302.

171. The composition varied according to what was being treated and according to external circumstances. For the consultation of chaplains, prelates, monks, nobles, and permanent non-Roman judges, see Sydow, 'Untersuchungen' 50; Theodor Hirschfeld, 'Das Gerichtswesen der Stadt Rom vom 8. bis 12. Jahrhundert wesentlich nach stadtrömischen Urkunden', *Archiv für Urkundenforschung* 4 (1912) 419-562, esp. 491, 537-538; Sayers, *Papal Judges Delegate*; Johannes Fried, 'Die römische Kurie und die Anfänge der Prozeßliteratur', *ZRG Kan. Abt.* 59 (1973) 151-174.

172. Maleczek, *Papst und Kardinalskolleg* 302-312; Maleczek, 'Kardinäle' 124-126.

173. Maleczek, *Papst und Kardinalskolleg* 302. See Maleczek, 'Das Kardinalskolleg unter Innozenz II.' 52.

174. Maleczek, *Papst und Kardinalskolleg* 236.

175. *Ibid.* 312 and 318. From the time of the reform papacy the Patrimony was no longer conceived of as a patrimonial possession but as the "state" of the popes; that state had to be bound to the court of the prince through personal ties, which was one of the reasons for the composition of the curia; Toubert, *Les structures du Latium médiéval* 2.1051-1068, 1083-1084.

176. On the development of a process of canonization and on the attitude of the popes towards the cult of saints, see Thomas Wetzstein, *Heilige vor Gericht: Das Kanonisationsverfahren im europäischen Spätmittelalter* (Forschungen zur kirchlichen Rechtsgeschichte und zum Kirchenrecht 28; Köln-Weimar-Wien 2004) 212-243.

177. Maleczek, *Papst und Kardinalskolleg* 225, 256; Maleczek, 'Kardinäle' 132-133; Robinson, *Papacy* 198.

den on the court, the pope increasingly commissioned a few cardinals or even a single cardinal to hear the cases (hence the term 'auditores') and to write a final report, which formed the basis for the judgment. In some cases they were even commissioned to render the sentence.¹⁷⁸ Sometimes before decisions the pope withdrew with the cardinals into the secretum; in this case he pronounced the sentence 'de consilio fratrum'.¹⁷⁹

Besides participation in the consistory, the tasks and responsibilities of the cardinals included leading the important offices at the curia as head of the penitentiary, the 'vicarius urbis' (deputy of the pope in the city of Rome), and the chancellor (usually cardinals from the lower ordines).¹⁸⁰ In contrast, the chamberlains were not of cardinal rank, and if they were promoted to cardinals, they usually did not remain in office for long after their promotion (see below).

Legations of political significance became almost the monopoly of cardinals because, as ambassadors, only they could claim the same ceremonial as the pope, and thus represent him visibly. Cardinals also took on special assignments, particularly in the Patrimony (for instance as rectors).

One may discern the specific position of trust held by a cardinal in the eyes of the pope from the type and frequency of missions received but not from the bestowal of a high office.

Further Development of the 'Bureaucracy': The Chamber

Although there had been chamberlains from the time of Urban II (see above), their office and functions¹⁸¹ were not yet institutionalized, as is shown by the crises starting in 1130, 1143, and 1159. Two prominent personalities were crucial: both were active in the phases when the city of Rome could be recovered and the recuperation of the Patrimony could be taken in hand. Both seemed too powerful to the following pope to be left in office: Boso (1154-1159)¹⁸² and Cencius Savelli (1188-1198); Cencius then became chamberlain of the college of cardinals.¹⁸³

178. The burdens of the consistory were reduced by the chancery; see below.

179. If the curial sources, on which we mostly have to rely, emphasize the participation of the cardinals or name them alone, this arises out of the desire of the popes to present their decisions as those of the 'Romana ecclesia'.

180. His council and court in a certain sense constitute a small version of the consistory, to which probably all the cardinals who were present in Rome belonged; Sydow, 'Untersuchungen' 73; Peter Classen, 'Zur Geschichte Papst Anastasius IV.' QF 48 (1968) 36-63. For a list (though incomplete) of the 'vicarii Urbis' from 1207 to 1535, see Konrad Eubel, 'Kleinere Mitteilungen', RQ 8 (1894) 494-499.

181. Robinson, *Papacy* 252-254. There were temporarily also two chamberlains, whose functions cannot be distinguished clearly; *ibid.*

182. Werner Maleczek, 'Boso', *IMA* 2.478-479; Fritz Geisthardt, *Der Kämmerer Boso* (Historische Studien 293; Berlin 1936) 77-81.

183. Robinson, *Papacy* 253. A biography of Cencius, later Pope Honorius III, is lacking. Cf.

In times of crisis, the nascent institutionalization of an orderly financial administration collapsed, and the popes were once more left with the situation described above.¹⁸⁴ The Templars, with their center in Paris, under Alexander III played a role similar to that played by Cluny under Urban II.¹⁸⁵ Only the final return to Rome permitted the papal finances to be consolidated. An important means for this consolidation was the *Liber Censuum*, whose compilation had begun under Boso, but it was Cencius who transformed the book into a serviceable tool.¹⁸⁶ It is to Cencius, the dominant figure at the end of the twelfth century, that the office of chamberlain owes its reputation and competences.¹⁸⁷ (1) The chamberlain stood at the head of the papal household. As was the case with the seneschal in secular courts, it was the obligation of the chamberlain to establish the death of the pope formally. Only gradually did the theory develop that the chamberlain, as the head of the curia, should continue conducting routine business even after the death of the pope, including the burial of the dead pope and the preparation for a new election. His functions ended only with the proclamation of the new pope. This is evident for the first time with Boso.¹⁸⁸ (2) The chamberlain had the supervision of the papal treasury;¹⁸⁹ (3) he was responsible for the administration of the papal finances;¹⁹⁰ (4) he was the supreme representative of the secular power of the pope in the city of Rome and in the Patrimony.

Jane E. Sayers, *Papal Government and England during the Pontificate of Honorius III (1216-1227)* (Cambridge Studies in Medieval Life and Thought, 3rd Series, 21; Cambridge 1984).

184. The expedients the curia was compelled to try included loans from Jewish and Italian "banks"; Robinson, *Papacy* 259. On the accommodations of the curia of Urban II, see 176.

185. Jordan, 'Finanzgeschichte' 77 n. 3; Robinson, *Papacy* 257-258.

186. On this see also Tilmann Schmidt, 'Die älteste Überlieferung von Cencius' "Ordo Romanus", QF 60 (1980) 513-522.

187. Elze, "Kapelle," 194-197; see also Maleczek, *Papst und Kardinalskolleg* 112, 349. The functions of the chamberlain as head of the household were those held by the queen in secular courts. See Heinrich Fichtenau, *Lebensordnungen des 10. Jahrhunderts: Studien über Denkart und Existenz im einstigen Karolingerreich* (Monographien zur Geschichte des Mittelalters 30; Stuttgart 1984) 1.239-243. Later the chamberlain passed these duties partly to the treasurer, partly to the almoner, and partly to the marshal (see 214-219 and also 198).

188. See Geisthardt, *Der Kämmerer Boso* 61-62. In the long vacancy of the Apostolic See from 1268 to 1271, the responsibilities of the chamberlain were so clear that if he had died in the meantime, the cardinals would have elected another; Rusch, *Die Behörden und Hofbeamten* 41; Andreas Fischer, *Kardinäle im Konklave: Die lange Sedisvakanz der Jahre 1268 bis 1271* (BDH 118; Tübingen 2008) 305-309, 334-338; cf. Const. Clem. 1.3.2.

189. In the twelfth century this included the archive and the library; Bresslau, *Handbuch* 1.156 n. 1.

190. The collection of documentary material, the assembly of a register of dues to the Roman curia which was the basis of the later *Liber censuum*; on this point, see Tilmann Schmidt, 'Liber censuum Ecclesiae Romanae', LMA 5.1941, with literature.

The Chancery

Although the chancery was more firmly consolidated as an institution than the chamber, individuals were crucial for the development of the office of chancellor as well.¹⁹¹ Besides the previously mentioned Johannes of Gaeta (later Pope Gelasius II), these individuals were Haimerich (1123–1141) and the chancellors and later popes Gerard (1141–1144, Lucius II), Roland Bandinelli (1153–1159, Alexander III), Albert of Morra (1178–1187, Gregory VIII) as well as the chamberlains Boso and Cencius, who for a time led the chancery as well (1149–1152 and 1194–1198), though in both cases without bearing the title of chancellor. Each of these chancellors held an outstanding position in the curia in his own time.¹⁹²

The functions of the chancellor which appear in the sources consist of the following:

- (1) Advising the pope, especially in juristic questions;
- (2) Being head of the chancery, which was a group of notaries and scribes; in this function the chancellor was responsible for (almost) all documents issued by the curia on behalf of the pope, and for the registers;
- (3) Functions in jurisdiction, though only documented sporadically in our period. They consist of receiving pleas and deciding their further handling, and pronouncing sentences in the consistory.¹⁹³ New demands on the chancery¹⁹⁴ now arose not only from the amount of business, but also from the fact that the juristic essentials of the 'litterae de gratia' and 'litterae de iustitia'¹⁹⁵ had been defined (by the development of the system of judges delegate, see above). The new amount of business was met by increasing the personnel and creating the first formularies. In addition, an examination of the letters and other documents by the notaries before

191. Robinson, *Papacy* 93–96.

192. The interruption of the series of chancellors between 1159 and 1178 and after 1187 is explained by Robinson, *Papacy* 97, as due to the popes' fears that the chancellor might become too powerful. To me this assertion appears unprovable.

193. Ernst Müller, 'Der Bericht des Abtes Hariulf von Oudenburg über seine Prozeßverhandlungen an der römischen Kurie i. J. 1141', *NA* 48 (1930) 101–111.

194. Fundamental on this point: Robinson, *Papacy* 179–208.

195. Brigitte Meduna, *Studien zum Formular der päpstlichen Justizbriefe von Alexander III. bis Innozenz III. (1159–1216): Die non obstantibus-Formel* (SB Wien Phil.-hist. Klasse 536; Vienna 1989). On the clause 'salva sedis apostolicae auctoritate' since Celestine II, see Horst Fuhrmann, 'Das Reformpapsttum und die Rechtswissenschaft', *Investiturstreit und Reichsverfassung*, ed. J. Fleckenstein (Vorträge und Forschungen 17; Sigmaringen 1973) 175–203, esp. 191–192. From Innocent II on, the arena of letters of protection for religious houses reflect the new claims of the pope to be supreme judge, 'iudex ordinarius omnium'; Robinson, *Papacy* 206, 232. On the development of the formula 'plenitudo potestatis', see *ibid.* 92, and Robert L. Benson, 'Plenitudo potestatis: Evolution of a Formula from Gregory IV to Gratian', *Collectanea Stephan Kuttner* (SG 14; Bologna 1968) 195–217.

they were presented to the pope (and eventually also the cardinals) was introduced. Finally, the assertions of the parties were inserted into the dictamen of the letter, and it was left to the petitioner to produce evidence of the correctness of his assertions (*veritas precum*) in partibus, rather than to investigate the case at the curia.

The Great Century of the Roman Papacy, from Innocent III to Boniface VIII (1198–1303)

The pontificate of Innocent III constitutes a caesura in the history of the curia. This has already been shown in the treatment of the ceremonial, which demonstrated the altered conception of the papal monarchy, whose theoretical development now reached new heights.¹⁹⁶ Innocent reformed and reorganized the curia, concerned for its renown, but also striving for a more effective administration. A new phase of papal history as well as curial history began with the Avignonese papacy (1305–1378).

The density and quality of sources for the research on the history of the Roman curia in the thirteenth century are much better than for the twelfth century.¹⁹⁷ From Innocent III onwards, the papal registers have survived, though with considerable losses, and have been published.¹⁹⁸ From Boniface VIII onwards the same is true for the books of the camera.¹⁹⁹ Now there are also sources from which the composition and internal organization of the curia can be reconstructed: (1) treaties with communes of the Papal States about the reception of the papal court;²⁰⁰ (2) so-called

196. Othmar Hageneder, 'Weltherrschaft im Mittelalter', *MIÖG* 93 (1985) 257–278 (with literature).

197. Paravicini Bagliani, *La vita*. On the biographies of the popes of the thirteenth century, see Paravicini Bagliani, 'La storiografia pontificia del secolo XIII. Prospettive di ricerca', *RHM* 18 (1976) 45–54.

198. All papal registers from Gregory IX onward are being published by the *Bibliothèque des Écoles Françaises d'Athènes et de Rome*, 2nd series (thirteenth century); 3rd series (fourteenth century). With the exception of the registers of Innocent III, which are being edited by the Institut für Österreichische Geschichtsforschung (at present 12 volumes), all volumes (those of Honorius III included) are now available in the database 'ut per litteras apostolicas' at <http://www.brepolis.net/>. The editions of the École Française include the few registers of the camera that survived (Urban IV, Clement IV, Nicholas IV, and Boniface VIII), but not that of Martin IV; see *Das Kammerregister Papst Martins IV. (Reg. Vat. 42)*, ed. G. Rudolph (*Littera antiqua* 14; Vatican City 2007).

199. Editions: *Libri rationum camerae Bonifacii Papae VIII*, ASV Collect. 446 necnon Intr. et Ex. 5, ed. T. Schmidt (*Littera antiqua* 2; Vatican City 1984); *Les recettes et les dépenses de la Chambre apostolique pour la quatrième année du pontificat de Clément V (1308–1309) (Introitus et exitus 75)*, ed. B. Guillemain (Collection de l'École Française de Rome 39; Rome 1978); *Die Ausgaben der Kammer unter Johannes XXII., nebst Jahresbilanzen von 1316–1375* and *Die Ausgaben der Kammer unter Benedikt XII., Klemens VI. und Innozenz VI. (1335–1362)* and *Die Ausgaben der Kammer unter den Päpsten Urban V. und Gregor XI. (1362–1378)* ed. K. H. Schäfer (*Vatikanische Quellen zur Geschichte der päpstlichen Hof- und Finanzverwaltung* 2, 3, 6; Paderborn 1911, 1914, 1937).

200. Three such treaties are known; Paravicini Bagliani, 'Mobilità' 198, with appendix III, 272–278.

court ordinances;²⁰¹ (3) lists of 'officials';²⁰² (4) lists on the distribution of special rations by the camera.²⁰³

The Papal Retinue: The Papal Familia

When one speaks of the papal familia, it is not the family or clan from which the current pope descends and which supports him in his rule (nepotism, see below), but the association of those personally dependent on him and committed to his service, whom he protects and supports.²⁰⁴ In the sources, the terms 'familia' and 'familiaris' sporadically appear from the later twelfth century onwards,²⁰⁵ but the institution itself must have existed as early as the end of the eleventh century.²⁰⁶ We have no precise knowledge of its composition; it is certain that the chaplains belonged to

201. A list of the recipients of the rations of the camera ('assiszie continentis nomina omnium illorum qui percipiunt prebendas a curia') has survived from May 1278 (the beginning of the pontificate of Nicholas III), and has been edited by Friedrich Baethgen, 'Quellen und Untersuchungen zur Geschichte der päpstlichen Hof- und Finanzverwaltung unter Bonifaz VIII.' QF 20 (1928-29) 114-237, Beilage I, 195-206. Further, two records of similar content survive: (1) an instruction for the chamberlain of the new pope, and (2) an instruction by the chamberlain for the new pope. On the first, a 'court ordinance' from 1306, that has been edited by Amato P. Frutaz, 'La famiglia pontificia in un documento dell'inizio del sec. XIV', *Palaeografica diplomatica et archivistica studi in onore di Giulio Battelli* (2 vols. Rome 1979) 2.277-323, esp. 284-323, see Paravicini Bagliani, 'Papst auf Reisen' 507; on older layers of this text (from the middle of the thirteenth century), see Schimmelpfennig, *Zeremonienbücher* 46-47. On the second, notes dated from July 4, 1409, probably compiled by the chamberlain François de Conzié, have been edited in *Les textes avignonnais jusque à la fin du Grand Schisme d'Occident*, ed. M. Dykmans (Le cérémonial papal de la fin du Moyen Age à la Renaissance 3, Bibliothèque de l'Institut Historique Belge de Rome 26; Rome 1983) 420-445. A list of 'ministeria et officia domus pontificalis' of 1460 has a different character, since it deals with how many familiars a particular 'officialis' is allowed to have; printed in G. Marini, *Degli Archiatri pontifici* (Rome 1784) 2.152-156. The later 'ruoli di famiglia' are similar.

202. *Libri officialium* survive only from later times, the earliest from the Avignon pope Clement VII (Vat. Archive, Collect. 457). That of Martin V is printed in F.-C. Uginet, *Le 'Liber officialium' de Martin V* (Rome 1975). The series of the *libri officialium* and the *libri officiorum* in the Vatican registers has not yet been systematically studied.

203. For example, portions of the 'presbyteria', of the altar cover, of the 'fees' for consecration at the curia, of the small 'servitia'; see Elze, 'Kapelle' 173-174.

204. A study of the familia of the pope is a desideratum of research, as was established by Paravicini, 'Cardinali di curia', 2.462-463, see also below n. 256. The article J. Deshusses, 'familiers du pape', DDC 5.810-814, cannot be used for our purposes. On the fourteenth century, see Bernard Guillemin, *La cour pontificale d'Avignon 1309-1376: Étude d'une société* (Bibliothèque des Écoles Françaises d'Athènes et de Rome 201; Paris 1962, reprinted 1966) 39-48, 493. On the 'familia' as a model for the court, see Fichtenau, *Lebensordnungen* 175. The 'court ordinance' from 1306 (above n. 200) contains a 'modus' for the distribution of the small 'servitia' among the pope's familiars (omitting those of the cardinals); *ibid.* 317-319.

205. See *Liber censuum* 1.296; *Gesta Innocentii III* (Migne PL 214.ccxii-ccxv § cxlvii = James M. Powell, *The Deeds of Pope Innocent III by an Anonymous Author* (Washington, D.C. 2004) 265-266. As in the case of the chapel, the silence of the sources may be caused by the fact that traditional designations relating to the 'Romana ecclesia' long continued to be used. A genre of sources which throws light on the composition of the 'familia' of cardinals is that of the testaments, which survive in great numbers (see the studies of Paravicini Bagliani); unfortunately, of the papal testaments, only those of Honorius IV and Clement V survive.

206. This is the only way the source from 1089 quoted above (n. 65) can be understood, according to which the laymen of the town had to provide housing and food for 'the curia' while

it.²⁰⁷ Only the sources of the thirteenth century allow us a clearer view of the institution.

After his accession, every pope created his familia, whose core was usually the familia from his time as a cardinal. The number of papal familiars increased so much in the course of time that a familia in a more restricted sense was separated from it:²⁰⁸ only to the latter was the pope obliged to provide full support. A treaty with the commune of Viterbo in 1278²⁰⁹ contains the stipulation that the commune only had to provide quarters for the 'familia domestica et commensalis' of the pope, and an additional list of the categories of persons belonging to the familia: camera and chancery,²¹⁰ which each had its own household (see below); the three monastic households of the penitentiaries, bullaria, and almonry;²¹¹ the entire personnel of the papal house ('domus', now primarily called 'palatium')²¹² from the seneschal (or maiordomus) down to the last servant; the marshal of justice or marshal of the curia,²¹³ who also had a household of his own. Lastly, the close confidantes of the pope are listed: his physicians, the house bankers, the 'capellani [veri] commensales' and an unidentified remnant of *cetera domestica familia papae*, which may have included the personal chamberlains, the confessor, and the like. (Naturally the households cited above as well as the higher-placed papal familiars, but also members of the curial staff down to the scribes had in turn their own familiares. These were normally not counted as part of the familia of the pope, any more than the familia of the cardinals).

the clergy had to provide for 'the pope'. The term 'the pope' in this document must refer to a group of persons as numerous as the circle that constitutes the Grandees of the curia with their retainers ('the curia').

207. As a rule the chaplains residing at the court must be considered members of the pope's 'familia', an inference by Elze, 'Kapelle' 180, 196.

208. The number of persons receiving food rations from the camera in 1278 was 341, according to the list of Baethgen, 'Quellen und Untersuchungen'; for 1299 it was 194, according to Paravicini, 'Papst auf Reisen' 507; for 1309 the count was 192 according to Guillemain, *La cour pontificale* 493; for John XXII, about 270, etc.

209. Treaty of May 1, 1278, newly edited by Paravicini, 'Mobilitä' 271-274, supplemented by promises of the commune to the camera on May 20, 1278; *ibid.* 275-278.

210. See *Die päpstlichen Kanzleiordnungen von 1200-1500*, ed. M. Tangl (Innsbruck 1894, reprinted Aalen 1939) 65 § 4; here, the chancery was obviously fighting for its old status.

211. First documented under Innocent III; Rusch, *Die Behörden und Hofbeamten* 64-69; Guillemain, *La cour pontificale* 409-417. As further welfare institutions, the curia sustained the 'hospitale S. Spiritus in Saxia de Urbe' and the 'hospitale portatile s. Antonii', which travelled with the curia; Rusch, *Die Behörden und Hofbeamten* 70-74. Offices not dealt with in what follows will be dealt with elsewhere.

212. In Avignon, according to the usage of this time, it was called hospitium, or hôtel. On the term palatium/maison/hôtel in the era of Avignon, see Guillemain, *La cour pontificale* 357-417.

213. Not to be confused with the heads of the papal stables, who were always clerics, often monks.

Further familiares with a right to draw certain traditional rations (*servitia minuta*) are named in a list²¹⁴ from the end of the thirteenth century:²¹⁵ the colleges of the pages (*domicelli*),²¹⁶ the sergeants at arms (*servientes armorum*),²¹⁷ the runners (*cursores*),²¹⁸ the two (or three) classes of doorkeepers (*ostiarii*),²¹⁹ and certain others.²²⁰

Although they are not named in the two sources, there were other persons whose membership in (later) papal familiae is certain: those chaplains who were no longer constant table companions of the pope, at this time the 'auditor camerae', the 'magister palatii' (or 'magister theologiae'),²²¹ the chancery notaries, as well as probably most of the auditores of

214. Modus for the distribution of the small *servitia* from the end of the century (Frutaz, 'La famiglia pontificia', see above n. 201). Another classification of the curials is found in the treaty of Viterbo in 1266, M. Dykmans, 'Les transferts de la curie romaine du XIII^e au XV^e siècle', *Archivio della Società romana di storia patria* 103 (1980) 91–116, esp. 113–116, and in the treaty of 1278.

215. This list divides those with a claim to receive into five equal sections. The fifth part went to the familiars of the cardinals, while the first four went to the familia papae, which was divided into four groups. Each of these was in various ways divided into subgroups, whose portion was determined by a special key. From this key, the rank of the various offices may be deduced, for which age was a significant determinant.

216. There is evidence of noble pages at the curia from the twelfth century onward. They formed the suite of the pope when he went riding; Rusch, *Die Behörden und Hofbeamten* 96–97. See also Paravicini Bagliani, *La vita* III.6.

217. Like the other familiares named below, the 'servientes armorum' were successors of old 'scholae' of the Lateran who functioned until Innocent III. All were organised in a sort of guild with a 'senescalcus' as chief. Little is known about the sergeants at arms till the court ordinance of 1278 (see above n. 201). They were clad uniformly and carried a mace. According to the court ordinance from 1306 (see above n. 201; § 44, cf. § 41) they had the right to (1) accompany the chamberlain; (2) prepare the public appearances of the pope in liturgy and ceremonial and assist him thereby; (3) keep watch of the precious objects used on these occasions, especially when on travel; (4) be jailer of prisoners for the marshal of the curia; Rusch, *Die Behörden und Hofbeamten* 97–99.

218. Brigide Schwarz, 'Im Auftrag des Papstes: Die päpstlichen Kursoren von ca. 1200 bis 1470', *Päpste, Pilger, Pönitentarie: Festschrift Ludwig Schmutge zum 65. Geburtstag*, ed. A. Meyer et al. (Tübingen 2004) 49–71; Schwarz, 'Les courriers pontificaux du XIII^e au XV^e siècle (vers 1200–vers 1470)' *Offices et papauté (XIV^e–XVII^e siècle). Charges, hommes, destins*, ed. A. Jamme and O. Poncet (Collection de l'École Française de Rome 334; Rome: 2005) 647–650. Like the sergeants at arms, the runners had the papal coat of arms on their clothing and carried a mace; they also assisted in ceremonies and performed watch duty in the palace. The main element of their duties was the forwarding of *de curia* mail and the delivery of court documents to all parts of the world, while at the seat of the curia the elders officiated as beadles of the different courts.

219. Rusch, *Die Behörden und Hofbeamten* 99–106. The three ranks developing from the middle of the thirteenth century corresponded to their various obligations: (a) the 'magistri hostiarii' were responsible for standing guard over the person of the pope, for accompanying him on various public appearances, and for controlling admission to audiences; accordingly, some were monks and some noble laymen; (b) the 'hostiarii minores' were the watch for the hall of the consistory and its beadles; (c) the simple doorkeepers guarded the external gates of the palace. All three ranks were sharply criticized in the sources because they exploited their 'access to the wielder of power' (see below n. 239) for the purpose of extortion.

220. See above n. 215.

221. Raymond Creytens, 'Le Studium Romanae curiae et le Maître du Sacré Palais', *AFP* 12 (1942) 1–83; on the 'Magister sacri palatii' see Brigide Schwarz, *Kuriuniversität und stadtromische Universität von ca. 1300 bis 1471* (Education and Society 46; Leiden-Boston 2013) 253–263. For the studium Romanae curiae, see 220.

the Rota. Besides these persons, there was a steadily growing number of honorary chaplains and honorary familiars.²²²

Clerics were clearly in the majority in the papal familia. Besides being committed to 'obsequium' and 'fidelitas', familiars were obliged to fulfil the duties of the office they were charged with. Obsequium was expressed in various ways, such as accompanying the pope on public appearances.²²³ In exchange for this service, besides support, the pope owed his familiars (as demonstrated above only to a part of them, on travels only to a part of this part, the 'parva' or 'stricta familia papae'),²²⁴ advancement. Advancement was granted especially through provision with benefices (see below)²²⁵ or support in the acquisition and possession of benefices by the granting of privileges (prerogatives), and concession of other material advantages.²²⁶ From the end of the thirteenth century, the popes used the bestowal of the status of familiars to distinguish persons they trusted or to win them over, and they did this for great numbers, since such designations caused no significant obligations for the pope (they received only a claim on the prerogatives of familiars). On the other hand, these appointments did not provoke as much resentment in partibus as was the case with 'external' chaplains,²²⁷ with their ceremonial prerogatives. In this the

222. Elze, 'Kapelle' 190; Karl Heinrich Schäfer, 'Päpstliche Ehrenkapläne aus deutschen Diözesen im 14. Jahrhundert', *RQ* 21 (1907) 97–113; Bernard Guillemain, 'Les chapelains d'honneur des papes d'Avignon', *Mélanges d'archéologie et d'histoire* 64 (1952) 217–228; Charles Burris, 'Vatican Sources and the Honorary Papal Chaplains of the Fourteenth Century', *Römische Kurie: Kirchliche Finanzen: Vatikanisches Archiv: Studien zu Ehren von Hermann Hoberg*, ed. Erwin Gatz (Miscellanea Historiae Pontificiae 45–46; Rome 1979) 1.65–98. In the fourteenth century certain officials were also 'familiares papae' because of their office, for example, the scribes of the chancery.

223. Short-term contracts were signed with knights and squires for the period of their service in papal livery. At least from the beginning of the Avignonese period the familiars appear to have worn the colors of the current pope; see *Acta Aragonensia: Quellen zur deutschen, italienischen, französischen, spanischen, zur Kirchen- und Kulturgeschichte aus der diplomatischen Korrespondenz*, ed. H. Finke (Münster-Berlin 1908–1923, reprinted Aalen 1968) 1.490, no. 326. In times of need they would have to serve as creditors of the pope. Charles Victor Langlois, 'Notices et documents relatifs à l'histoire du XIII^e et du XIV^e siècle: Nova Curie', *Revue Historique* 87 (1905) 55–79, esp. 62–63; for the later Middle Ages, see Brigide Schwarz, 'Die römische Kurie im Zeitalter des Schismas und der Reformkonzilien', *Institutionen und Geschichte. Theoretische Aspekte und mittelalterliche Befunde*, ed. G. Melville (Norm und Struktur: Studien zum sozialen Wandel in Mittelalter und früher Neuzeit 1; Cologne-Weimar-Vienna 1992) 231–258, esp. 239–240.

224. Thus the key to the distribution of 'servitia' in the 'Modus'; Frutaz, 'La famiglia pontificia' (above n. 201), and Guillemain, *La cour pontificale* 39–48.

225. Pietas toward the familia is a virtue which 'singulis virtutibus iustitiae annexa sit'. Thomas Aquinas, *Summa Theologiae* II–II, q. 101 (Rome 1903), see below n. 388. Honorius III expressed it thus: 'provisio clericorum opus in se continet pietatis'. *Regesta Honorii papae III*, ed. Petrus Presutti, vols. 1–2 (Rome 1888–1895, reprinted Hildesheim 1978) no. 1146.

226. The *Gesta Innocentii III*, Migne PL 214.ccxii–ccxv § cxlvii (= Powell, 265–266), stresses this duty. See Klaus Ganzer, *Papsttum und Bistumsbesetzungen in der Zeit von Gregor IX. bis Bonifaz VIII.* (Forschungen zur kirchlichen Rechtsgeschichte und zum Kirchenrecht 9; Graz-Cologne 1968) passim.

227. Elze, 'Kapelle' 189–191. In the fourteenth century the 'external' chaplains were replaced by the *capellani honoris*; *ibid.*

popes had an instrument with which to improve their net of client relationships,²²⁸ which now was much larger and reached much deeper into the social ranks than before.

The Papal Chapel

With time, several bureaus grew out of the papal chapel and established their own separate households (see below). From the time of Innocent IV, who dramatically increased the number of chaplains, a distinction developed between 'capellani commensales', who constituted the chapel in a stricter sense,²²⁹ and the many papal chaplains both within and outside the curia. Innocent III had intervened in the chapel to reform it as well, with the decree of a new ordinance for divine service (ordinarium) for the papal chapel.²³⁰ Chaplains assisted the pope in daily divine services in the chapel of the papal palace, as well as at important extraordinary ceremonies (such as the ever more frequent consecrations at the curia), and when the pope was absent they celebrated the curial liturgy without him. They guarded the capella, with its collection of liturgical implements and books, which they took along on travels.

The chaplains led a common life (*vita communis*) in chambers called the 'capellania'.²³¹ The size of the rations supplied by the 'camera' to support the chaplains as well as to support the bureaus which had developed out of the chapel,²³² indicates that they belonged to the upper stratum of the curia. Just like the courts of the cardinals (see below), the papal chapel was also a cultural center to which scholars and artists belonged.²³³ From about 1260 the chapel²³⁴ had servants, which is more evidence of the high status of its members.

228. A glance at the index volume of Norbert Kamp, *Kirche und Monarchie im staufischen Königreich Sizilien*, 1: *Prosopographische Grundlegung: Bistümer und Bischöfe des Königreiches 1194-1266* (4 vols. Münstersche Mittelalterschriften 1-4; Münster 1973-1975, 1982) 4.1487-1489, will show the network of clients in the kingdom of Sicily from Gregory IX. See also the reference in Agostino Paravicini Bagliani, 'Pour une approche prosopographique de la cour pontificale du XIII^e siècle. Problèmes de méthode', *Medieval Lives and the Historian: Studies in Medieval Prosopography*, ed. N. Bulst and J.-Ph. Genet (Proceedings of the First International Interdisciplinary Conference on Medieval Prosopography; Kalamazoo, Mich. 1986) 113-121, esp. 116.

229. Elze, 'Kapelle' 172-174; Bernhard Schimmelpfennig, 'Die Organisation der päpstlichen Kapelle in Avignon', *QF* 50 (1971) 80-111, esp. 83-88; Schimmelpfennig, *Papsttum* 215-216.

230. *The Ordinal of the Papal Court from Innocent III to Boniface VIII and Related Documents*, ed. S. J. P. Van Dijk and J. Hazelden Walker (Fribourg, Switzerland 1975) 87-483.

231. See n. 283 below. This practice was not maintained in Avignon; Schimmelpfennig, *Papsttum* 87.

232. On social recruitment, see Elze, 'Kapelle' 192-194.

233. Antonio Paravicini Bagliani, 'Il personale della Curia romana preavignonese: Bilancio e prospettive di ricerca', *Proceedings Berkeley* 1980 391-410, esp. 407-410.

234. A *clericus capellae*, a sort of keeper (*ostiarius*) as well as a cleaner (*portitor aquae*).

The Nucleus of the Confidantes of the Pope

Although, as has been said, every pope formed his own 'familia', both for reasons of continuity in curial work²³⁵ and in view of the power constellations present at the curia,²³⁶ he had to take on a considerable part of the familia of his predecessor, or consider them when he was recruiting new members.²³⁷ For that reason, it was important for the new pope to have reliable support in the really important positions and—often in unofficial roles—in his intimate surroundings. Who these reliable persons were is shown by the reports of the proctors from the curia,²³⁸ who strove for the intervention of those curials, often little distinguished, at least on the outside, from their fellows of the same status. Besides nepotes and cardinals, clients often sought the favor of persons who had 'access to the wielder of power',²³⁹ such as confessor fathers, secretaries, clerics assigned to deal with certain cases (referendarii), almoners, privy chamberlains,²⁴⁰ chamber servants (cubicularii),²⁴¹ doorkeepers,²⁴² and even simple servants. The positions of the chamberlain and the marshal of the curia always required the trust of the pope.

235. Continuity became so important that a large portion of the familiars of the dead pope continued in office during the vacancy of the Apostolic See; see the 'court ordinance' of 1306, cited above n. 201.

236. Fundamental on Roman noble clans at the curia: Robert Brentano, *Rome before Avignon: A Social History of Thirteenth-Century Rome* (London 1974) 174–209; Andreas Rehberg, *Kirche und Macht im römischen Trecento: Die Colonna und ihre Klientel auf dem kurialen Pfründenmarkt (1278–1378)* (BDHI 88; Tübingen 1999); Rehberg, 'Familien aus Rom und die Colonna auf dem kurialen Pfründenmarkt (1278–1348/78)', in 2 parts: QF 78 (1998) 1–122, and QF 79 (1999) 99–214. On the Fieschi, see Thérèse Boespflug Montecchi, 'Les stratégies parentales du pontificat d'Innocent IV' (unpublished conference manuscript, Lyon 1996), and articles in DBI 46.

237. On the accession to the throne of Boniface VIII, see Heinz Göring, 'Die Beamten der Kurie unter Bonifaz VIII.' (PhD diss., Königsberg 1934) 90–91; Thérèse Boespflug, *La curie au temps de Boniface VIII: Étude prosopographique* (Bonifaciana 1; Rome 2005).

238. There is no survey of the known and published proctor's reports. Of those from the period around 1300, the *Acta Aragonensia* are famous.

239. Term coined by Carl Schmitt, *Gespräch über die Macht und den Zugang zum Machthaber* (Pfullingen 1954; reprinted Stuttgart 2008). In Avignon they were called the 'clerici intrinseci'; Schimmelpfennig, *Päpstliche Kapelle* 89–92. On their composition under Boniface VIII, see Göring, *Die Beamten der Kurie* 31–32. In Avignon, there was a papal hôtel in the strict sense of the term, that is, those who actually dined with the pope; see Guillemain, *La cour pontificale* 357–391.

240. From the middle of the thirteenth century onwards; Rusch, *Die Behörden und Hofbeamten* 59.

241. The 'cubicularii' were almost always monks or brothers from the crusading orders, as was the case with doorkeepers (see next note). Under Boniface VIII they were Knights Templar. They were highly placed in ceremonies because of their important duties; see Rusch, *Die Behörden und Hofbeamten* 95–96; Göring, *Die Beamten der Kurie* 31; Emil Göller, 'Die Kubikulare im Dienst der päpstlichen Hofverwaltung vom XII. bis XV. Jahrhundert', *Papsttum und Kaisertum: Forschungen zur politischen Geschichte und Geisteskultur des Mittelalters: Paul Kehr zum 65. Geburtstag*, ed. Albert Brackmann (Munich 1926) 622–647.

242. In the 'Modus' for the distribution of the small 'servitia' (Frutaz, 'La famiglia pontificia',

The Development of Cardinals into Princes of the Church

In the pontificates of Gregory IX and Innocent IV the college of cardinals underwent a profound transformation. Only now had the prestige of the cardinals grown so high that the cardinalate was incompatible with high offices in the hierarchy (see above).²⁴³ The de facto participation of the cardinals in leading the *ecclesia universalis* had become a right to take part in the decisions that was exercised in the consistory (see above).²⁴⁴ Their number had now been reduced for practical and also particularly for financial reasons: only thus could they maintain themselves on their income in the style of life they regarded as fitting. The prestige and power of the cardinals had grown to such an extent²⁴⁵ that popes ceased to bestow on them offices that carried political weight. At the curia this is the case with the chancellor and the chamberlain, and only the great penitentiary remains a cardinal. In partibus the powers granted to the legates a latere are restricted (see above).

The Cardinals' Camera

An expression of the new relationship between the pope and the cardinals is the division of certain incomes between them. Now a common purse of the cardinals was institutionalized: the cardinals' camera.²⁴⁶ It

see above n. 201), it is still assumed that the doorkeepers for the chamber of the pope would be monks. From Innocent IV onwards they often were Theotonic knights; Robert Gramsch, 'Juristenschelte und Juristenleben. Nikolaus von Bibra und Heinrich von Kirchberg', *Zeitschrift des Vereins für Thüringische Geschichte* 56 (2002) 133–168, esp. 145–146. The continuing importance of the great abbeys, and, from 1130 on, the reform houses and great chapters, has been investigated by Robinson, *Papacy* 209–243 (with literature), for cardinals in the eleventh and twelfth centuries, but not for the simpler curials. Here one must pursue occasional references, such as to Casamari at the time of Innocent III and Honorius III; Falko Neininger, *Konrad von Urach († 1227): Zähringer, Zisterzienser, Kardinallegat* (Quellen und Forschungen aus dem Gebiet der Geschichte, 2nd series, 17; Paderborn 1994) 157–158.

243. Only at this point does the office of cardinal become incompatible with that of an archbishop. On the position of cardinals after the second half of the thirteenth century, see Andreas Fischer, 'Die Kardinäle von 1216 bis 1304: Zwischen eigenständigem Handeln und päpstlicher Autorität', *Geschichte des Kardinalats* 193–203, 210–217; see also Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge 1955; reprinted with additional material Leiden-New York-Köln 1998) 68–84; Wilks, *The Problem of Sovereignty in the Later Middle Ages* 455–62.

244. John A. Watt, 'The Constitutional Law of the College of Cardinals: Hostiensis to Johannes Andreae', *Mediaeval Studies* 33 (1971) 127–157; Brian Tierney, 'Hostiensis and Collegiality', *Proceedings Toronto* 1972, 401–409, responded to Watt's arguments. See Roberto Grison, 'Il problema del cardinalato nell'Ostiese', *AHP* 30 (1992) 125–157, who shows the evolution of Hostiensis's thought with the evidence from Oxford, *New College* 205. See also Norman Zacour, 'The Cardinals' View of the Papacy', *The Religious Roles of the Papacy* 413–38.

245. Paravicini Bagliani, 'Cardinali di curia' 2.473.

246. Johann Peter Kirsch, *Die Finanzverwaltung des Kardinalkollegiums im 13. und 14. Jahrhundert*

was presided over by a cardinal chamberlain²⁴⁷ (not to be confused with the Apostolic chamberlain), who served in this office for life, with some clerics as professional personnel.²⁴⁸ This 'camera' was also used by the cardinals (and the pope) as a bank.

The incomes of the cardinals have to be distinguished as follows: (a) those divided between the pope and the cardinals, and (b) those that went directly to the individual cardinals.

On type (a): the 'servitia communia'²⁴⁹ (traditional gifts due from a prelate on his promotion, which became a fee),²⁵⁰ the fees on the occasion of the 'visitationes liminum'; the census from feudal principalities, incomes from the Patrimony and other territories of the Roman church,²⁵¹ Peter's Pence and the census for the protection of churches immediately subject to Rome. In addition, there were extraordinary incomes, gifts of the pope on the occasion of his election, other gifts (from outsiders as well), and fines. These incomes were collected and calculated by different institutions (esp. Apostolic camera), and the sums due to the cardinals transferred to the cardinal's bank. These incomes were divided by the camera of the cardinals according to rules similar to those in a collegiate church.²⁵²

On type (b): so-called propinae for the presentation (positio) of a provision by a cardinal in the consistory;²⁵³ fees for placing his signature on

(Kirchengeschichtliche Studien 2.4; Münster in Westfalen 1895); Paul Maria Baumgarten, *Untersuchungen und Urkunden über die Camera Collegii Cardinalium für die Zeit von 1295–1437* (Leipzig 1898, reprinted Hildesheim 1982). According to Robinson, *Papacy* 253, the cardinals had a chamberlain of their own, possibly as early as 1123, but probably only at the end of the twelfth century. The camera of the cardinals experienced its full expansion, as was the case with so many bureaux, under John XXII. There was a reorganization under Eugenius IV.

247. His nomination, as well as that of his deputy, is a matter for the consistory. A list of chamberlains of the cardinals is found in Kirsch, *Die Finanzverwaltung* 44–46; Baumgarten, *Untersuchungen und Urkunden* lxxxix–xciv, 266–283 (alphabetical); additions in *Hierarchia Catholica Medii Aevi, sive summorum pontificum, S.R.F. cardinalium, ecclesiarum antistitum series ab a. 1198*, ed. K. Eubel (2nd ed. Münster 1913, reprinted Padova 1960) 2.57–58, 68, and 3.81–84.

248. In the fourteenth century, as was the case in the camera, there were clerici, servitores, and scribes. The camera of the cardinals, like the camera itself, had a procurator who defended their rights; this task was later taken over by the clerici. The clerics of the camera of the cardinals always automatically became familiares of the current cardinal chamberlain, hence the concept that each bureau constitutes a domus is found here as well; cf. Baumgarten, *Untersuchungen und Urkunden* lviii–lxxviii.

249. And this applied also to a certain degree to the 'servitia minuta' (see below n. 360), of which a portion went to the familiares of the cardinals. A list of the servitia paid by English prelates in the thirteenth century is in Lunt, *Financial Relations* 1.677–681.

250. Cf. William Edward Lunt, *Papal Revenues in the Middle Ages* (2 vols. Records of Civilization: Sources and Studies 19; New York 1934, reprinted 1965).

251. Later the counties of Venaisin and Ferrarà.

252. The very designation 'distributiones' derives from this sphere. Only those cardinals who were present profited from this distribution, a practice that was weakened by exceptions here and there.

253. Lunt, *Financial Relations* 1.474–475. In the thirteenth century this was still a 'gift' ensured

a privilegium, that is, a solemn chancery charter;²⁵⁴ lastly incomes from protections,²⁵⁵ and especially incomes from benefices.²⁵⁶

The Formation of 'Minor' Courts at the Curia: The Courts of the Cardinals and other Grandees

Just like the pope, individual cardinals²⁵⁷ at an early date had their own chaplains assisting them.²⁵⁸ They conducted a lively correspondence and had their own seals.²⁵⁹ An institutionalization of the suites of cardinals becomes evident in the sources only in the last third of the twelfth century. Their courts were small-scale images of the curia:²⁶⁰ the cardinal resided in an autonomous close ('domus librata', later 'hospitium'),²⁶¹ which carried his own coat of arms and which was subject only to his own jurisdiction. It was a place in which he was surrounded by his own 'familia'.²⁶²

by customary law, later a tax; 'propinae' sometimes were also given to familiares of the cardinal; Adrien Clergeac, 'La curie et les bénéfices consistoriaux: Étude sur les communs et menus services, 1300-1600' (PhD diss., Paris 1911) 188-190. On the consistorial provisions, see also Lajos Pásztor, 'Le cedole concistoriali', *AHP* 11 (1973) 209-268.

254. Maleczek, *Papst und Kardinalskolleg* 320-322.

255. Robert Brentano, *Two Churches: England and Italy in the 13th Century* (Princeton, N.J. 1968) 49-50. On the assumption of their compatriots that the cardinals were their natural protectors, even when the cardinals did not see themselves as such, see Brentano, *Rome before Avignon* 191; Johannes Vincke, 'Der Kampf Jakobs II. und Alfons' IV. um einen Landeskardinal', *ZRG Kan. Abt.* 21 (1932) 1-20. On protections of religious orders see Kathieen Walsh, 'Kardinalprotektor', *LMA* 5, 951-952 (with literature).

256. This form of maintenance grew to such a degree that in Avignon some cardinals employed several clerics (called proctors) in their suite to administer their benefices; Anne-Lise Rey-Courtel, 'Les clientèles des cardinaux limousins en 1378', *Mélanges de l'École Française de Rome: Moyen Age, Temps modernes* 89 (1977) 889-944, esp. 894.

257. The fundamental studies on the courts of the cardinals are the two works of Paravicini Bagliani, *Cardinali di curia* and his *I testamenti dei cardinali*. See also Olaf Müller, 'Die Familien der Kardinäle 1254-1268: Prosopographische Untersuchung zur Geschichte der Römischen Kurie' (unpublished MA thesis, Göttingen 1996).

258. Paravicini Bagliani, *Cardinali di curia* 2.445-516, esp. 480.

259. Werner Maleczek, 'Die Siegel der Kardinäle: Von den Anfängen bis zum Beginn des 13. Jahrhunderts', *MiÖG* 112 (2004) 177-203; Maleczek, 'Die Brüder des Papstes: Kardinäle und Schriftgut der Kardinäle', *Das Papsttum und das vielgestaltige Italien: Hundert Jahre Italia Pontificia*, ed. K. Herbers and J. Johrendt (Abh. Akad. Göttingen, NF 5; Berlin-New York 2009) 331-372.

260. Sources for the familiae are, on the one hand, the testaments of cardinals, which deal primarily with the secular members of their suites (Paravicini Bagliani, *Cardinali di curia* 2.457), and on the other hand, the (rare) rolls of supplications of cardinals on behalf of their familiares, containing only clerics. Of importance for the familia was the development of the servitia into a tax around 1260; *ibid.* 473; see above n. 201 and below n. 360.

261. On areas of immunity, see Guillaume Mollat, 'Contribution à l'étude du Sacré Collège de Clément V à Eugène IV', *RHE* 46 (1951): 22-112, 566-594, esp. 50-57, 76-77; Pierre Pansier, *Les palais cardinaux d'Avignon au XIVe et XVe siècles* (3 vols. Avignon 1926-1932); supplemented by Marc Dykmans, 'Les palais cardinaux d'Avignon', *Mélanges de l'École Française de Rome: Moyen Age, Temps modernes* 83 (1971) 389-438.

262. It is only in the course of the thirteenth century that 'familia' meant especially the clerical members of the 'domus'; Paravicini Bagliani, *Cardinali di curia* 2.462. The clergy of the cardinal's church did not belong to the 'familia'. Naturally there was also a marked courtly life at the courts of the cardinals, documented in Maleczek, *Papst und Kardinalskolleg* 259.

This 'familia' supported him in his duties and accompanied him on his public appearances (in the later Middle Ages the retinue was augmented also by further clients, clad in the cardinal's colors).²⁶³ The suites of the cardinals also became autonomous de jure.²⁶⁴

Despite all differences²⁶⁵ in size and composition, one may imagine a typical cardinal's familia in the thirteenth century: it comprised between twenty and thirty persons, perhaps half of them clerics, making up the cardinal's chapel. The suite was internally differentiated according to function (auditor; camera;²⁶⁶ chancery;²⁶⁷ chapel;²⁶⁸ watch and escort, partly by nobles; sergeants—and also the four courtly offices²⁶⁹) and ac-

263. There were repeated papal ordinances to reduce these suites, such as the restriction to twenty mounted 'familiares' by Martin V in his reform decrees of 13 April and 16 May 1425: *Materialien zur Geschichte des 15. und 16. Jahrhunderts: Beiträge zur politischen, kirchlichen und Cultur-Geschichte der 6 letzten Jahrhunderte*, ed. Johann Josef Ignaz Döllinger (Regensburg 1863) 2.335–344, esp. 336–337; excerpts in Tangl, *Die päpstlichen Kanzleiordnungen 162–165*, who shows that the pomp displayed by clerics gave offence. Some cardinals had enormous suites, such as Hannibal of Ceccano around 1340; Marc Dykmans, 'Le cardinal Annibal de Ceccano (vers 1282–1350): Étude biographique et testament du 17 juin 1348', *Bulletin de l'Institut Historique Belge de Rome* 43 (1973) 145–344. Banquets given there by rich cardinals were notorious, such as that of Annibaldo de Ceccano for Clement VI in 1343; *ibid.* 216; Georges de Loye, 'Réception du pape Clément VI par des cardinaux Annibal Ceccano et Pedro Gomez à Gentilly et Montfavet (30 avril–1er mai 1343) d'après une relation anonyme contemporaine', *Avignon au Moyen Âge: Textes et documents*, ed. Hervé Aliquot (Institut de recherches et d'études du bas Moyen Âge avignonnais; Avignon 1988) 81–92.

264. They were under the immediate jurisdiction of the cardinal, who questioned the extensive rights of the papal chamberlain and the marshal of the curia; *Acta concilii Constantiensis*, ed. H. Finke et al. (4 vols. Münster im Westfalen 1896–1928) 2.102–103, 114, 3.73. They were also autonomous as to the care of souls (they had their own penitentiary; Paravicini Bagliani, *Cardinali de Curia* 2.494–495). As far as possible (that is, if they were cardinal-bishops) the cardinal consecrated his own people.

265. For instance, a Cistercian cardinal at the time of Innocent III was allowed, like a bishop of the order, to have two monks and three 'conversi' as a suite; Neining, *Konrad von Urach* 147. Later even cardinals who were monks succumbed to the usage of keeping a grand house; Paravicini Bagliani, *Testamenti* 321–355; Paravicini Bagliani, 'Il personale' 396. The great variation in income among the individual cardinals can be deduced from the taxes imposed on them on February 22, 1372; A. Segre, 'I dispacci di Cristoforo da Piacenza, procuratore Mantovano alla Corte pontificia (1371–1383)', *Archivio Storico Italiano*, seria 5, 43 (1909) 27–95, esp. 44, 48; and 44 (1909) 253–326.

266. Paravicini Bagliani, *Cardinali de Curia* 2.472–474. Every suite also had a library; *ibid.* 470.

267. In earlier times the chancery was made up of chaplains who, as was the case with papal chaplains, took over all administrative duties that came their way; and later secretaries and scribal personnel; Paravicini Bagliani, *Cardinali de Curia* 2.474–478.

268. Paravicini Bagliani, *Cardinali de Curia* 2.478–493. Formal nomination; *ibid.* 455–459. Formularies survive since about 1300; Geoffrey Barraclough, *Public Notaries and the Papal Curia: A Calendar and Study of a Formularium notariorum curie from the Early Years of the Fourteenth Century* (London 1934) 171–174, § 78–105, differentiated according to estate. The chamberlain of the household kept records of the familiares, Mollat, 'Sacré Collège' 550. Somewhat later, the chapel of the cardinals underwent the same development as the papal chapel, becoming a musical chapel.

269. Paravicini Bagliani, *Cardinali de curia* 2.463–469; on the community of the table (mensa) in the livery, hence 'familiaris commensalis' was a designation of membership of the innermost core. Two late-medieval court ordinances for a cardinal's court are published: (a) for a 'domus cardinalis' in 1336, composed by the 'carnerarius' of a suite, by Norman Zacour, 'Papal Regulations of Cardinals' Households in the 14th Century', *Speculum* 50 (1975) 434–455, esp. 449–453; and (b) from c. 1409–1417, Dykmans, *Les textes avignonnais jusque à la fin du Grand Schisme d'Occident* 446–461.

ording to estate²⁷⁰ (nobles and prelates naturally ranked first). Cardinals furthered the advancement of artists and scholars in their suites before the popes did.²⁷¹ Besides these persons, who lived in the suites of the cardinals, there were other familiares who lived primarily in partibus.²⁷² Guests were often lodged in the suites of cardinals,²⁷³ and clients came and went. The spheres of influence of the cardinal as a patron can be deduced from the origin and connections of his familiares: they were determined by his own origin, his legations,²⁷⁴ and his political options.²⁷⁵ The so much more widely spread client networks of the cardinals²⁷⁶ supplemented that of the current pope.

Like the pope, the cardinals not only had to provide sustenance for their familiares, but they also owed their familiares advancement in exchange for their service and loyalty.²⁷⁷ For the clerics among them, this

270. On the composition of the suites of cardinals of Avignonese popes, see Pierre Jugie, 'Les familiae cardinalices et leur organisation interne au temps de la papauté d'Avignon: Esquisse d'un bilan', *Le fonctionnement administratif de la papauté d'Avignon: Actes de la table ronde 1988* (Collection de l'École Française de Rome 138; Rome 1990) 41–59, with further literature.

271. Paravicini Bagliani, 'Il personale' 409. On the advancement of art and science by wealthy cardinals and popes, who competed in thoroughly transforming the city of Rome and Latium in the second half of the thirteenth century, see Richard Krautheimer, *Rome: Profile of a City, 312–1308* (Princeton 1980) 207–228; and the various works by Julian Gardner, especially 'Patterns of Papal Patronage, ca. 1260–ca. 1300', *The Religious Roles of the Papacy 439–456*. Well-known jurists belonging to cardinals' 'familiae' were Albertus Azarii, Cognoscens, Godfrey of Trani, Guido de Baysio, Hugh of Atrio Dei, John of Monchy, Peter de Salinis, and Raymond of Peñaforte; see Paravicini Bagliani, *Cardinali di curia* 2.492; and Schimmelpfennig, *Papsttum* 197.

272. Even for contemporaries it was hard to tell if and when someone belonged to a 'familia', and to what class of 'familiaris.' For that reason there were attempts at classification, such as are to be found in the cardinals' testaments around 1300 (Paravicini Bagliani, *Testamenti cxvi–cxlii*): (1) 'familiares commensales, qui habent officia in hospicio'; (2) 'domicelli vel armigeri, in domo sua continue commorantes'; (3) 'servientes' in the wardrobe, kitchen, camera, and stables; (4) further servants; (5) 'clerici de capella' after the dissolution of the original chapel. Like those of the pope, the number of honorary familiares of the cardinals also grew constantly. At the council of Constance, for example, every cardinal was granted prerogatives for thirty 'familiares', and then for sixty more who did not necessarily have to have the status of a familiar, all of them clerics.

273. Bishops presented problems in the thirteenth century when the patron was not a cardinal bishop; in the fourteenth century, however, this situation became normal; Paravicini Bagliani, *Cardinali di curia* 2.501–502.

274. These were people who knew the country and were sometimes chosen by the pope as well because of this; Geisthardt, *Der Kämmerer Boso* 20–21.

275. Many cardinals' suites included familiares who were also familiares of the pope and of princes; Paravicini Bagliani, *Cardinali di curia* 2.496, 498. These then served as diplomatic representatives (procuratores) of the other court. There was also an exchange between the suites, or takeovers of one suite by another cardinal. In case of promotion of a cardinal to the papal throne, he normally retained his old suite; *ibid.* 498–499.

276. Paravicini Bagliani, *Cardinali di curia* 2.505; Guillemin, *La cour pontificale*, map 6. The entirely distinct pattern of recruitment for the cardinals themselves is interesting; *ibid.* map 5; Guillemin, 'Cardinaux et société curiale aux origines de la double élection de 1378', *Génèse et débuts du Grand Schisme* 19–30, esp. 21 and *passim*. An informative study of the relation between a region and the curia is Johannes Vincke, 'Kronc, Kardinal und Kirchenpfunde in Aragón zu Beginn des 14. Jahrhunderts', *RQ* 51 (1956) 34–53.

277. On the promotion of cardinals' 'familiares', see also Paravicini Bagliani, 'Approche proso-

meant provision with benefices,²⁷⁸ prelaties if possible.²⁷⁹ Cardinals treated benefices once won for a familiaris as their own property and disposed of them according to their whim to support their clientele.²⁸⁰

The Development of Bureaus out of the Papal Chapel

In the course of the twelfth century, the responsibilities of various officeholders and circles of personnel became more clearly defined. At the beginning of the thirteenth century there was a great 'push toward bureaucratization':²⁸¹ specialization and definition of competence reached a higher degree through the formation of individual departments with their own 'ressorts' under a head of the 'ressort'; these were the camera, chancery, penitentiary, and the various courts. For each of them, Innocent III erected a 'house' of its own, creating household communities including the higher officials and their familiares.²⁸² The head of the ressort had disciplinary powers over these collaborators as well as over those who were not members of the common household. Some of the heads and the higher collaborators held 'officia perpetua', which is to say they remained in office even when the pope changed.

pographique' 115-116. A telling poem on life as a familiar in the suite of a cardinal in the first half of the fourteenth century has been published by Norman Zacour, 'Petrus de Braco and His "repudium ambitionis"', *Mediaeval Studies* 41 (1979) 1-29. See the clientele of a cardinal in the reform decrees of Martin V in Döllinger, *Materialien zur Geschichte* 336.

278. On drawing income from a benefice *in absentia* for chaplains of cardinals, see Barraclough, *Public Notaries* 145, § 18, 18a, 18b. The number given of twenty 'familiares' in the constitution of John XXII, 'Dat vivendi normam' of 1316, means only that those prerogatives were given to that number of the 'familiares commensales' of each cardinal; it was not a ruling concerning the size or quantity of their actual suites. Zacour has a different view in 'Regulations' 436-449; see the corresponding constitution by Innocent VI, *Ad honorem* of 1352; *ibid.* 453-455. Other attempts to differentiate between cardinals' familiares according to their functions: preferential treatment of the 'auditores' or the 'camerarii'—see 'regulae cancellariae' of John XXII, § 44, in Andreas Meyer, *Päpstliche Kanzleiregeln im Spätmittelalter*, database, <http://www.uni-marburg.de/fb06/forschung/wcbpubl/magpubl/paepstlkanzl>.

279. Paravicini Bagliani, *Cardinali di curia* 2.500-502.

280. Designated as 'reservatio cardinalis' by Paravicini Bagliani, *Cardinali di curia* 2.504. The popes legalized this concept in the fifteenth century; see Brigide Schwarz, 'Patronage und Klientel in der spätmittelalterlichen Kirche', *QF* 68 (1988) 284-310, esp. 302-303.

281. Innocent III had the following buildings constructed in his palace near St. Peter's, among others: (1) capellania; (2) camera et capella; (3) panetaria; (4) but[cu]llaria; (5) coquina; (6) mareschalia; further, houses of their own for the (7) cancellarius; (8) camerarius; (9) elemosinarius. The entire complex was surrounded by walls and towers; *Gesta Innocentii III* (to 1208) (Migne PL 214.ccxii-ccxii, § cxlvi); reprint of the passage in Franz Ehrle and H. Egger, *Der Vatikanische Palast in seiner Entwicklung bis zur Mitte des 13. Jahrhunderts* (Vatican City 1935) 33-34; English translation by Powell, *Deeds of Pope Innocent III* 265. A new edition of the *Gesta Innocentii III* is being prepared by Jochen Johrendt (MGH-Projekt).

282. Where they were supplied with all necessary items by the 'camera'; see below.

The Chancery

The papal chancery was fundamentally reformed by Innocent III.²⁸³ In the place of the cardinal chancellor, he introduced a collegiate leadership of the chancery by a vice-chancellor and seven chancery notaries.²⁸⁴ Further innovations were the 'audientia litterarum contradictarum',²⁸⁵ the corrector and the bullaria; he gave official status to the scribes of the chancery, and he regulated that of permanent proctors (see below). The leading members of the chancery inherited their high rank in ceremonial from the chancellors of the twelfth century: the vice-chancellor, the chancery notaries, the 'auditor litterarum contradictarum' and the corrector ranked below the cardinals and above the archbishops.

The major function of the chancery was not actually to issue manifestations of the sovereign will of the pope—those played a marginal role—but to issue documents of favors requested from the pope (or deriving from the handling of litigation at the curia).²⁸⁶ The organization corresponded to this function, a fact that can best be demonstrated by illustrating the procedure: The petitioner had to present a petition that had to be in keeping with the 'stilus curiae'. For this, he needed assistance in formulation, which was provided by the 'petitionarii',²⁸⁷ independent persons working at the residence of the curia who had specialized in drawing up such documents. Alternatively, he might use a representative (procurator, proctor) at the curia who promoted his cause, even when he did not visit the curia himself. The petitions were presented at the 'data communis' (an appointed time and place) or transmitted to the notary appointed to deal with them; if necessary they were reformulated, and if admitted organized by subject before being presented to the vice-chancellor and/or a

283. Peter Herde, *Beiträge zum päpstlichen Kanzlei- und Urkundenwesen im 13. Jahrhundert* (Münchener Historische Studien, Abteilung Geschichtliche Hilfswissenschaften 1; 2nd ed. Kallmünz 1967); *Letters of Pope Innocent III (1198–1216) concerning England and Wales*, ed. Christopher R. and Mary Cheney (Oxford 1967) xi–xviii; Patrick N. R. Zutshi, 'Innocent III and the Reform of the Papal Chancery', *Innocenzo III: Urbs et Orbis*, ed. Andrea Sommerlechner (Rome 2003) 1.84–101. Gerd F. Nüske, 'Untersuchungen über das Personal der päpstlichen Kanzlei 1254–1304', *Archiv für Diplomatik* 20 (1974) 39–240 (part 1); and 21 (1975) 249–431 (part 2), with prosopographic studies.

284. On the chancery in the thirteenth century, see Bresslau, *Handbuch* 1.248–255; Herde, *Beiträge zum päpstlichen Kanzlei- und Urkundenwesen* passim. At the end of the thirteenth century the vice-chancellor was once more normally a cardinal.

285. Geoffrey Barraclough, DDC 1.1387–1399, assumes a connection between the development of the 'audientia litterarum contradictarum' and the systematization of the institution of the 'iudices delegati' by Alexander III, first documented under Innocent III.

286. See Brigide Schwarz, 'Supplik', *LThK* 9.1136–1137. On the documents, see Sayers, *Papal Government* 94–122.

287. Geoffrey Barraclough, 'Formulare für Suppliken der ersten Hälfte des 13. Jahrhunderts', *AKKR* 115 (1935) 435–456, esp. 455; Zutshi, *Petitioners, popes, proctors* 272–274.

chancery notary. These petitions were then either rejected or accepted (either fully or in part) by the vice-chancellor, and the more important ones were presented to the pope for approval through a 'referendarius'. According to his reply, the petition was converted into a draft (minute) (by abbreviators), from which the engrossment (mundum) was prepared (by the 'scriptores litterarum apostolicarum'). Both the draft and the engrossment were compared with its earlier forms and accompanying documents and checked for correctness in form and content. All letters touching the rights of third parties (so-called 'litterae communes') had to be read out in the audientia publica, where there was an opportunity for objection. If they passed without objection, they were expedited by the pope and/or by 'the chancery', the assembly of the notaries and the corrector, presided over by the vice-chancellor. The last step was the attachment of the bull and the registration. A simplified express procedure was developed toward the end of the thirteenth century for simple petitions with standard formularies: approval of the petition by the vice-chancellor, the draft being unnecessary here, then engrossment in keeping with a formulary, reading in the audientia, and expedition by the corrector. During the many stages of procedure, the petitioners or their proctors had to seek out the officials concerned to make sure that the case was treated according to the regular procedure, and to secure its reaching the next stages by paying the fees and tips.

The vice-chancellor supervised the procedure of issuing the papal letters.²⁸⁸ This included checking the qualifications of those on whom the pope had bestowed an expectation to a benefice or a notariate auctoritate apostolica,²⁸⁹ provided they were at the curia, as to their professional expertise and their character. For the responsibilities of the vice-chancellor in the consistory see above. As with other heads of department, he exercised disciplinary jurisdiction over the entire personnel of the chancery, as well as over the personnel of the Rota.²⁹⁰ Under Innocent III the entire higher chancery personnel (including the auditor litterarum contradictarum and the corrector) seems to have belonged to the household of the vice-chancellor; later only the chancery notaries and, toward the end of the

288. Hence he was also responsible for the prosecution of forgeries, which is why he had an auditor of his own in the fourteenth century; Emil Göller, 'Zur Geschichte der Kriminaljustiz und des Gefängniswesens am päpstlichen Hof in Avignon', RQ 19 (1905) part 2, 190-193.

289. Paul Maria Baumgarten, *Von der apostolischen Kanzlei: Untersuchungen über die päpstlichen Tabellionen und die Vizekanzler der Hl. Römischen Kirche im 13., 14. und 15. Jahrhundert* (Veröffentlichungen der Sektion für Rechts- und Sozialwissenschaften 4; Cologne 1908) 13-15; Barraclough, *Public notaries* 13; Guilio Battelli, 'L'esame dei notai pubblici apostolica auctoritate nel duecento', *Forschungen zur Reichs-, Papst- und Landesgeschichte: Peter Herde zum 65. Geburtstag*, ed. Karl Borhardt and Enno Bünz (2 vols. Stuttgart 1998) 1.255-263, who covers Innocent IV to Boniface VIII.

290. See below n. 328.

century, only his private servitors (particularly the abbreviators) did. The 'vicecancellaria' had the usual household personnel. Among these the seneschal²⁹¹ of the vicecancellaria was important, because he controlled contacts with the public. Among the vice-chancellors of the thirteenth century were several well-known jurists.²⁹²

The 'notarii domini papae', like the vice-chancellor, emerged from the papal chapel.²⁹³ They were organized by Innocent III into a college of seven, on the model of early medieval notaries, ranked according to time in office (see above). Towards the end of the thirteenth century they were more and more reduced to the issuing of the simpler letters (primarily the so-called letters of justice), subject to the simplified procedure described above, which did not require specially trained personnel. However, since the office possessed a high ceremonial rank (see above), the popes increasingly gave it as an honorary position to deserving men, a process which had been completed by the fourteenth century.²⁹⁴ The actual work of the notarii domini papae was done by others. Both the vice-chancellor and the notaries called in abbreviators, who in the beginning were only their private assistants, but who later became 'officiales' of the chancery in their own right.²⁹⁵

The 'auditor litterarum contradictarum'²⁹⁶ was responsible for reviewing any objections raised in the 'audientia publica'.²⁹⁷ His position and

291. Rusch, *Die Behörden und Hofbeamten* 10; later he was also called 'custos', and at the end of the fourteenth century he was always 'scriptor' of the chancery and 'abbreviator' as well; Brigide Schwarz, *Die Organisation kurialer Schreiberkollegien von ihrer Entstehung bis zur Mitte des 15. Jahrhunderts* (BDHI 37; Tübingen 1972) 109.

292. In the thirteenth century: Johannes Monachus, Jordanus de Terracina, Marimus of Ebboli, Petrus Peregrossus, Richard of Siena, and, of course, Sinibaldus Fieschi; Bresslau, *Handbuch* 1.248-255; Nüske, 'Untersuchungen über das Personal' 2.396.

293. Elze, 'Kapelle' 175-180; Nüske, 'Untersuchungen über das Personal' 1.94-133, 2.397-406.

294. Patrick Zutshi, 'The Office of Notary in the Papal Chancery in the Mid-Fourteenth Century', *Forschungen zur Reichs-, Papst- und Landesgeschichte* 2.665-683, esp. 668-669. Chancery notaries frequently were members of great Roman families; juristic training can frequently be proven, but there are no noted scholars among them.

295. Schwarz, *Schreiberkollegien* 21-22. In the course of the later Middle Ages, the abbreviators of the vice-chancellor replaced the notaries in the expedition of letters in the chancery; Brigide Schwarz, 'Abbreviature officium est assistere vicecancellario in expeditione litterarum apostolicarum: Zur Entwicklung des Abbreviatorenamtes vom Großen Schisma bis zur Gründung des Vakabilistenkollegs der Abbreviatoren durch Pius II.', *Römische Kurie, Kirchliche Finanzen, Vatikanisches Archiv* 2.789-823.

296. Fundamental is Peter Herde, *Audientia litterarum contradictarum: Untersuchungen über die päpstlichen Justizbriefe und die päpstliche Delegationsgerichtsbarkeit vom 13. bis zum Beginn des 16. Jahrhunderts*, 2 vols. (BDHI 31-32; Tübingen 1970); and Herde, 'Audientia litterarum contradictarum (audientia publica)', *LMA* 1.1192-1193.

297. Herde, *Beiträge* 213-215; Winfried Stelzer, 'Über Vermerke der beiden Audientiae auf Papsturkunden in der 2. Hälfte des 13. Jahrhunderts', *MIÖG* 78 (1970) 308-322; Jane Sayers, 'The Court of Audientia litterarum contradictarum revisited', *Forschungen zur Reichs-, Papst- und Landesgeschichte* 1.411-427.

his prestige grew, partly due to the qualifications of the office-holders: well-known jurists held this office. At the end of the thirteenth century,²⁹⁸ the 'auditor litterarum contradictarum' left the household of the chancery and was granted his own household. He had disciplinary authority over the proctors accredited to his court, as well as over the lectors active there and over the notary. It was in the 'audientia publica' (later the 'audientia litterarum contradictarum') that all matters of the curia which had to be published were announced.

Somewhat in the shadow of the 'auditor litterarum contradictarum' stood the corrector (corrector litterarum apostolicarum). Originally it was his responsibility to see that all the letters that left the chancery should correspond to the 'stilus curiae', that is, that they should be formulated in a juristically correct manner. The greater portion of the 'litterae'²⁹⁹ to be checked by him were those read out in the 'audientia'; it was for this reason that he participated in the proceedings of the 'audientia litterarum contradictarum'.³⁰⁰ Towards the end of the thirteenth century the corrector, like the notaries, was reduced more and more to dealing with letters of justice. Here, however, he continued to play a decisive role (the later *expeditio per correctoriam*).³⁰¹

The scribes of the chancery³⁰² prepared the engrossments of the letters (see above). Their number was very large even at an early date, and they organized themselves in the course of the thirteenth century into a corporation on the model of the 'official notaries' of the Northern Italian communes. They gradually took some tasks of examination and distribution into their own hands (distribution, 'auscultatio', reading out in the 'audientia litterarum contradictarum').³⁰³ Their organization (and that of the

298. In the thirteenth century: Gerard of Parma, Godfrey of Trani, Guy of Baysio, Guy of Sexto, OP, James the canon of Bologna decr. doct., and naturally Sinibaldus Fieschi; see Bresslau, *Handbuch* 1:284 n. 1; Herde, *Audientia* 1.74-78; Nüske, 'Untersuchungen über das Personal' 1.133 142, 2.406-408.

299. When he was no longer responsible for the examination of the formal parts of the letters, this task was taken over by auxiliaries who were delegated by the college of the scribes; Schwarz, 'Der corrector' (see below n. 300), 152-154, 178-180; on the intricacies of writing papal letters correctly, see Tom Graber, 'Ein Spurium auf Papst Gregor X. für das Zisterzienserkloster zu Leipzig', *Diplomatische Forschungen in Mitteleuropa*, ed. T. Graber (Schriften zur sächsischen Geschichte und Volkskunde 12; Leipzig 2005) 89-144.

300. For this reason the corrector could take the place of the auditor; see Nüske, 'Untersuchungen über das Personal' 1.140-141.

301. In about 1370 he succeeded in placing himself at the head of the abbreviators of the vice-chancellor; Brigide Schwarz, 'Der corrector litterarum apostolicarum: Entwicklung des Korrektorenamtes der päpstlichen Kanzlei von Innozenz III. bis Martin V.' QF 54 (1974) 122-191; Schwarz, 'Corrector litterarum apostolicarum', I.MA 3.278-279.

302. Bernard Barbiche, 'Diplomatique et histoire sociale: Les "scriptores" de la chancellerie apostolique au XIII^e siècle', *Annali della Scuola Speciale per Archivisti e Bibliotecari dell'Università di Roma* 12 (1972) 117-129.

303. Schwarz, *Schreiberkollegien* 100-102. On the official notaries, see Andreas Meyer, *Felix et*

scribes of the penitentiary) at the end of the fourteenth century became a precondition for the development of the venality of offices at the curia.³⁰⁴

In a wider sense, the bullaria also belonged to the chancery, in which two to four monastic 'conversi' fastened the lead bulls to the letters that had been expedited.³⁰⁵ The 'bullaria' constituted another modest household of its own. The vice-chancellor had the right to give instructions to the servitors of the register,³⁰⁶ which still belonged to the camera. Fees for bulling and registration went to the 'camera'.

Only loosely attached to the chancery were the proctors, some of whom kept the process of issuing the letters going (procuratores ad agendum), while others were accredited to the 'audientia litterarum contradictarum'.³⁰⁷ There were also proctors at the papal juridical courts and the cursors,³⁰⁸ who were both mail couriers and court beadles.

The Camera

The close relationship of the chamberlain to the current pope continued for a long time,³⁰⁹ as can also be seen from the fact that he and his household and several further servants of the camera were always kept in the immediate vicinity of the pope.³¹⁰ Like the heads of the other great offices, the chamberlain maintained his own household from the thirteenth century on, with the usual personnel.³¹¹ Some popes felt it necessary to have an entirely personal (privy) chamberlain as well, whom they chose from among the personnel of their bedchamber (cubiculum).³¹² Com-

inclitus notarius: Studien zum italienischen Notariat vom 7. bis 13. Jahrhundert (BDHf 92; Tübingen 2000) 195, 321–327, 333.

304. Brigitte Schwarz, 'Die Ämterkäuflichkeit an der römischen Kurie: Voraussetzungen und Entwicklung bis 1463', *Proceedings Berkeley* 1980 451–463.

305. Paul Maria Baumgarten, *Aus Kanzlei und Kammer: Erörterungen zur kurialen Hof- und Verwaltungsgeschichte im XIII., XIV. und XV. Jahrhundert* (Freiburg im Breisgau 1907) 78–91.

306. On the papal registers of the twelfth and thirteenth centuries, see Sayers, *Papal Government* 65–93. In the thirteenth century there were no offices specifically for register scribes; the duty was taken over by chancery scribes; Nüske, 'Untersuchungen über das Personal' 2.393.

307. The proctors of the 'audientia litterarum contradictarum' later underwent a development of their own. On their work, see Sayers, 'The Court of *Audientia litterarum contradictarum* revisited', *Forschungen zur Reichs-, Papst- und Landesgeschichte* 1.412–415.

308. See below nn. 339–342 (procuratores ad agendum et defendendum) and above n. 217 (cursores).

309. A list of the chamberlains of the twelfth and thirteenth centuries is in Rusch, *Die Behörden und Hofbeamten* 138–141.

310. The best survey of the camera is Rusch, *Die Behörden und Hofbeamten* 20–38; Maurice Michaud, 'Chambre apostolique', DDC 3.388–431. Beyond the literature in n. 85 above, see also Adolf Gottlob, *Aus der camera apostolica des 15. Jahrhunderts: Ein Beitrag zur Geschichte des päpstlichen Finanzwesens und des endenden Mittelalters* (Innsbruck 1889).

311. Rusch, *Die Behörden und Hofbeamten* 28; 'court ordinance' from 1306, in Frutaz, 'La famiglia pontificia' 284–288. On the information about the 'camera' given in the lists of payments, it must be remembered that the 'camera' partly covered its costs out of its own income.

312. Rusch, *Die Behörden und Hofbeamten* 31; Gerd Tellenbach, 'Beiträge zur kurialen Verwal-

pared with the chamberlains of the twelfth century (see above), the chamberlain of the thirteenth century had gained further functions,³¹³ which were increasingly delegated to other officials. He now was head of the whole of curial administration, he decided disputes between departments over competences, and he was the principal of all curials, if they had no other. His jurisdiction gradually extended beyond the papal familia to all curials and 'curiam sequentes', insofar as they were clerics. Further, as the representative of the pope, the chamberlain was Lord of the Papal States. He thus became the supreme official at the papal court.

Supporting the chamberlain in the camera in a stricter sense were the clerics of the camera, who also represented him on occasion—in particular, they dealt with the correspondence of the camera, were responsible for bookkeeping and dealing with ban, and by the fourteenth century at the latest they took down the proceedings in the consistory (see below). In addition, there were two treasurers who had control over the treasury from the thirteenth century on;³¹⁴ the treasury, which had also once been considered part of the papal chapel, gradually became the central cash-box of the camera.³¹⁵

A division of its own within the camera was the cameral court, headed by the cameral judge³¹⁶ as the sole judge. It was the court competent for the possessions and rights of the Romana ecclesia. The cameral judge represented the chamberlain in his function as judge over the curials and curiam sequentes. From the time of Nicholas III (1277–1280), the 'procurator Romanae ecclesiae' or 'procurator fiscalis' belonged to the cameral court. He was a sort of 'prosecutor for the crown' of the Roman church, who also represented the rights of the curials ex officio. At the end of the thirteenth century, there were cameral advocates proper, who represented the 'camera' before other courts and served as its legal advisors.³¹⁷

The higher officials of the 'camera' (domini de camera) assembled for common consultation under the presidency of the chamberlain, and occa-

tungsgeschichte im 14. Jahrhundert: Camera papae', QF 24 (1932–1933) 150–187, esp. 150–151; reprinted in Tellenbach, *Ausgewählte Abhandlungen und Aufsätze* 1.144–181, esp. 144–145.

313. There is no satisfactory study of the development of the office of chamberlain.

314. Which also included the archive as well as the rich library of the popes; see Franz Ehrle, *Historia Bibliothecae Romanorum Pontificum tum Bonifatianae tum Avenionensis* (Biblioteca dell'Accademia storicogiuridica 7; Rome 1890).

315. Rusch, *Die Behörden und Hofbeamten* 35.

316. Emil Göller, 'Der Gerichtshof der päpstlichen Kammer und die Entstehung des Amtes des procurator fiscalis im kirchlichen Prozeßverfahren', AKKR 94 (1914) 605–19; Guillaume Mollet, 'Contribution à la Chambre apostolique au XIVe siècle', RIE 45 (1950) 82–94; Daniel Williams, 'Summary Justice in the Avignones Camera', *Proceedings Berkeley* 1980 437–450.

317. 'Court ordinance' from 1306 in Frutaz, 'La famiglia pontificia' § 36, 305 (see above n. 201).

sionally formed a jurisdictional body to settle legal questions. (This body must not be confused with the cameral court!)³¹⁸

These persons were papal chaplains and also belonged to the closer papal familia. On the other hand, the other persons active in the camera were only *officiales*, without the status of a *familiaris*. This was the case with the notaries of the camera, who took down the proceedings of the camera and of the cameral court, kept the books, dispatched the correspondence, etc.³¹⁹ The cameral bankers were firmly accredited to the camera, representing particular Italian banks;³²⁰ they mainly transferred the money gathered by the collectors to the curia.

The *Sacra Poenitentiaría*

The penitentiary³²¹ was a kind of juridical court for matters of conscience (*forum conscientiae*) as well as a court of grace (*forum gratiae*). The development of the doctrine of the plenitude of papal power in the twelfth century made it necessary to establish the penitentiary. Its primary competence was absolution of those sins and ecclesiastical censures that were now reserved to the pope ('reserved cases'), the concession of indulgences and letters of confession, and dispensation from ecclesiastical laws.

While the popes in the twelfth century had delegated such matters to individual cardinals on a case-by-case basis, under Innocent III the practice developed of appointing to the charge of great penitentiary (*poenitentiarius domini papae*) a cardinal, who often was a monk.³²² In the thir-

318. See Gottlob, *Aus der camera* 117–118.

319. See Norbert Kamp, 'Una fonte poco nota sul conclave del 1268–1271: I protocolli del notaio Basso della Camera apostolica', *Atti del Convegno di studio VII Centenario del 1° conclave (1268–1271)* (Viterbo 1975) 62–68; Stephan Reinke, *Kurie - Kammer - Kollektoren: Die Magister Albertus de Parma und Sinitius als päpstliche Kuriale und Nuntien im 13. Jahrhundert* (Regesta Imperii; Beihefte: Forschungen zur Kaiser- und Papstgeschichte des Mittelalters 30; Cologne 2011).

320. Édouard Jordan, *De mercatoribus Camerae apostolicae saeculi XIII* (Rennes 1909); Lunt, *Financial Relations* 1.599–603; Bruno Dini, 'I mercanti-banchieri e la sede apostolica (XIII—prima metà del XIV secolo)', *Gli spazi economici della chiesa nell'occidente (secoli XII—metà XIV)* (Centro Italiano di Studi di Storia e d'Arte 16; Pistoia 1999) 43–62; also in Dini, *Manifattura, commercio e banca nella Firenze medievale* (Florence 2001) 67–81. For the beginning of the thirteenth century, see Marco Vendittelli, 'Mercanti romani del primo Duecento "in Urbe potentes"', *Roma nei secoli XIII–XIV: Cinque saggi*, ed. É. Hubert (Rome 1993) 87–135; Maria Pia Alberzoni, 'I "mercatores romani" nel registro di Innocenzo III', *Le storie e la memoria: In onore di Arnold Esch* (Firenze 2002) 91–108. For the end, see Ivana Ait, 'I mercatores Camere Bonifacii pape octavi', *Dante e il Giubileo*, ed. E. Esposito (Città di Castello 2000) 55–68.

321. Fundamental for understanding the penitentiary are Göller, *Die päpstliche Pönitentiarie*; Rusch, *Die Behörden und Hofbeamten* 38–45; Andreas Meyer, 'Quellen zur Geschichte der päpstlichen Pönitentiarie aus Luccheser Imbreviaturen des 13. Jahrhunderts', *Päpste, Pilger, Pönitentiarie* 317–351.

322. The lists of great penitentiaries in Göller, *Die päpstliche Pönitentiarie* 1.86–96, and in Filippo Tamburini, 'Per la storia dei cardinali penitenzieri maggiori e dell'archivio della penitenzieria apostolica: Il trattato "de antiquitate cardinalis poenitentiarum maioris" di G. B. Coccino († 1641)', *RSCI* 36 (1982) 322–380, esp. 359–380, are incomplete.

teenth century the tenure of the great penitentiary still terminated with the death of the pope. Unlike the chamberlain and vice-chancellor, the great penitentiary did not have a *domus* because of his office, but rather he supplemented his bureau with people from his court as a cardinal.

Besides the competences mentioned above, he was father confessor of all higher curials and *curiam sequentes*. His competences in *foro interno* and in *foro externo* were summarized and systematized in the course of the thirteenth century in 'faculties.' In the fourteenth century an auditor *poenitentiariae* assisted him with difficult cases.

A portion of the power of the great penitentiary was subdelegated to the 'poenitentarii minores'. They seem to have been another creation of Innocent III. They were part of the *familia papae*; it is probable that all penitentiaries were also chaplains. Since their primary task was hearing the confessions of penitential pilgrims, the offices were given almost exclusively to monks, particularly mendicants who had developed a new concept of the sacrament of confession and practiced it. Because of the various linguistic skills required, they came from all parts of Christendom, making the penitentiary the sole 'department' of the curia, which was always truly international. Like the chancery notaries, they were often used as 'nuntii'.³²³ They lived in a house of their own in a 'vita communis', and unlike any other 'bureau', they received their support from the almonry of the pope, not from the 'camera'. There were also several clerics to assist them in their tasks.

In the course of the thirteenth century, the penitentiary developed its own chancery. The procedure of issuing the 'litterae sacrae poenitentiariae'³²⁴ was much simpler than for the letters in the chancery, with a similar distinction between a simplified course for letters according to a fixed formula (*officium minus*), which were part of the responsibilities of the *poenitentarii minores*, and one for the more complicated ones (*officium maius*). To compose the latter, there were proctors also at the penitentiary, but no abbreviators. The engrossing was a monopoly of the scribes of the penitentiary, who—like the scribes in the chancery—took the examination and the distribution of some of their tasks into their own hands. Drawn from this college at a later time were the two *correctores*,³²⁵ who performed all corrections. The scribes of the penitentiary were organized according to the model of the scribes of the chancery.³²⁶

323. Elze, 'Kapelle' 180.

325. Schwarz, 'Der corrector' 187–190.

326. See 212.

324. Schwarz, *Schreiberkollegien* 115–125.

The Curial Courts

Like the other 'departments', the best-known curial court, the 'audientia sacri palatii', also called the Rota in the fourteenth century,³²⁷ emerged from the chapel. Besides the Rota, there was a series of other curial courts, whose competence was also clarified in the thirteenth century.³²⁸

The consistory was the competent court³²⁹ for all cases brought to the curia concerning the appointment to prelaties and other *causae maiores* (see above). The representatives who were admitted to the consistory,³³⁰ the consistorial advocates and proctors, had to be accredited in the chancery; they were subject to the disciplinary authority of the vice-chancellor, who played an important role in the proceedings. Chancery notaries, later cameral clerics,³³¹ kept the minutes. The consistory had to approve all petitions of importance.³³²

The cardinal courts,³³³ formed by individual cardinals, were increasingly given the same matters as the Rota. For the preparation of the proceedings, there were special auditors in the suites of the cardinals.³³⁴

327. Charles Lefebvre, 'Rote romaine', DDC 8.742-771; Gero Dolczalek, 'Audientia sacri palatii', JMA 1.1193-1194; Dolczalek, 'Rota', HRG 4.1318-1319. For the research on the medieval Rota, see Thomas Woelki, *Lodovico Pontano (ca. 1409-1439): Eine Juristenkarriere an Universität, Fürstenhof, Kurie und Konzil* (Education and Society 38; (Leiden-Boston 2011) 100-103; and Ferdinando Treggiari, 'Pontano, Ludovico', DGI 2.1615-1617.

328. A comprehensive investigation of the curial courts, though only of the Avignonese period, is offered by Guillaume Mollat, *Les papes d'Avignon (1305-1378)* (10th ed. Paris 1964) 482-494; see Bernard Guillemin, 'Les tribunaux de la cour pontificale d'Avignon', *L'Eglise et le droit dans le Midi (XIIIe-XIVe siècles)* (Cahiers de Fanjeaux 29; Toulouse 1994) 339-360.

329. Charles Lefebvre, 'La constitution "Properandum" et les avocats de la curie à la fin du XIII^e siècle', 1274: *Année charnière: Mutations et continuités* (Colloques internationales du Centre National de la Recherche Scientifique. Sciences humaines 558; Paris 1977) 525-531. On the material dealt with in the consistory, see Tangl, *Die päpstlichen Kanzleiordnungen* 119, 122, § 3 and 21.

330. Thorough information on the representatives of parties is contained in the constitution 'Properandum' of 4 June 1274; Norman P. Tanner, *Decrees of the Ecumenical Councils* (2 vols. Washington D.C. 1990) 1.324 c.19 COD 2.1, p. 317-322, c.9, which was modified by the constitution 'Decens et necessarium' of Benedict XII of October 27, 1340 for the consistory and the cardinals' judicial courts; Tangl, *Die päpstlichen Kanzleiordnungen* 118-124. One may doubt whether these had the desired outcome. The consistorial advocates had a loosely collegial organization at an early date. This was foreshadowed in the constitution of Benedict XII. See Schwarz, *Kurienuniversität und stadtromische Universität* 404-412.

331. The history of the consistory has not been investigated. See Tellenbach, 'Beiträge zur kurialen Verwaltungsgeschichte' 155-161, reprinted in Tellenbach, *Ausgewählte Abhandlungen und Aufsätze* 1.149-155; and Helmut Schröder, 'Die Protokollbücher der päpstlichen Kammerkleriker 1329-1347', *Archiv für Kulturgeschichte* 27 (1937) 121-286.

332. In the dispatch of consistorial letters, the conditions of the twelfth and thirteenth centuries continued into the fifteenth century. The chancery notaries had the right to abbreviate these letters, and the corrector had the right of correction; see Schwarz, 'Der corrector' 157-158; Zutshi, 'The Office of Notary' 671-676.

333. Maleczek, 'Kardinäle von 1143 bis 1216', *Geschichte des Kardinalats* 137-139; and Fischer, 'Die Kardinäle von 1216 bis 1304' 180-181.

334. See above on the composition of cardinals' courts.

From the end of the thirteenth century, there was a 'iudex appellatio-num'³³⁵ who served as a court of appeal for the courts of the Papal States.

The marshal of the curia in the thirteenth century had jurisdiction³³⁶ over almost all curials and curiam sequentes who were laymen,³³⁷ he was also the commander of the papal troops in Rome and in the Papal States³³⁸ as well as chief of the watch and security personnel of the curia.

Further, one has to mention the various 'iudicaturae', sessions of the responsible members of all departments dealing with the issuing of documents (the chancery, the penitentiary, the camera, and the consistory) as courts, where the documents were checked for their usus curiae and the stilus of each particular department before they were dispatched. (In the chancery a letter had to pass a iudicatura several times.)

On the cameral court and the court of the camera, and on the 'audientia litterarum contradictarum', see above.

The Proctors

Representatives of parties who had vastly different responsibilities and status are designated by the terms 'procuratores', 'sollicitatores', and such-like in the sources.³³⁹

The *procuratores ad impetrandum*

As early as the end of the twelfth century, petitioners thought it necessary to make use of the expertise of curials to get their request impetrated and their letters issued.³⁴⁰ It was only with Innocent III, however, that pe-

335. Competent for penal jurisdiction, he, like the curial marshal, was a layman. Benedict XII also introduced a court for civil pleas; Rusch, *Die Behörden und Hofbeamten* 61-62.

336. Rusch, *Die Behörden und Hofbeamten* 59. Armand Jamme, 'Formes dissociées ou polyvalence de l'office curial: La cité du pape et le maréchal du siège apostolique (XIII^e-XV^e siècle)', *Offices, écrit et papauté (XIII^e-XVIII^e siècle)*, ed. A. Jamme and O. Poncet (Collection de l'École Française de Rome 386; Rome 2007) 313-392.

337. The reorganization of Benedict XII in 1336 was a turning point in the history of this office; see Bernhard Schimmelpfennig, *Zisterziensensiedel und Kirchenreform: Benedikt XII. (1334-42) als Reformpapst* (Zisterzienser-Studien 3; Berlin 1976) 11-43, esp. 24.

338. On this, see Daniel Waley, *The Papal State in the Thirteenth Century* (London 1961).

339. Fundamental is Winfried Stelzer, 'Beiträge zur Geschichte der Kurioprokuratoren im 13. Jahrhundert', *AI-IP* 8 (1970) 113-138; Herde, *Beiträge* 125-133; Jane Sayers, 'Canterbury Proctors at the Court of the Audientia litterarum contradictarum', *Traditio* 22 (1966) 311-345; Stelzer, 'Proctors representing British Interests at the Papal Court, 1198-1415', *Proceedings Strasbourg 1968*, 143-163; Peter Linehan, 'Proctors representing Spanish Interests at the Papal Court, 1216-1303', *AHP* 17 (1979) 69-123; Linehan, 'Spanish Litigants and Their Agents at the Thirteenth-Century Papal Curia', *Proceedings Salamanca 1976* 487-501. On the various types of proctors, see Zutshi, 'Petitioners, Popes, Proctors' 279-283. On the world of the proctors in the thirteenth century, see Brentano, *Two Churches* 20-29.

340. On the *procuratores ad impetrandum* see Rudolf von Heckel, 'Das Aufkommen der ständigen Prokuratoren an der päpstlichen Kurie im 13. Jahrhundert', *Miscellanea Francesco Ehrle* (Studi e testi 8; Vatican City 1924) 2.290-321; Herde, *Beiträge* 125-129; Winfried Stelzer, 'Die Anfänge der Petentenvertretung an der päpstlichen Kurie unter Innozenz III.', *Annali della Scuola Speciale per Archivistici e Bibliotecari dell'Università di Roma* 12 (1972) 130-139.

tioners were allowed to be represented. From that time on, there were 'resident proctors' as a professional estate who took on such commissions, alongside those proctors who were sent to the curia by parties (*procuratores principales*) but who were also glad to make use of the help of the professional proctors practicing there. In addition, there were certain curials, particularly from the chancery, who offered this and other services as a sideline.³⁴¹ Prosopographical studies of the professional '*procuratores ad impetrandum*' are possible, because they had to endorse their names on the back of letters entrusted to them.³⁴² Among them, one group gradually specialized in the '*audientia litterarum contradictarum*', obtaining a monopoly and developing on its own as a curial college.

The *procuratores ad agendum et defendendum*

Besides the representatives mentioned above in the chanceries of the curia, there were also a great number of proctors who represented parties before the various courts (the two functions not being mutually exclusive). Unlike the advocates, the proctors in the courts never managed to establish a permanent monopoly.

Curials and Others as Permanent Representatives of Parties

Many parties gave proctors a permanent commission and 'supported' curials³⁴³ so that they would watch over their interests. They provided their representatives with general powers of attorney which would enable them to act on their client's/principal's behalf wherever necessary. Special proctors general were maintained by religious orders, by some princes, and by cities. The reports of these proctors general from the curia, as well as the accounts of other '*procuratores*'³⁴⁴ of this sort are among the

341. These might be the discharging of sums, giving bail, procuring witnesses, protesting before or laying claims at a court, brokerage of benefices, recommending proctors and supervizing them, helping in formulation, advising on the best way to operate tactically, etc. In addition there was the gathering of current information and its transmission (such as on benefices vacant at the curia); see above n. 239.

342. See the lists of the volumes that have appeared in the series *Index actorum Romanorum pontificum ab Innocentio III ad Martinum V electum*. A survey in Frenz, *Papsturkunden* § 170, and Schwarz, 'Die Erforschung'; see above n. 1.

343. On cardinal protectors, see n. 255 above.

344. Famous are the *Acta Avagonensia*; the reports of Andreas Sapiti (*Il registro di Andrea Sapiti, procuratore alla curia avignone*, ed. Barbara Bombi [Ricerche dell'Istituto Storico Germanico di Roma 1; Rome 2007]); the reports and litigation acts of the Hamburg trial of 1338-1355 (*Rat und Domkapitel von Hamburg um die Mitte des 14. Jahrhunderts*, ed. R. Salomon and J. Reetz [Veröffentlichungen des Staatsarchivs der Freien und Hansestadt Hamburg 9, 1-3; Hamburg 1968, 1975, 1980]; *Die Rechnungsbücher der hamburgischen Gesandten in Avignon 1338-1355*, ed. Th. Schrader [Hamburg-Leipzig 1907]; *Das Formelbuch des Heinrich Bucglant: An die päpstliche Kurie in Avignon gerichtete Suppliken aus der ersten Hälfte des 14. Jahrhunderts*, ed. J. Schwalm [Hamburg 1910]); as well as the records edited by Kurt Forstreuter, *Berichte der Generalprokuratoren des Deutschen Ordens an der Kurie*, 1: *Die Geschichte der Generalprokuratoren von den Anfängen bis 1403* (Veröffentlichungen der Nieder-

most important sources for curial history. In the later Middle Ages, these proctors general developed into diplomatic representatives³⁴⁵ of individual powers at the curia.

The Curials in the Broader Sense

In comparison with the twelfth century, the number of curiam sequentes continued to grow dramatically. In addition to the judicial personnel mentioned above (proctors, advocates, notaries), whose number had also increased, and to visitors of the curia,³⁴⁶ there were also (1) prelates who could not reside at their churches, particularly the large number of expelled missionary bishops,³⁴⁷ (2) lecturers and students of the curial university,³⁴⁸ (3) the (itinerant) convents of the proctors general including a *studium curiae* of the great mendicant orders,³⁴⁹ and (4) the court suppliers, the bankers, traders and craftsmen who had exclusive contracts with the curia and travelled with it.³⁵⁰ At the end of the thirteenth century, the curia had grown so large that the number of curials and Romanam curiam sequentes amounted to more than 1000 persons.³⁵¹

Maintenance and Status of Curials

Maintenance of Curials Only members of the papal familia had a claim on being housed, fed, and even to some degree clothed by the camera.³⁵²

sächsischen Archivverwaltung 12; Göttingen 1961). On further reports, letters and other material from the curia, see the bibliography in Guillemain, *La cour pontificale* 14–15, and n. 238 above.

345. See Heinrich Finke, 'Gesandtschaftswesen und diplomatische Berichte z. Z. Jaymes II.', *Acta Aragonensia* 1.cxxiii–clxxvi.

346. See 178.

347. See Bernard Guillemain, 'Le personnel de la cour de Clément V', *Mélanges d'archéologie et d'histoire* 63 (1951) 139–181, esp. 178. These prelates earned extra income to support themselves at the curia by granting indulgences; Christopher R. Cheney, 'Illustrated Collective Indulgences from Avignon', *Paleografica diplomatica et Archivistica* 353–373, esp. 356–357, reprinted in *The Papacy and England, 12th–14th centuries: Historical and Legal Studies* (Variorum reprints. Collected Studies 154; London 1982) no. XVI; Alexander Seibold, *Sammelindulgenzen: Ablafurkunden des Spätmittelalters und der Frühneuzeit* (Archiv für Diplomatik, Beiheft 8; Cologne-Weimar-Vienna 2001) 207–216.

348. Innocent IV founded the university of the Roman curia, and Boniface VIII reorganized it completely; see Agostino Paravicini Bagliani, 'La fondazione dello "Studium Curiae": Una rilettura critica', *Luoghi e metodi di insegnamento nell'Italia medioevale (secoli XII–XIV)*, ed. Luciano Gargan and O. Limone (Galatina 1989) 57–81; reprinted in Paravicini, *Medicina e scienze della natura alla corte dei papi nel Duecento* (Biblioteca di 'Medioevo latino' 4; Spoleto 1991) 363–390; Brigide Schwarz, 'Die beiden römischen Universitäten: Das *studium Romanae curiae* und das *studium Urbis* (14. und 15. Jahrhundert)', *Über Mobilität von Studenten und Gelehrten zwischen dem Reich und Italien (1400–1600): Della mobilità degli studiosi e eruditi fra il regno e l'Italia (1400–1600)*, ed. S. Andresen and R.C. Schwinges (Repertorium Academicum Germanicum [RAG]—Forschungen 1; Zürich 2011, e-book) 141–161; Schwarz, *Kurienuniversität und stadtromische Universität* 80–87.

349. Schwarz, *Kurienuniversität und stadtromische Universität* 351–363.

350. 'Court ordinance' from 1306 in Frutaz, 'La famiglia pontificia' § 19–22, 51, pp. 296, 311.

351. Paravicini Bagliani, 'Il personale' 403.

352. Sometimes the pope's care extended even further, as in the case of illness or feast days; see Baethgen, 'Quellen und Untersuchungen' 146.

Procuring these goods and distributing them in rations (called the 'vadia') depending on the rank of the familiars was the principal task of the court offices;³⁵³ in Avignon these supplies were replaced by monetary payments.³⁵⁴ The expenses for familiars constituted the largest item of the papal budget in the thirteenth century.³⁵⁵

As at other courts, the curials, from the pope through the cardinals and down to the last 'serviens', were also financed by 'gifts' presented by petitioners, who thus showed their recognition of favors obtained or their expectation to obtain them. This, as long as it remained within customary limits and followed certain forms, did not offend contemporaries, but was seen on the contrary as a right of curials. We have evidence for gifts being rejected as not honorable enough, either for the giver or the receiver.³⁵⁶ Petitioners competed in their exercise of the high art of promoting one's own cause (or the cause of a client) through a gift well-chosen and well-placed with curials regarded as influential. (Only those who lost in the competition or zealots called this practice 'venality'.)³⁵⁷ Valuable gifts, pensions, and other advantages could fall to the highly placed or those who had 'access to the wielder of power'. Complaints were directed particularly against the attempts of such persons at extortion.³⁵⁸

Besides these 'free' gifts, there were also, on certain occasions, gratuities, which had become fixed fees: 'presbyteria',³⁵⁹ 'servitia minuta',³⁶⁰ 'sa-

353. It is to this fact that we owe the court ordinances from 1278 and from 1306, mentioned above (n. 200). See for the fourteenth century, Schäfer, *Ausgaben* 1.544-602, 603-620. The higher placed familiars needed higher 'vadia' to support their own 'familia'. By no means small compensation for persons in court offices were the waste products from their work, such as hides or hair. A graphic illustration of this is in the court ordinance from 1306 (Frutaz, 'La famiglia pontificia').

354. Weiß, *Die Versorgung des päpstlichen Hofes* 76-77.

355. Baethgen, 'Quellen und Untersuchungen' 128.

356. Lunt, *Financial Relations* 1:180-181; Emmy Heller, 'Der kuriale Geschäftsgang in den Briefen des Thomas von Capua', *Archiv für Urkundenforschung* 13 (1935) 198-318, esp. 234-238.

357. There is a long literary tradition of satire/invective on the corruption of the curia as part of the criticism of Rome; see Josef Benzinger, *Invectiva in Romam: Romkritik im Mittelalter vom 9. bis zum 12. Jahrhundert* (Historische Studien 404; Lübeck 1968); Helga Schüppert, *Kirchenkritik in der lateinischen Lyrik des 12. und 13. Jahrhunderts* (Medium aevum 23; Munich 1972) 75-90; John A. Yunck, *The Lineage of Lady Meed: The Development of Medieval Venality-Satire* (Publications in Medieval Studies 17; Notre Dame 1963) 85-117; Thomas Haye, *Päpste und Poeten: Die mittelalterliche Kurie als Objekt und Förderer panegyrischer Dichtung* (Berlin 2009) 81-84, 210-218.

358. See above n. 219.

359. Monetary gifts of the pope to curials and other clerics at high festivals (Schimmelpfennig, *Zeremonienbücher* 381). The 'liberalitas' of individual popes on these occasions is stressed in the *Liber censuum*, in Johannes B. Säg Müller, *Die Thätigkeit und Stellung der Cardinäle bis Bonifaz VIII.* (Freiburg im Breisgau 1896) 186-187.

360. The lively discussion on the 'servitia minuta' see Karl Henrik Karlsson, 'Die Berechnungsart der servitia minuta', *MÖG* 18 (1897) 582-587; Adolf Gottlob, *Die Servitientaxe im 13. Jahrhundert: Eine Studie zur Geschichte des päpstlichen Gebührenwesens* (Kirchenrechtliche Abhandlungen 2; Stuttgart 1903; reprinted Amsterdam 1962) 101-118; Clergeac, *La curie et les bénéfices consistoriaux*, was finished by Emil Göller, in his "Introduction" to *Die Einnahmen Johannes XXII.*, ed. Göller

cra' and the like.³⁶¹ The circle of those entitled to receive such gratuities was determined early. They were usually distributed within the group of functionaries according to a set formula. The primary reason why these groups organized as colleges with a common purse was to collect and distribute these incomes.

Since the repeated attempts of the popes to support their curials as befitted their station by asking the churches to grant them certain prebends³⁶² were rejected by the churches—in one instance with the significant explanation that the prevailing system, through which one could cultivate 'friends' at the curia, was preferred³⁶³—the popes set about exploiting these means of support through subterfuge, so to speak. At first the popes 'recommended' to certain churches the provision of a client (or granted 'expectatives' on the next open position) and increasingly turned this recommendation into a command. The papal claim to the prerogative to dispense prebends was successfully realized by the general reservation of benefices, that is, when benefices became vacant for specific reasons (such as death at the curia, the death of a curial, entering a monastery, etc.) or special reservation, as when the pope reserved to himself the appointment to a particular benefice on the grounds of the 'best of that particular church', suspending the normal collation 'hac vice'.³⁶⁴ Benefices

(Vatikanische Quellen zur Geschichte der päpstlichen Hof- und Finanzverwaltung 1; Paderborn 1910) 47^{*}–52^{*}.

361. On the 'sacra', that is, acquittal from spoliation, see Schimmelpfennig, *Zeremonienbücher* 196–197. In the course of the fourteenth and fifteenth centuries, other fees were added, in which the various groups of officials had various shares: 'pallia' (Clergeac, *La curie et les bénéfices consistoriaux* 208–213); 'jocalia' on being nominated (to honorary chaplain, for example), on being sworn in, on receiving honors, etc.

362. Hermann Baier, *Päpstliche Provisionen für niedere Pfründen bis zum Jahre, 1304* (Vorreformationsgeschichtliche Studien 7; Münster in Westfalen 1911); Sigrid Seifert, 'Die Provisionen für niedere Pfründen an Mitglieder der Kurie im 13. Jahrhundert' (PhD diss., Berlin 1945); Geoffrey Barraclough, *Papal Provisions: Aspects of Church History, Constitutional, Legal, and Administrative in the Later Middle Ages* (Oxford 1935, reprinted 1971). Prerogatives for 'familiales' of cardinals in the acquisition of benefices were regulated in the papal chancery rules; see Andreas Meyer, *Päpstliche Kanzleiregeln* passim.

363. Junt, *Financial Relations* 1.178–186. There were protests that the system of 'papal benefices' at the local churches, as suggested by the popes, would lead to the permanent installation of papal collectors, resulting in additional costs and a disturbance of the traditional order.

364. A good survey of the development of the papal rights of benefice is in Andreas Meyer, *Zürich und Rom: Ordentliche Kollatur und päpstliche Provisionen am Frau- und Grossmünster 1316–1523* (BDH 64; Tübingen 1986) 25–49; Kerstin Hitzbleck, *Exekutoren: Die außerordentliche Kollatur von Benefizien im Pontifikat Johannes' XXII. (Spätmittelalter, Humanismus und Reformation 48; Tübingen 2009)*. On the difficulties of making a papal provision work, see Hitzbleck, 'Veri et legitimi vicarii et procuratores: Beobachtungen zu Provisionswesen und Stellvertretung an der päpstlichen Kurie von Avignon', *QF* 86 (2006) 208–251. On the use made of papal provisions in a region, see Brigitte Hotz, *Päpstliche Stellenvergabe am Konstanzer Domkapitel: Die avignoneseische Periode (1316–1378) und die Domherrengemeinschaft beim Übergang zum Schisma 1378* (Vorträge und Forschungen, Sonderband 49; Ostfildern 2005).

only became the principal source of income for the majority of curials in the Avignonese period.³⁶⁵

A relevant number of the *officiales*, such as the notaries in the courts, the scribes in the chancery and penitentiary, etc., were entitled to 'sportula' (fees). The popes from Innocent III introduced fixed rates in almost all *officia* for each individual act. Since these rates, like all medieval fixed amounts, were regarded as unchangable, (moderate) violations by the invention of new incidental fees were tolerated. It was regarded as a matter of course that one had to promote the activity of every *officialis* as well as the quality and speed of his work by giving tips—which was a part of the know-how of the proctors.

The Status of Curials

All members of the familia of the pope, of *grandees*, or of other curials were regarded as curials. Further, officeholders (*officiales*), that is, all those who took an oath of office, were also curials.³⁶⁶ Curials were exempt from spiritual and secular jurisdiction,³⁶⁷ which applied both to their person and to their *benefices in partibus*. The extent to which this immunity applied to the 'curiam sequentes' was gradually clarified by curial jurisprudence.³⁶⁸ Obviously for this purpose, in the Avignonese period lists of curials were kept in the camera and with the marshal of justice. (On the juridical status of curials at the curia, see below.) All curials were obliged to follow the curia when it moved.³⁶⁹ If they wanted to depart from the curia they needed a 'leave'. On the death of curials, their *benefices* were

365. In the thirteenth century the higher-ranking secular curials were compensated with fiefs and leaseholds; Baethgen, 'Quellen und Untersuchungen' 143–144.

366. On the oath register in the camera, see Oskar F. von Mitis, 'Curiale Eidregister: Zwei Amtsbücher aus der Kammer Martins V.' *MIÖG*, Supplemental vol. 6 (1901) 413–448, which also deals with earlier registers.

367. There are various papal constitutions on this: Boniface VIII, *Presenti* VI 3.4.34; John XXII, *Cum Matheus* of December 21, 1327, *Extrav. comm.* 5.4.3; Benedict XII, *Olim nonnulli Romani, Vitae Paparum Avenionensium* [1305–1394], ed. Stephanus Baluzius (new edition by Guillaume Moilat [Paris 1921] 3.483–486); expanded by Clement VI to even more 'familiares et officiales' in *Dudum felicis recordationis* of August 1, 1349, edited by Tellenbach, 'Beiträge' 180–181, reprinted *Ausgewählte Abhandlungen und Aufsätze* 1.174–175; repealed by Innocent VI, see Tangl, *Die päpstlichen Kanzleiordnungen* 126; expanded and systematized by Eugenius IV, *Divina in eminenti* of March 8, 1432, *Bullarium Romanum Editio Taurinensis* 5 (Turin 1860), no. 5, pp. 10–11. One could also be banned from the curia, which was a penalty inflicted by curial courts; see e.g. Göller, 'Kriminaljustiz' 192.

368. *Regulae Cancellariae Apostolicae: Die päpstlichen Kanzleiregeln von Johannes XXII. bis Nikolaus V.* ed. Emil von Otenthal, (Innsbruck 1888, reprinted Aalen 1968), Martin V. § 125, 217–218; see also Meyer, *Päpstliche Kanzleiregeln*; everyone who spent six uninterrupted months at the curia was a 'curialis' in the broader sense; see Christiane Schuchard, *Die Deutschen an der päpstlichen Kurie im späten Mittelalter (1378–1447)* (BDH 65; Tübingen 1987) 42–43; Guillemin, *La cour pontificale* 561–591, 653–673.

369. Schäfer, *Ausgaben* 3.33; otherwise they risked their positions.

reserved to the pope, which meant reappointment to them 'hac vice'. Their estates also fell to the pope.³⁷⁰

The curia distinguished two categories of 'officiales', as can be seen from their oath of office. The upper ranks swore comprehensive loyalty to the Holy See as well as correct administration of office³⁷¹ (a 'civil servant's' oath), while the others, such as the scribes, abbreviators, advocates, proctors and notaries accredited to the Rota as well as to the 'audientia litterarum contradictarum', only swore the latter.³⁷² The 'civil servant's' oath was also sworn by the honorary curials, by 'external' chaplains and familiars, and increasingly also by the nominal bearers of high-ranking offices such as chancery notaries and cubiculars.³⁷³

As shown above, all those papal familiars and curials as well as 'curiam sequentes' who were clerics were subject to the jurisdiction of the chamberlain,³⁷⁴ with the exception of those directly subject to the pope.³⁷⁵ The laymen, on the other hand, in most cases were under the jurisdiction of the marshal of the curia. In principle, the chamberlain was also the superior of all officiales, so long as no other regulation existed for their service (see above).

This jurisdictional exemption was the curials' most important privilege. Further privileges were assistance in finding quarters, reduced rents—where quarters were not provided free of charge anyway—and the duty-free purchase of goods. Prerogatives concerning acquiring and keeping benefices, such as the dispensation from the obligation to reside at the site of the benefice, became increasingly important for the clerics among the curials in the fourteenth and fifteenth centuries, the golden age of the benefice market.

370. See the criticism by Andreas Meyer of Daniel Williman, *The Right of Spoil of the Popes of Avignon 1316–1415* (Transactions of the American Philosophical Society 78, 6; Philadelphia 1988), in 'Das päpstliche Spolienrecht im Spätmittelalter und die licentia testandi: Anmerkungen zu einer Neuerscheinung', *ZRG Kan. Abt. 77* (1991) 399–405, esp. 403: this is not a further unwarranted presumption on the part of the popes, as Williman believes, but rather a measure to secure the portion of the deceased's estate derived from the curial office.

371. In the chancerybook oaths are preserved for the vice-chancellor, the corrector, the chancery notaries, the Rota judges, the penitentiaries, the secretaries, and the *custos cancellariae*; Schwarz, *Schreiberkollegien* 72.

372. These were sworn in anew every year. The familiars of the vice-chancellor and the charges of the two scribal colleges also gave an oath of service; Schwarz, *Schreiberkollegien* 72–73.

373. Children are not infrequently mentioned among the higher personnel; see Schäfer, *Ausgaben* 3.ix–x.

374. The papal palace in Avignon naturally had a prison, under the superintendence of the chamberlain; Göller, *Kriminaljustiz*.

375. Rusch, *Die Behörden und Hofbeamten* 56.

The Social Networks of Curials

The Recruitment of Curials

Accomplishment and formal qualifications were certainly important for a curial career, but a determining factor was protection by influential patrons.³⁷⁶ This can be seen by the regional origin of curials, which is documented best in the sources: from the twelfth century, most curials no longer had Roman origins. Insofar as we can say anything (for the cardinals, chaplains, and the chancery personnel) they came primarily from Italy in the twelfth and thirteenth centuries,³⁷⁷ while in this period, as later in Avignon, the familiars of the cardinals and other grandees were already recruited from the whole of Europe.³⁷⁸ The advocates and permanent proctors were almost exclusively Italians. In contrast, the benefices of the higher curials were increasingly not situated in the regions they came from or in which they had influence, but rather in regions of 'fat' benefices: France, south-eastern England, and northwest Germany.³⁷⁹

The offices at the curia were always avidly sought. Except for those offices held by his familiars, the pope filled few offices himself; the others were filled by the heads of departments. These department heads and other protectors strove to win further positions for their clients, while lower-ranking curials tried to bring in their own 'friends' ('roped teams'). The social networks surrounding the curia developed into complex patterns. The most common ones were those constituted by compatriots,³⁸⁰ while the most important ones in the thirteenth century were blocks formed by Roman noble clans.³⁸¹

To be accepted in the higher ranks of curials in the eleventh and twelfth centuries, it helped to belong to reform orders or houses, and from the

376. Wolfgang Reinhard, 'Urkunft und Karriere der Päpste 1417-1963: Beiträge zu einer historischen Soziologie der römischen Kurie', *Mededelingen van het Nederlands Instituut te Rome* 38 (1976) 87-108.

377. Paravicini Bagliani, 'Il personale' 402, with literature on individual regions. On the cardinals, see 186; on the chaplains, see 200. In the second half of the thirteenth century, there were surprising differences among chancery personnel as to origin, the benefices they held, and career, between the "upper class" of the chancery and the scribes; the latter were recruited primarily from the Papal States; Nüske, 'Untersuchungen über das Personal' part 2.

378. See the works of Paravicini Bagliani.

379. See Nüske, 'Untersuchungen über das Personal' 2.405-408, for the higher chancery personnel.

380. These groups could become dominating: 'landsmanschaftliche Blockbildung' is the term used by Arnold Esch, 'Das Papsttum unter der Herrschaft der Neapolitaner: Die führende Gruppe Neapolitaner Familien an der Kurie während des Schismas 1378-1415', *Festschrift für Hermann Heimpel zum 70. Geburtstag am 19. September 1971* (3 vols. Veröffentlichungen des Max-Planck-Instituts für Geschichte 36; Göttingen 1972) 2.798.

381. Brentano, *Rome 174-209*; Paravicini Bagliani, 'Il personale' 403.

end of the twelfth century it helped increasingly to have an education, particularly legal training.³⁸²

The Connections between the Curia and the Periphery through the Curials

A systematic study of the social network of curials only exists for the fifteenth century.³⁸³ For the earlier period, there are only case studies on the connections of particular churches or regions with the curia, and more are in the making.³⁸⁴ Still, some trends can be recognised: Curials only spent a part of their lives at the curia. They brought with them their social ties: their social and regional origins, the contacts they had made at the churches and the other institutions (particularly orders and schools) to which they belonged. On the other hand, they could use relationships formed at the curia (see above on the proctors) to make a career or to gain a living for themselves in partibus, even when they had finally left the curia. Their most pressing interest was to obtain an endowment of benefices they considered suitable to their station.³⁸⁵ Since this acquisition took place according to set social rules and is documented best, it offers the best opportunity for an investigation of the social networking of curials. Via these networks, interested parties came into contact with the curia and transacted their business through them.

Nepotism was a feature of networking with its own very particular characteristics. The promotion of relatives³⁸⁶ was a necessity for every

382. This was recognized early by the great Roman families, who accordingly sent their sons to the centers of education to be trained; Paravicini Bagliani, 'Il personale' 406. Cf. Peter Classen, 'La Curia romana e le scuole di Francia nel secolo XIII', *Le istituzioni ecclesiastiche della 'societas christiana' dei secoli XI-XII* 432-436.

383. Schuchard, *Die Deutschen an der päpstlichen Kurie*, continued in Schuchard, 'Deutsche an der päpstlichen Kurie im 15. und frühen 16. Jahrhundert', RQ 86 (1991) 78-97. Guillemain, *La cour pontificale*, barely investigates this aspect.

384. Exemplary is Charles McCurry, "'Utilia Metensia': Local Benefices for the Papal Curia, 1212-ca. 1370', *Law, Church and Society: Essays in Honor of Stephan Kuttner* (Philadelphia 1977) 311-323; Gerhard Fouquet, *Das Speyerer Domkapitel im späten Mittelalter (ca. 1350-1540): Adelige Freundschaft, fürstliche Patronage und päpstliche Klientel* (2 vols. Quellen und Abhandlungen zur mittelrheinischen Kirchengeschichte 57; Mainz 1987). See Rehberg, *Kirche und Macht*, and Rehberg, 'Familien aus Rom und die Colonna'; Gramsch, 'Kommunikation als Lebensform'; as well as Meyer, *Zürich und Rom* and Hotz, *Stellenvergabe*. On the curia as marketplace for German benefices and curial networking, see Brigide Schwarz, 'Römische Kurie und Pfründenmarkt im Spätmittelalter', *Zeitschrift für historische Forschung* 20 (1993) 129-152, esp. 130, 133 and n. 21; Schwartz, 'Das Repertorium Germanicum: Eine Einführung', *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 90 (2003) 429-440, esp. 436-439 with bibliography.

385. On the possession of benefices by chancery personnel, see Nüske, 'Untersuchungen über das Personal' 2.405-408, 426-427; and especially Barbiche, 'Scriptores'.

386. Wolfgang Reinhard, 'Nepotismus: Der Funktionswandel einer papstgeschichtlichen Konstante', ZKG 86 (1975) 145-185; Reinhard, 'Papa pius: Prolegomena zu einer Sozialgeschichte des Papsttums', *Von Konstanz nach Trient: Beiträge zur Geschichte der Kirche von den Reformkonzilien bis*

pope who wished to exercise effective rule, for the institutional structure of the church was still relatively loose. Rule was still founded on personal ties.³⁸⁷ And family bonds constituted the strongest social tie in the Middle Ages: only with relatives did the pope find reliability and an interest in his well-being. Hence the really important offices of the curia went mostly to clerics who were relatives, and the popes used their growing prerogative of dispensing benefices to provide for their clerical relatives. Nepotism was an obvious duty of 'pietas' of every pope. As a result, medieval criticism of the curia never turned against nepotism in principle, only against offences against discretion,³⁸⁸ as was the case with gifts. Medieval popes invented many ways to promote and distinguish their relatives.³⁸⁹ The shape of papal nepotism changed profoundly during the Middle Ages, as Wolfgang Reinhard has shown. Until the middle of the thirteenth century the popes had to bring all the means and influence of their families to bear to keep the city of Rome and later the Patrimony under their control;³⁹⁰ from then on, with the growing prerogatives to dispense benefices, nepotism as a system to provide for relatives—always a latent function—gained equal importance: the popes used ecclesiastical benefices to a vast extent to provide for relatives as befitted their station, and to raise the position of their families.³⁹¹

On the offices to which clerics who were relatives were typically appointed, see above. These clerics are always to be found in the intimate vicinity of the pope, in the college of cardinals, in the camera, and—de-

zum Tridentinum: Festgabe für August Franzen, ed. Remigius Bäumer (Munich-Paderborn-Vienna 1972) 261–299. To Alexander III was attributed the proverb, 'Deus abstulit nobis filios, et diabolus dedit nobis nepotes'; Petrus Cantor, Migne PL 205.211D § 71. Innocent III also warned of the perils of nepotism, *De miseria humanae conditionis*, ed. Michele Maccarrone (Lucca 1953) lib. 2, § 27, p. 60.

387. Reinhard, 'Nepotismus' 153. For this principle of medieval rulership see Robert Gramsch, *Das Reich als Netzwerk der Fürsten: Politische Strukturen unter dem Doppelkönigtum Friedrichs II. und Heinrichs (VII.) 1225–1235* (Mittelalter-Forschungen 40; Ostfildern 2013).

388. See on this Alexander of Hales, *Glossa in 4 libros sententiarum* (Quaracchi 1951) 7*–24*, 68*; Alexander of Hales, *Summa theologica* (Quaracchi 1930) III, 379–380, 805; Thomas Aquinas, *Summa theologica* 2.2 q. 63 a. 2, ad 1, and q. 100 a. 5 ad 2.

389. Possibilities for creating connections in this way were (1) concerning persons (besides marital ties, which were also common with secular rulers): conferment of the pope's own cardinal titular church, consecration by the pope himself, standing as godfather, dubbing to knighthood; (2) concerning institutions: establishing pious foundations, and granting privileges and indulgences. Great popes such as Innocent III set an example; see Michele Maccarrone, *Studi su Innocenzo III* (Italia Sacra 17; Padova 1972) passim.

390. Their control was always unstable; Waley, *The Papal State* 9–29; Toubert, *Les structures du Latium médiéval* 2.1068–1081 and 1314–1348; Maleczek, 'Rombeherrschung und Romerneuerung durch das Papsttum'.

391. On the various kinds of nepotism in the later Middle Ages, see Reinhard, 'Nepotismus'; and for the Avignon popes, see Ralf Lützelshwab, 'Die Kardinäle des Avignonesischen Papsttums (1305–1378): Kreaturen des Papstes, Sachwalter partikularer Interessen', *Geschichte des Kardinalats* 227–228.

creasingly—in the chancery. These clerics, however, are only the head of the clientele, which every pope had to create at the curia in competition with the net of patronage and clientele of his own grandees. Up until recently, modern historiography has continued to neglect these social relationships in favor of the official ones of service. Even though research into social ties, which are very hard to prove at the curia in the thirteenth century,³⁹² is still in its preliminary stages, one may still say that these relationships are as important as official relationships, and in the later Middle Ages, the social ties even came to overshadow the others.

³⁹² Hitzbleck, *Exekutoren*, part 3, showed that it is possible (if you know how) to use the executors in letters of provision (who were mostly proposed by the petitioners) as indicators of the working of curial networks.