

SOME REFLECTIONS ON THE OPPOSITION OF FREDERICK II TO THE PAPACY

I

The present occasion may perhaps be a suitable opportunity to ask the question, how far the charges of Frederick II against his contemporary papacy were justified on general ideological grounds. That is to say, did the reasons of Frederick for not accepting the papal verdicts, attack the fundamental position of the pope? Were in other words the arguments advanced by him apt to deliver the intended decisive blow against the ideological position of the papacy? Did his arguments attack the papal doctrine on its own ground? To ask these questions appears all the more important as the conflict between him and the papacy stood virtually at the end of a long line of distinguished battles between the two contestants. The papacy under Gregory IX and Innocent IV produced no new arguments; no novel or hitherto unheard-of views were expressed; although the arguments were presented with greater force and were more sharply formulated, the ideological line of the papacy kept entirely within the framework which tradition had marked out. The assumption is warranted that the Frederician arguments against the exercise of true papal monarchical powers in fact — and not only in theory — were not *ad hoc* prepared or rashly put together, but presented themselves as the mature and deliberate answer on the part of the imperial chancery. Challenged as he was by an extremely well-equipped opponent, how did Frederick counteract? His reasons may well be taken as the considerate reply on the part of the whole Staufen ideology.

More than that: no other king or emperor before him had such long « experience » with the papal curia and its ideological set-up as Frederick II had: in his youth he was, so to speak, nurtured at the bosom of Innocent III to whose own reasonings he owed so much; he had imbibed the very air of papal ideology and had acted in its very spirit, as his earlier legislation showed; he had faced Gregory IX in the first duel in 1227, and through the protracted negotiations and vicissitudes of the thirties he had gained an invaluable experience.

It is no exaggeration to say that there was hardly any other ruler in medieval Europe whose virtue of his very long reign could have accumulated such vast experience, full grasp and intimate knowledge of his opponent's ways of thinking as Frederick had. It is therefore clear that this asset is of inestimable value in a contest which is almost exclusively based upon the ideological standpoint. When we now take into account that the papacy of Frederick's time produced no new material, sprang no surprises and moved wholly within the precincts of its own — and ancient — programme, we may well be entitled to expect an equally ripe and considered reply on the part of its opponent.

There is a further consideration which is applicable to Frederick alone. Though it would be hard to deny that his predecessors, notably his grandfather — as also the Salians — had able advisers, Frederick could call upon a whole reservoir of first-class counsellors and experts in precisely this ideological field. Like him, they too had been witnesses and actors for a considerable time; they were the alert, open-minded and keen students of law producing that mixture of diplomatic statesman and juristic expert; they enjoyed the confidence of their master to an unparalleled degree. They were, in a word, the best experienced, best trained and ablest advisers who could well be the envy of any ruler in the thirteenth century, or for that matter in any century: which European court had such a galaxy of talent at its disposal? Smooth, flexible, versatile, perfect masters of the written and spoken word, adaptable and quickly sensing an opponent's flaw of thought in the argument, in short capable men Frederick was fortunate enough in relying upon, men who were almost born for the position they occupied.

Moreover, although independent of the specific conditions prevailing in the Frederician court, the attitude in the other European courts was by no means one of obsequiousness to the papal court or cause. If at any time there was an atmosphere which *prima facie* was inclined to favour the cause of the emperor, it was then. The practical advances which the Innocentian papacy had made in the beginning of the century, did not by any means endear the papal-hierocratic programme to those who still mattered, and this quite apart from the — one might almost be tempted to say — natural antagonism of the episcopacy to the papacy. The soil, no doubt, was fertile for the acceptance of the imperial arguments: as Frederick himself on more than one occasion pointed out, his cause was the cause of all secular rulers. The receptivity of the soil for the « secular reasoning »

must be taken into account, if one wishes to assess the *Zeitgeist* and to evaluate the strenght and efficacy of Frederick's arguments.

In sum, then, the setting was by no means unfavourable for the Staufen emperor in the decisive years of 1239-1240 and 1245. The question therefore is: how effectively did he deal, equipped as he was, advised as he was, and favoured as his cause was by the temper of the time, with the shattering onslaught delivered by the papacy against him? That the papacy based itself upon its traditional application of the *plenitudo potestatis* with all its attendant consequences; that the papacy acted within the framework of its hierocratically conceived monarchic status; that the popes invoked the all-comprehensive binding and loosing powers as the legal basis for their juristically conceived sentences; that above all the imperial position itself — the ideological offspring of the papal mind — offered the papacy an easy target — all this is so well known that no further comment is called for. As the papacy acted on these premisses the Frederician reply, one reasonably expects, was to concentrate on these premisses: it is useless to attack an opponent on his flanks or on his periphery; a worth while attack must be directed against the core, against the substance, that is, on the premisses themselves. For if they are correct, the consequences too must be correct. The only way that therefore promised hope of success was to demolish the bases upon which the papacy worked. And these were, as I have pointed out, not new at all.

The perusal of the Frederician manifestoes, encyclicals, protests, and so forth, in these decisive years of 1239 and 1245 yields however some strange results. In the first place, they reveal a very real paucity of ideological arguments and reasons. However ably conceived and drafted they were, and however much they were tuned to achieving propagandistic effects, they contain, in comparison with the wealth of factual detail, extraordinary little which could be classed as ideological or fundamental in its conception. And what there is, is almost tucked away inmidst the din of vituperations and charges. In the second place, they do not go, when they deal with the substance of the papal position, into an argumentative exposition — and this surely was required if the basic essence of the papal standpoint was to be decisively attacked — but they content themselves with mere assertions, without the attempt to reason them out or to buttress them with easily available material. Nevertheless, even in their paucity the Frederician arguments allow us a glimpse into his conceptions, however, little constructive they may be considered

or however little new they were. And this seems to me the most significant feature of the Frederican standpoint, namely that the papal attack did not provoke a reply within the precincts of the papal programme itself, did not, in other words, attack the hierocratic theme on its own ground, although the anti-papal side had on the one hand at least two centuries in which an effective reply could have been formulated and on the other hand had specifically in Frederick II and his advisers the best guarantors of an effective all-out attack. When even under these presuppositions, in these gruelling situations in which Frederick was to find himself, no worth while counter-attack could be delivered, the question appears indeed legitimate: was there, in the mid-thirteenth century, a possibility of delivering this all-out blow? We may postpone the answer to this crucial question — which seems to me the really significant facet of this *Letzten Waffengang* between the papacy and the Swabian house — until we have gone through some of the more pertinent statements made by Frederick II.

I I

Two lines of argumentation can be detected in the public protests of Frederick and both converged into the same channel. The one line of attack consists of Frederick's exposing the moral depravity of the popes: breach of faith, ingratitude for the services he had rendered to them, corruption and intrigues, incitement to perjury, deception and fraud, allying themselves with heretics, sowing dissension and civil strife, and so forth. This moral turpitude on the part of the popes makes them unfitted to fill the post which they occupy: they are therefore unsuitable to act as popes (1) and cannot claim that their judgments are the judgments of a *judex competens* or *judex justus*. How should he be a fair judge who

per inhumanitatis opera non solum a divinitate sepossitus,
set humanitate discretus... et non prout sancti per fidem
regna vicerunt, set perfidiam et perjuriam predicans univer-
sis? (2).

(1) It was on this conclusion that Frederick's appeal to the cardinals for a general council was based. Cf. *MGH. Const.*, II, 290, n. 214.

(2) *Ibid.*, p. 292. Cf. p. 296: « Per talem, quem merito judicem non habemus, nullam posse fieri reputamus injuriam, utpote cum se prius inimicum capitalem quam judicem nostrum et opere fuerit professus et verbo, rebelles nostros et hostes imperii publice confovendo ».

Hence it is that the popes had forfeited the right to issue orders and to command respect for their verdicts. It is the personal defect of the popes — seen entirely on a moral level — which precludes them from demanding obedience. Therefore, Frederick is anxious to stress his adherence to the orthodox faith and to protest his fullest respect for the papal office as such. He consequently distinguishes between the papal office and the individual pope:

Illum habere preterea Christi vicarium et successorem Petri ac dispensatorem animarum fidelium indigne fatemur non ob dignitatis injuriam, sed ob *persone defectum*,

and shortly afterwards he declares:

Defectum et prevaricationem ipsius in illo dolemus... itaque non miretur universalis ecclesia nec populus Christianus, si nos tales sententias iudicis non veremur, non in contemptu *papalis officii* vel apostolice dignitatis, cui omnes ortodosse fidei professores et nos specialius ceteris subesse fatemur, sed *persone prevaricationem* arguimus, qui se solio tanti regiminis monstravit indignum (3).

This line of argument is as characteristic of the 1239 protest as it is of the manifesto of 16 March 1240. Here too the main point amidst a good deal of factual detail, is the moral depravity of Gregory IX. After declaring that,

Nos autem, quia processum huiusmodi temeritate plenum et iustitia vacuum habebamus, ad confratres suos litteras et legatos transmisimus generale petentes convocari concilium, in quo iudicis corrupti nequitiam ac imperii nostri iustitiam et innocentiam nostram argumentis arguere luce clarioribus spondebamus,

he exclaims:

Attendite igitur et videte, si sunt ista facta papalia, si sunt hec opera sanctitatis, mundum exponere, nostram conculcare iustitiam et secundum Mediolanensium faciem iudicare! (4).

(3) Ibid., p. 297, lines 22 ff.

(4) Ibid., p. 310.

The tenor of this attack was therefore the personal unworthiness of Gregory IX, a defect which robs his governmental actions of legitimate value.

Whilst consequently the mode of argumentation in 1239-1240 confined itself to the personal unsuitability of Gregory IX, in 1245 we witness a notable shifting of Frederick's ground. True, the rumblings and growlings about the depravity of the papacy are still audible (5), but they take up a rather subordinate position. What stands in the foreground here is the concentration upon the papal office. This second line of attack culminates in the assertion that the papacy had transgressed the functions proper to the papal office and had therefore acted *ultra vires*. He declares that he would be prepared to accept papal verdicts, if the vicar of Christ had implemented the *vices Christi* and imitated the example of his predecessor, St. Peter (6). And what were the *vices Christi*? Frederick gives a perfectly clear answer: they consist of the *potestas in spiritualibus plenaria*, so that, even if the pope should be a sinner, his judgments within these terms of his competent functions produce automatic effects on earth and in heaven — but neither the divine nor the human law even faintly suggests that the pope could take away empires or could issue judgments *temporaliter*. In other words, the grievance of Frederick is that the pope has assumed the *potestas in temporalibus*, for which assumption no warrant anywhere can be ascertained. Let us quote this significant passage:

Nam etsi nos nostre catholice fidei debito suggerente manifestissime fateamur, collatam a Domino sacrosancte Romane sedis antistiti plenariam potestatem in spiritualibus, quantumcumque quod absit sit ipse peccator, ut quod in terra ligaverit sit ligatum in celis, et quod solverit sit solutum, nusquam tamen legitur divina sibi vel humana lege concessum, quod transferre pro libito possit imperia aut de

(5) Cf., for instance, the manifesto of late 1245, in which this grievance is now extended to all clerics: « Porro qui clerici nunc censentur, patrum elemosinis impinguati filios opprimunt ipsique nostrorum filii subditorum patrie condicionis obliti nec imperatorem nec regem aliqua veneratione dignantur, quociens in patres apostolicos ordinantur » (E. WINKELMANN, *Acta Imperii inedita* (Innsbruck 1885), II, 50 n. 46).

(6) *MGH., Const.* II, 362, n. 262, lines 7 ff.: « Si denique Christi vicarius Christi vices impleverit et si predecessoris Petri successor eiusdem imitetur exemplum... ».

puniendis temporaliter in privacione regnorum regibus aut terre principibus judicare (7).

Nor can on this presupposition the papal claim have any validity to deprive him of his emperorship. Admittedly, the imperial « consecration » belongs by right to the pope, but this does not entail the further right to depose the emperor (8). Moreover, even supposing, not admitting, that the pope has this right, it cannot be within the terms of the *plenitudo potestatis* to proceed « nullo prorsus ordine juris » against those, « quos asserit sue jurisdictioni subjectos ».

Now anyone acquainted with papal reasonings and papal doctrines will at once see that these objections and arguments of Frederick were weak, so weak in fact they not only could not produce any of the desired propagandistic effects, but also did not touch the essence of the papal ideology. For, to begin with the first line of attack, the moral depravity of a pope at no time of reflective papal thinking was considered to affect the papal function or to deprive his actions of validity. In actual fact, the objection had been implicitly anticipated as early as Leo I who by designating the pope as the *indignus heres* of Peter made with all desirable clarity that very distinction between the office and the person of the office holder which Frederick considered his strategic line of attack in 1239-1240. According to the — by then indubitably — traditional view the personal merits and demerits of the pope counted nothing: his governmental acts were as legitimate as they were valid, be they issued by a Saint or by a villain. The history of the medieval papacy would in fact bear out that this leonine distinction was at all times operative — witness a John XII in the tenth century or the popes in the mid-eleventh century (9). Perfectly clearly this view was also

(7) Ibid., lines 11 ff. Cf., furthermore, p. 365, lines 12 ff.: « Spirituales autem penas per sacerdotales nobis penitencias indicendas, tam pro contemptu clavium quam pro aliis transgressionis humane peccatis, nedum a summo pontifice, quem in spiritualibus patrem nostrum et dominum profiteamur, si tamen ipse nos filium debita ratione cognoscat, sed per quemlibet sacerdotem reverenter accipimus et devote servamus ».

(8) Ibid., p. 362, lines 17 ff.: « Nam licet ad eum de jure et more majorum consecratio nostra pertineat, non magis ad ipsum privacio seu remocio pertinet quam ad quoslibet regnorum prelatos, qui reges suos, prout assolet, consecrant et inungunt ».

(9) The one or other instance should be given and I choose them on purpose from the eleventh century. Cf., for example, Leo IX writing to the patriarch of Constantinople (*P.L.*, CXLIII, 766 cap. 35): « Profecto sumus qualis Petrus, et non sumus qualis Petrus, quia *idem sumus officio*, et non idem

expressed — and later became the law — by Humbert who declared that only for heresy could the pope be judged, but for no other conceivable crime (10). And in the canonistic literature of the twelfth and thirteenth centuries there is plenty of discussion concerning the individual, personal failings of the pope on the one hand and his unaccountability on the other hand. This distinction between office and person belonged to the *eisernen Bestand* of papal reasoning.

Consequently, by emphasizing the distinction between office and person Frederick in actual fact used one of the papacy's most cherished arguments and adopted the very manner of papal argumentation. The pope inherits the petrine *office* — and not the personal sanctity or the personal merits of St Peter — and actions performed within the terms of his office are conceptually the actions of Peter who himself had been given the *vices Christi*. Considerations concerning the personal worth of the office holder did not enter. The binding and loosing by the pope produces automatic effects on earth and in heaven, and this quite irrespective of whether the binding and loosing concerns spiritual or temporal things, as we shall presently see: it is the objective, de-personalized action flowing from the office which, according to papal *raisonnement*, demands attention, and this quite irrespective of the excellence or turpitude of him who had inherited these powers. In brief, the exercise of powers was independent of the person. The judgment, sentence, verdict, order, command, decree, etc., of the pope was considered, so papal reasoning ran, entirely on the objective plane: once issued, it ceased to have any con-

merito... Ac si meritum Petri non habentes, *officium* autem *Petri* exsequentes, *officio nostro* debitos reposcimus honores... ita quod male vivimus, nostrum est. Quod vero bona dicimus, *cathedrae*, cuius occasione necesse habemus recta predicare... *non propter nos* in loco Petri despiciat, quia ex cathedra eius, cui auctore Deo, *qualescumque* praesidemus, debita sibi jura nostrum officium reclamant ». (The term *qualiscumque* denoting the personal demerits of the individual office holder was already used by Gelasius I, in his *Ep.* 26, cap. 11, in A. THIEL, *Epistolae Romanorum Pontificum genuinae* (Braunschweig 1862), p. 407 (= *Avellana*, *Ep.* 95, cap. 58, in *C.S.E.L.*, xxxv, 390): *Qualescumque* pontifices, etsi errore humanitus accedente... »). Peter Damian in his *Liber gratissimus* (*MGH.*, *Lib. de lite*, I, 31, lines 9 ff.), says: « Licet *persona* prorsus *indigna* inveniatur, officium tamen, quod utique bonum est, competens aliquando gratia concedatur ». In fact Leo IX had with unambiguous clarity stigmatized some of his recent predecessors in the office by likening them to « mercinariis et non pastoribus, a quibus sua, non quae sunt Jesu Christi quaerentibus, devastata (Romana ecclesia) jacebat miserabiliter hactenus » (*Ep.* cit., col. 779).

(10) On this cf. W. ULLMANN in *Studi Gregoriani*, iv (1952), pp. 111 ff.

nexion with the subjective personality of the office holder. The judgment, etc., was an effluence of the office, and not of the person.

Frederick's exclamation — « Attendite et videte, si sunt ista facta papalia, si sunt hec opera sanctitatis » (11) — consequently would indicate a somewhat serious misconception of the papal function altogether. That is to say, his view is that the actions of the pope must be in consonance with the « moral sanctity » of the pope. Indeed, here Frederick touches upon one of the most important points, namely the alleged sanctity of the pope: *opera sanctitatis*. The thesis that the pope was a sanctus, that he was addressed as *sanctus pater* or as *sanctitas vestra* and the like, was old papal *Gedankengut*. Gregory VII had given it a prominent place in his *Dictatus Papae* (no. 23), and it had a distinguished pedigree reaching back as far as the late fifth century. Although Frederick moved, as we shall see in a moment, in good company by emphasizing the personal sanctity of the pope, this view nevertheless would show some serious misunderstanding of what the papacy attributed to the pope's *sanctus* character. This *sanctus* qualification of the pope has nothing to do with the liturgical meaning of the term: the *sanctitas* of the pope is once again of an objective kind and can be understood only from the effects which papal rulings produce. This designation classically expresses the automatic effects of the exercise of binding and loosing powers: whatever the pope in his capacity as heir of petrine powers binds on earth, will automatically be bound in heaven, hence produces automatic effects in heaven. In so far the pope *qua* pope stands with one leg in heaven and with the other on earth: he is indeed the *Schnittpunkt* between heaven and earth. It is, in other words, the office and the functions contained in the office which make the pope a *sanctus*, because his rulings effect (or were said to effect) the heavenly order itself. All this belonged to the traditional papal thinking (12), and that is why we read in numerous papal statements, long before Innocent IV

(11) See supra n. 4. Cf. also his address to the cardinals: « Verum si obicit, nos, quod absit, minus de fide recte sentire, possumus et nos replicare, apostolicum contra fidem venire, qui cum sit illius vicarius, qui cum maledicebat, cum pateretur, non comminabatur, non debuit ex abrupto nos malediccionum jaculis propulsare. Sic cum Deo non sentit, qui cum Deo non facit » (WINKELMANN, *Acta*, cit., I, 314, lines 37 ff.)

(12) Cf. W. ULLMANN, « Romanus Pontifex indubitanter efficitur sanctus: D. P. 23 in retrospect and prospect » in the forthcoming volume vi of the *Studi Gregoriani*, pp. 229-64.

that the pope has the « *jus apostolicum, quod et coelis imperat et terris* » (13). The test of this *sanctus* qualification of the pope lies in the sole papal right to canonization, that is, his right to enlarge the number of those who were co-regents of Christ in heaven, were objects of particular veneration and had a special place in the liturgy of the mass (14). But what needs emphasizing is that this *sanctus* character has an exclusively juristic connotation referring as it does to the automatic effects of the judicial papal binding and loosing. That the pope was a *sanctus* in this sense, followed from his entering into the inheritance of Peter, from his assuming those very petrine powers which display these automatic effects in heaven. It is this character of the office, that is, the petrinity of the office, which bestows *sanctitas* — so at least the papal argument ran.

What Frederick did, however, was to consider this *sanctitas* not on the ground on which the papacy gave the term its peculiar complexion, but on the level of a moral sanctity, hence exposing the concept to a purely subjective evaluation. Although he misunderstood the essence of this character, he — or his draftsman — had assuredly as his model Gratian of the preceding century. In introducing his *Dist.* 40 of the *Decretum* which deals with the responsibility (or its absence) of the pope — « *papa a nemine judicatur* » — the Bolognese monk declared, virtually in direct opposition to papal doctrine that

Non enim loca, sed *vita et mores sanctum faciunt sacerdotem*. Unde ex suscepto officio non licentiam peccandi, sed necessitatem *bene vivendi* se noverint assecutos (15).

(13) See, for instance, 200 years before the time under discussion Clement II in his *Ep.* 8, *P. L.*, CXLII, 589.

(14) For the correct point of view see E. W. KEMP, *Canonization and authority in the Western Church* (Oxford 1948), pp. 64 ff., esp. pp. 70-1, 79-81. Cf. furthermore R. KLAUSER, *Zur Entwicklung des Heiligsprechungsverfahrens*, in *Savigny Zeitschrift*, Kan. Abt. xl (1954), pp. 85 ff., at 99 ff., and M. SCHWARZ, « *Heiligsprechungen im 12. Jahrhundert* », in *Archiv f. Kulturgesch.*, xxxix (1957), pp. 43 ff., at 58 ff. The untenable view of S. KUTTNER (*La réserve papale du droit de canonisation*, in *Revue historique de droit français et étranger*, xvii (1938), 172 f.) is the result of giving inadequate attention to the binding and loosing powers of the pope which is after all the *crux materiae*. On this misinterpretation by Kuttner cf. KEMP, op. cit., p. 102-4 and KLAUSER, art. cit., p. 100 n. 35.

(15) Gratian, *Dict.* a.c.1, *Dist.* 40. K. Hofmann, *Der Dictatus Papae Gregors VII* (Paderborn 1933), p. 72, has already drawn attention to this oblique view of Gratian.

This view is as far removed from a correct appreciation of the papal standpoint as Frederick's or, for that matter, of the later papal opponents (16). It is virtually the contrary of what the popes had expounded on this theme. For it is the subjective view which is the hallmark of this a-papal thesis (becoming in fact an anti-papal argument in course of time), the view that the moral bearing of the office holder, his *vita et mores*, confer the *sanctus* character on him: that the judgments on what constitutes sanctity in this sense may widely differ, needs no emphasis. But on the other hand, it was precisely the strength of the papal thesis that it kept the *sanctitas* free from the *vita et mores*: on the contrary, it was the effluence of the objective fact of the pope's having inherited petrine powers, no more and no less. Behind Frederick's assertions — and those of the later anti-papalists — there is always detectable the personal-subjective view of either Peter or Christ or God: it is the projection of the individual's view on them which determines the answer to the question of whether or not their earthly representatives act in accordance with this (pre-conceived) pattern. « Sic cum Deo non sentit (papa), qui cum Deo non facit » as Frederick himself had declared (17). The subjectively conceived concord of the *sensitive* is the criterion within this framework, and not the objective functions of the office. Of course, from Frederick's standpoint the grievance made perfect sense, only it did not touch the core of the papal argument (17a). Nevertheless, he brought, as we shall see, an

(16) Such as John Hus in the fifteenth century: « Nemo gerit vicem Christi vel Petri nisi sequatur eum in moribus » or « papa non est verus manifestus successor Petri, si vivit moribus contrariis Petro » (J. D. MANSI, *Concil. coll.* xxvii, 1210).

(17) See supra n. 11.

(17a) It is possible that by *sanctitas* Frederick may also have understood the antithesis to legal rulings, to issuing legal judgments, to the pope operating with the law. Cf., for instance, the passage cited supra n. 2: « non prout sancti *per fidem* regna vicerunt ». But he did not drive home this view. With most of the anti-hierocrats the juristic nature of papal rulings, the law, was the *pièce de résistance*. The implicit denial of jurisdictional powers would confine the pope's functions to mere persuasion, to preaching the *verbum Dei*, but this view did not take account of the nature of the papacy as primarily a governmental institution, and every governmental institution must needs operate with the enforceable law, the *preceptum coactivum*, and cannot confine itself to merely persuasive efforts. And why should, within this juristic framework, excommunication or for that matter deposition, be a matter of « temporal » jurisdiction? Only when the concept of the Church itself had undergone some change, could the anti-papal view progress; cf.

important point to the fore, a point with an infinite variety of applications.

Certainly in 1239-1240 Frederick's aim was the removal of the pope by the machinery of a general council. I am not here concerned with the legal question which received some answer in the early fifteenth century, as to whether a general council convoked without the participation of the pope, had any validity. What I am concerned with is the purpose of this general council suggested by Frederick, that is, to give him a chance to expose « *judicis corrupti nequitiam* ». Although past history may have lent some support to this demand, it could not be squared with the existing canon law nor with the traditional view of the pope's immunity from conciliar judgment. And what did Frederick really expect this general council to do, once it had exposed the iniquity of the pope? Could a council depose him? Could a council proceed to a new election? This argument persuasively put to the cardinals was far too inchoate and inarticulate to command much respect. But quite apart from this technical consideration there is also another consideration which may well appear to indicate a certain incoherence in Frederick's mind.

It is this. In the manifesto protesting against the sentence of deposition and excommunication there occurs a statement which would seem to shed some light on Frederick's inconsistent ways of thinking. The sentence of deposition, he says, violates a fundamental principle, for by virtue of this papal sentence

Imperator Romanus, imperialis rector et dominus majestatis, lese majestatis dicitur crimine condempnatus, per quam (scil. sententiam) ridiculose subicitur legi, qui *legibus omnibus est imperialiter solutus*, de quo temporales pene sumende, cum temporalem hominem superiorem non habeat, *non sunt in homine, sed in Deo* (18).

The significance of this passage lies in his claiming that very same immunity from judgment which he has denied to the pope. Differently expressed: he would not submit to any human judgment, because he is *legibus solutus* which is precisely the reverse of what

also infra at n. 35. It is, I think, not without reason that Frederick did not touch upon the fundamental theme of law as a vital ingredient of the papal institution.

(18) *MGH. Const.*, II, 365, lines 6 ff.

he had demanded the general council should do, namely to give him an opportunity to unmask the pope's corruption and depravity, so as to judge the pope as unfit. Even on the presupposition of his dualism, this refusal to submit the emperor to human judgment and the demand to put the pope before the bar of a general council, seems rather incoherent (19).

This inconsistency is difficult to explain. Frederick had no equal in the understanding of the proper theocratic point of view, according to which all power comes from above — the descending theory of government and law, as I have termed it somewhere else — and according to which power is conferred by God on the ruler: the community under the ruler's care, be it a kingdom or the universal Church, is entrusted to the ruler. The *populus tibi commissus*, as we read in the royal coronation orders since the ninth century (Benedictional of Freising), or the *ecclesia nobis commissa*, as we read in the thousands of papal communications since the fourth century, express very succinctly the thesis that the community under the ruler's care has no power of conferring the office of rulership — election merely designating a particular person to the divinely created office — and therefore no power of withdrawing the office from him. In fact, the community entrusted to the ruler is not, within the theocratic framework, endowed with any autonomous powers. Seen against this background the pauline « nulla potestas nisi a Deo » assumes very practical significance. According to the descending thesis the pope forms an estate of his own — he has his own *status* — and no juristic lines of communications between the community and the pope exist: the former had nothing to do with the conferment of papal power, on the contrary, it is entrusted to the pope's care. The consideration of the community's interests, not of its wishes, is the focal point of the theocratic ruler. Or as Innocent III had classically expressed it, he is « *medius constitutus inter hominem et Deum* », an expression which brings into clear relief the view that the pope occupies an estate of his own. Frederick could have had no doubt on this score — he himself was without a parallel in understanding this theme — and his appeal for a general council, however vaguely conceived it was as regards its actual competency, is a serious defect

(19) About the double vicariate of Christ, one in the pope, and one in the emperor, cf. my *Growth of Papal Government in the Middle Ages* (London 1955), p. 343 and note 3; also *Miscellanea Hist. Pontificiae*, xviii (1954), at pp. 118 ff.

in his attack. For to maintain this point of view would in fact amount to subscribing to the ascending thesis, according to which original power resided with the people acting through their own (elected or appointed) agencies and organs, such as a general council. And this seems to me to reveal the real inconsistency of Frederick: the adherence to the descending standpoint, as far as he himself is concerned, and the adherence to the ascending standpoint, as far as the pope is concerned (20). In other words, his own functions as an emperor are not subjected to human judgment, whilst the functions of the pope are to be subjected to the judgment of a general council.

Closely allied to these considerations are those arguments which are contained in what we have termed the second line of attack. Here again, although pointing up the one or the other element, the argumentation follows rather closely the Staufen ideology of a dualism of government. This Frederick expresses in the statement already referred to, concerning the pope's *potestas in spiritualibus plenaria* standing next to the imperial *potestas in temporalibus plenaria*. Now this nomenclature of the temporal (secular) and the spiritual is of pauline origin who in the very same passage (I Cor. vi. 3) had given here as in so many other respects — the medieval papacy a perfectly well constructed theme of the teleological order. The teleological and christo-centric standpoint quite understandably forbade to attribute to the so-called « temporal » any autonomous or independent value, to ascribe to it *Eigenwert* or *Eigenständigkeit*: the pauline-papal viewpoint was that the « temporal » had no life of its own, but in order to be useful must be harnessed to a telos, to an end, to a finis. It is simply a means to an end; only in so far it assumes decisive value. Hence from the papal point of view there was no notional distinction between the « temporal » and the « spiritual ». Frederick's standpoint, however, can be epitomized in the view (which later with Dante was to become of fundamental importance) that Man was in need of a twofold direction, being composed of body and soul, of matter and mind.

Eterna provisio in firmamento terre duo voluit preesse regimina, sacerdocium et imperium, unum ad tutelam, reliquum ad cautelam, ut homo, qui erat duobus componentibus dissolutus, duobus retinaculis frenaretur (21).

(20) In her excellent work, *Vom Imperium zum nationalen Königtum* (Berlin-Munich 1933), H. WIERUSZOWSKI (pp. 179 ff.) has not seen this fundamental dichotomy in Frederick's argumentation nor the basis upon which the Frederician standpoint rested.

(21) E. WINKELMANN, *Acta*, cit., I, 314, no. 355, lines 21 ff.

This statement leaves nothing to be desired, either in regard to its clarity or its underlying theme which is the very reverse of the pauline-papal thesis. The latter operated — and it could not operate on any other basis, considering the *Gesamtanspruch* of medieval Christian norms which claimed the whole of Man — with one end of man's life, namely his eventual salvation, whilst the imperial point of view denied this oneness of man and his one end by postulating two principles (21a): the body (temporal) had its own life, and so had the soul (spiritual), and each was autonomous, and for their government *duo regimina* were instituted *in firmamento terre*. It goes without saying that this fundamental dichotomy could not possibly be squared with the traditional medieval outlook, and the weakness of this view, if not fallacy of a non-existing distinction, emerges perhaps best in the same statement: how are the two regiments to work? Moreover, this view implicitly rests on the possibility of a tidy, neat and notional distinction between the « spiritual » and the « temporal », but in the long and weary discussion on this theme we shall search in vain for any criterion that would enable one to draw a dividing line. And who was to draw it? It is no exaggeration to say that within a wholly christo-centric society the attempt to find that criterion is bound to be a fruitless exercise in mental gymnastics. The dualism of the anti-papal ideology was built on the shifty foundations of a fictitious and chimeric distinction: the Staufen dualism was merely a postulate (22).

(21a) It is of course well known that on the basis of this dualism Luther was to postulate « die zwey Regiment » which should « von einander gesondert und geschieden bleiben, sol man anders das rechte Evangelium und den rechten Glauben erhalten » (Weimar ed., vol. XLVI, 734). Cf. also the passage *ibid.*, vol. LI 239, with its emphatic insistence on the « Scheidung der beiden Gewalten »; also Augsburg Confession, art. 28.

(22) From this point of view the often repeated papal statement « Duo principia ponere haereticum est » assumes very practical significance. The postulate of the two principles — ineffective it is true it was because from the standpoint of medieval Christianity it indubitably did violence to the traditional ways of thinking — nevertheless had a very great future, especially when on the one hand the Aristotelian distinction between « the good man » and « the good citizen » came to be fully understood (for this distinction in itself presupposes two entirely different sets of norms and criteria) and on the other hand when the same Aristotelian-inspired theme of naturalism (and the consequential complement, supra-naturalism) came to be made a principle of theoretical speculation since Thomas Aquinas.

The Frederician argument had been answered before by the papacy, though most likely Frederick was not aware of these papal statements (23). Furthermore, where was the biblical or doctrinal proof that the pope had been given only a *potestas in spiritualibus*? This assertion is a logical consequence of the figment of a distinction. It seems that Frederick's grandfather — or Rainald of Dassel — was the inventor of the hair-raising theme of a double vicariate of Christ. To his great credit he it remarked that Frederick II did not operate with this theme, in itself once again a necessary consequence of the dualistic aspect, but in essence there seems little difference between him and the older Staufen ideology. Again, on a higher level the papacy had anticipated the objections of the imperial side before there was any Western emperor at all (24). In a word, the petrine power was conceived as monarchy in the literal meaning of the term, exercised over the whole body of Christians. Frederick's objection in reality therefore concerned the function of the pope as a monarch, a function which was wholly defensible on doctrinal grounds and which notionally excluded any other monarch; hence his recourse to a dualism, that is, the splitting up of functions to be exercised over the « temporal » on the

(23) Cf., for instance, Gregory VII: « Cui ergo aperiendi claudendique coeli data est potestas, de terra judicare non licet? Absit » (*Reg.*, viii, 21, ed. E. Caspar, p. 550) or: « Si enim coelestia et spiritualia sedes beati Petri solvit et judicat, quanto magis terrena et saecularia » (*ibid.*, iv, 24, p. 338); Celestine III: « Non solum corporum, sed etiam animarum judicariam accepit (Romana ecclesia) potestatem » (*Ep.* 235, in *P.L.*, ccvi, 1127); Innocent III: « Hac igitur ratione sacrosancta Romana ecclesia, quae super omnes alias coelesti privilegio obtinet principatum, quaeque non solum terrena sed coelestia quoque dijudicat... » (*Suppl. Reg.*, cap. 89 *bis*, in *P.L.*, ccvii, 131); according to Gregory IX the pope has not only « animarum imperium » but also « in universo mundo rerum et corporum principatum » (*Epp. sell. XIII saec.*, I, 604, n. 703). These statements could be easily multiplied.

(24) Cf., for example, Leo I: « *Nihil* erit ligatum, *nihil* solutum nisi quod beatus Petrus aut solverit aut ligaverit » (*P.L.*, LIV, 151); Gelasius I: « Sicut his verbis (scil. Quodcumque ligaveris...) nihil constat exceptum, sic per apostolicae dispensationis officium et *totum* possit generaliter alligari et *totum* consequenter absolvi » (*Ep.* 30, cap. 12, in A. THIEL, cit., p. 445); Nicholas I: « In quibuscumque *omnia* sunt, quantacumque et qualiacumque sint » (*Ep.* 4, in *MGH.*, *Epp.*, VI, 701); the same view was expressed by John VIII, *ibid.*, VII, 187, *Ep.* 210; Gregory VII: « *Nullum* excipit, *nihil* ab eius potestate subtrahit » (*Reg.*, IV, 2); Innocent III: « *Nihil* excipiens qui dixit 'Quodcumque ligaveris...' » (X: I. 33. 6) Again these examples could easily be multiplied.

one hand, and the « spiritual » on the other. Here as elsewhere Frederick II moved within the precincts of the earlier royalist argumentation. From the fifth century onwards the possibilities inherent in the all-comprehensive « *Quodcumque ligaveris* » of the Matthean verses were increasingly recognized — it was the totality of human actions which was the object of the petrine-papal binding and loosing, and from this papal standpoint the alleged distinction between « temporal » and « spiritual » could indeed have no meaning: the papal charge that Frederick had acted *in contemptu clavium*, was, seen from this angle, fully justified. Did not he himself stigmatize the papal exercise of the comprehensive binding and loosing powers as an *abusio sacerdotialis potestatis*? (25) In actual fact, Frederick made it only worse by protesting his acceptance of papal rulings in « spiritual » affairs and by refusing to accept any « temporal » infliction, for the latter was a necessary consequence of the former, if due recognition is given to the nature of the petrine commission. Innocent IV, on the other hand, had no doctrinal difficulties stating that « *Vicario conditoris omnis creatura subdita est* » (26). It was not, as Frederick seems to have believed, that Innocent IV had raised the claim of transferring empires and kingdoms, because Gregory VII, nearly two centuries before, had explicitly laid this petrine-papal right down, and Innocent IV on his part merely moved within the precincts delineated by the earlier papacy (27). And when Frederick admitted the papal right to his imperial « consecratio » but at the same time denied the papal claim to deprive him of the imperial office, he again seems to have been the victim of incoherent reasonings: it was an old legal ma-

(25) E. WINKELMANN, *Acta*, cit., p. 50, n. 46.

(26) Comm. ad X: ed. Frankfort, fol. 2v. It was perhaps no more than a stratagem of Frederick to put these questions: « *In quo enim apostolice sedis auctoritas leditur, si superbam et recalcitrantem Liguriam cesarea ultione plectamus? si honorem imperii ampliamus?* » (*Acta*, I, 314, lines 29-30).

(27) There is a vociferous group of writers nowadays who either in culpable ignorance of historical facts or in wilful ignorance of the constant papal theme would like to ascribe to the papacy a dualistic programme, the very programme which was so tenaciously fought by the papacy. This sort of « historiography » motivated as it is by entirely un-historical considerations is nothing else but the attempt at falsifying history itself for rather mundane purposes, and all this under the fig-leaf of « pure » scholarship. The simple truth, however, looks quite different.

xim that he who conferred something could also take it away (28). Apart from this, like any other public office, emperorship was considered a *divinum beneficium* which could be mediated only through the pope; the conferment of the imperial office was an *apostolicus favor*, something to which the recipient had no right (29). It is no doubt interesting to see that Frederick avoids the very term « coronatio », in other words, the one act that made the king of the Romans an emperor, for without papal imposition of the crown there was no possibility of becoming an emperor. What Frederick had most likely in mind was that the coronation was a mere liturgical formality without constitutive effects — hence his emphasis of the « consecratio » — which is nothing else but the translation of the notion of *imperatura* into hard facts (30). But the mere choice of words cannot do away with the indisputable fact that, in the mid-thirteenth century, the coronation of the king of the Romans by the pope had constitutive effects.

III

What, then, in sum was the target of the argumentative efforts of Frederick II? Behind all the vituperations and arguments there is, I think, detectable one common element, and that is that the

(28) Just a century before, John of Salisbury with reference to this point, had stated this: « Porro de ratione juris eius est nolle, cuius est velle, et eius est auferre, qui de jure conferre potest » (*Policraticus*, IV, 3). Similarly Hugh of St Victor, cf. the passages cited in *Growth of Papal Government*, cit., pp. 439 ff.

(29) For this cf. *Misc. Hist. Pont.*, cit., pp. 107-26; also « *The Pontificate of Adrian IV* » in *Cambridge Hist. Journal*, XI (1955), pp. 233-253.

(30) Whether the intitulation of Frederick as « Divina favente clementia Romanorum imperator, semper augustus, et rex Siciliae » in July 1220, was merely premature or had greater significance, remains to be seen. See HUIILLARD-BRÉHOLLES, *Historia Diplomatica Federici II* (Paris 1852), I, 800; in this confirmation of monastic privileges the dating is also according to imperial years, although he was not crowned emperor until 22 November 1220. A point of view similar to that expressed in *imperatura* is also in the election decree of February 1237: «... firmavimus, quod prefatum Conradum a nobis in regem electum post mortem prenominati patris sui dominum et *imperatorem nostrum habebimus*, eidem in omnibus, quae ad imperium et jus imperii pertinent, intendentes... » (*MGH., Const.*, II, 441, n. 329, lines 23 ff.) Similarly the view expressed in the *Annales Stadenses* (*MGH. SS.*, XVI, 369).

present state of affairs was caused by the lack of any constitutional machinery which would have prevented the — in Frederick's eyes — unwarranted actions of the papacy. The target of his opposition was the *plenitudo potestatis*, or positively expressed, the establishment of what might nowadays be called constitutional monarchy. It is this, I think, which formed the constant element in Frederick's attacks. If this is so, he had indeed taken upon himself a herculean task, and undertaken it with inadequate means. But at once the question obtrudes itself: what means should Frederick have employed to achieve what he — and not a few of his contemporaries — would have wished to see realized? In the background to this question there looms a much more fundamental one: were there any means by which the pope could become a constitutional monarch, so that he could be deprived of his monarchic status and of this *plenitudo potestatis*, so that he could be made to govern with the binding advice and counsel of some organs? Or seen from yet another angle, this question resolves itself into: What is one to do with an unsuitable pope, that is one who is incapable of fulfilling his petrine functions, such as an insane pope? What I think Frederick was groping for was to find a constitutional machinery which keeps a check on the pope, which can, if necessary, take action against him and, if further warranted, depose him.

However ineffective Frederick's opposition was, succeeding generations were indebted to him for bringing this particular problem with all desirable clarity into the open: no king or emperor before him in his official protests and writings had so clearly put his finger on that vital problem as Frederick did when he appealed to the college of cardinals to convoke a general council: *dum credat (papa) sibi licere quod libeat* (31). Clearly, the actions and judgments of the pope did appear to Frederick as nothing but sheer arbitrariness — « *voluntatis sue arbitrio plus debito laxatis habenis* » (32), — convinced as he was of the *justitia nostri imperii* (33), but the crucial question was, how to prevent this state of affairs? If Frederick and his able advisers could not find the answer, one may be forgiven for asking whether any answer was possible at all.

The general problem emerging in all its sombre and stark reality in the last decade of Frederick's reign was far more significant

(31) *MGH., Const.*, II, 290, n. 214.

(32) *Ibid.*

(33) *Ibid.*, p. 310, line 23.

than the concrete questions which provoked the conflict. It was Frederick II who was destined to concentrate and to epitomize in himself the age-old problem of a secular monarchy within a theocentric and christocentric setting. Even though he lost the battle, both in actual fact and in pure theory, the historic significance of his stand must not be minimised. True, an all-out frontal attack on the very foundations of the papal monarchy, that is, the petrinity of papal powers and all its attendant consequences, his opposition did not reveal. In so far, then, he moved on the paths trodden by his predecessors. But there is one element in his opposition to which I have already drawn attention, namely the ideologically indefensible distinction between the pope answerable to a general council and the emperor standing above the law — an element which contains ingredients of an entirely different make, with pregnant implications.

Logical argumentation apparently made Frederick apply the ascending point of view the papacy. For as long as the unadulterated theocratic-descending standpoint was adhered to, no possibility in the realm of thought existed to deprive the ruler of his peculiar status, to rob him of his theocratically conceived plenitude of power (34). The seat of power is God, and whatever power is found « down below » is derived from this source through appropriate intermediaries: but this power is not autonomous, it is at best delegated and is an indubitably derived power. Hence it contradicts the laws of reasoning to say that those to whom power was delegated, who derived it from a superior organ, should then control that superior organ. Within the framework of the theocratic government no control of the papal monarch was possible. Consequently, when Frederick suggested the general council as a tribunal and a forum before which the iniquities of the pope were to be exposed, this forum quite obviously had the function of judging, which is nothing else but the practical exercise of controls and checks — a tenet that clearly violates the most fundamental principles of any theocratic rulership. Therefore, the underlying presupposition of this suggestion is the (at least implicit) denial of theo-

(34) The whole magnitude of the problem emerges if the function of the pope as *vicarius Dei* is properly appreciated. Even though this function has only juristic connotations, it was precisely because of the juristic contents that the exercise of this function displayed, or claimed to display, effects in this as well as in the other world.

cratic-monarchic premisses and the (again at least implicit) assertion of a residual possession of power with the general council, independent of the pope himself. Correctly understood, this is the ascending theme, according to which power originally resides « down below » and ascends upwards through various agencies and organs. The suggested general council was merely « representative » of the whole Church. In brief, this Frederician proposal of a general council was the expression of the view — not new, but hardly before him propounded in this practical manner — that the universal Church was the bearer of all power and rights, and the pope consequently answerable to it. The pope, in this scheme of things, was an organ of the universal Church. It is evident that the problem concerned nothing more nor less than the concept of Church: was it founded on Peter (the papal standpoint) or was Peter founded on the Church (the imperial standpoint, and, with the adoption of the ascending conception, also the standpoint of the conciliarists in the following century). Differently expressed: is the Church, the whole *congregatio fidelium*, endowed with original power or are its power derivative? The answer to this question hinges on the crucial Matthean verses, and Frederick opened the public discussion on this crucial dilemma in a very practical and concrete manner. Veiled under the threat of damaging the whole Church, this view may have given rise to the statement:

Vos igitur, dilecti principes, non nobis solum set *ecclesie, que congregatio est omnium Christi fidelium*, condolete, cuius capud languidum... *vir eius infidelis*, sacerdos eius polluens sanctum, *injuste faciens contra legem* (35),

as well as to the exclamation:

Dolemus tamen et ex corde dolemus propter verecundiam universalis ecclesie matris nostre, quam Dominus Jesus Christus sub specie virginis gloriosse in passionis testamento discipulis commendavit (36).

The fundamental point in this ascending view of Frederick is that it alone seemed to offer a possibility of bringing a pope to book: of course, it meant the overthrow of the theocratic-hierocratic pat-

(35) Ibid., p. 298, lines 7 ff.

(36) Ibid., p. 296, lines 34 ff.

tern altogether, and this attempt to fix the seat of power in the universal Church, that is, the *populus christianus*, is the tacit admission that on the theocratic-hierocratic level no machinery could be devised to achieve the reduction of the papal-petrine *plenitudo potestatis*, to put fetters on the government of the pope or to subject him to a supervisory control. This is not the place to depict the further fate of this Frederician stratagem, suffice it to say that the idea of the *populus christianus* being the bearer of power, made astonishingly rapid progress: the policy of Philip IV of France towards Boniface VIII is one example (37), and the conciliar movement is another instance of the appeal which the ascending-populist ideology was to make in the purely ecclesiological field.

It would, however, be futile to overlook the inevitable consequences which this ascending-populist theme entailed for the theocratically conceived secular monarchy. We have already noticed the dichotomy in Frederick's thinking between the pope's and the emperor's position: the latter, as we have seen, was for the so-called « temporal » matters unaccountable to anyone. Why should the theocratic standpoint be valid for the emperor, but not for the pope? No plausible answer can be given and I fear does not exist. But this is not an aspect which concerns Frederick only: in his great imitator, Philip IV, we witness exactly the same feature, this time only much more accentuated. The time was not so far off — and in literature certainly was propagated by men like Thomas Aquinas (with whom a very similar dichotomy is detectable) (38) and notably by John of Paris and Marsiglio of Padua — which applied to the king the same consideration which Frederick had in mind in regard to the pope. The impossibility of his finding an adequate answer to

(37) For the way in which Philip's government relied on the models provided by Frederick, see H. WIERUSZOWSKI, *op. cit.*, esp. pp. 42 ff. and 89 ff.

(38) It was no more than an ideological device to construct the theme of the natural origin of organised human society, the State, and the supra-natural origin of the Church. This was merely a figleaf for hiding the dichotomy. In parenthesis it may be remarked that this device made matters only worse (for the hierocrats), because the supra-natural idea lent considerable support to the purely mystical-sacramental conception of the Church, for which indeed no law, no tribunal, no organisation, no government, were necessary. And Marsiglio was not slow to make the most use of this conception. Behind all this stands the Thomist principle of a *duplex ordo in rebus* which in both Dante and Marsiglio became a fundamental principle of operation.

the papal-hierocratic scheme led him to propose that very theme which was to redound to the detriment of all theocratic rulership. The significance of this last papal-imperial conflict lies in that the door was opened, paradoxically enough by the emperor, for the influx of those themes which were to prove the undoing of both empire and papacy.

Seen from a wider vista, however, the Frederician attack on the personal failings, on the moral turpitude of his contemporary popes, had perhaps an even greater importance. Indubitably, the strength of the papal point of view lay precisely in withdrawing the person of the office holder from judgment: it was, as we have termed it, the de-personalized view which focused attention on the institution of the papacy, on the office of the pope, to the exclusion of the person of the office holder. It is as somewhat rarefied view, conceived entirely in the realms of doctrine and dogma, and in this lay its strength which Frederick was unable to shake. But its very strength was also its weakness: whilst it derived the former from the programme, impersonal and unalterable as it was, the theme took little account of the — from the human point of view — very understandable natural human element: is it a realistic approach, considering the natural laws propelling human inclinations and proclivities, to divorce so sharply the (objective) office from the (subjective) person? Could it not be said that this distinction and still more the practical consequences drawn from it, were a convenient cloak for justifying each and every action, however much it was inspired by motives far removed from all the precincts of the office itself, provided that the action somehow bore the stamp of the *officium*? Has it not been at all times the very human experience, the very natural "law" to judge the person executing the office rather than the de-personalized office? Is, in other words, the papal standpoint, consistent and logically flawless as it is, conformable to the natural laws of humanity? Did not in fact, though not in theory, Frederick II propound a view that was more conformable to the natural-human experience? Or for that matter, did not Gratian's misunderstanding reveal that he took account of the natural-human element? And is it really a mere coincidence that as the thirteenth century wears on, this natural-human outlook was to gain ascendancy, so much so that Philip IV and a distinguished galaxy of writers were to make this the focal point in their attack against the popes? Did not this natural-unso-phisticated human outlook contribute so powerfully to the decline of the papacy's standing, because the subjective evaluation of the

pope as man became more and more the measure and criterion? The laws of logical reasoning can find no fault in the imposing papal-hierarchical edifice culminating in the office, de-personalized and objective, but are the laws of logical reasoning always compatible with the laws of natural reasoning? However inadequate the means were which he employed, Frederick's opposition brought this very natural and human facet to the fore, a facet that was, so soon after him, brought into the clearest possible relief by the introduction of a scientific (Aristotelian-Thomist) naturalism which with all the available means directed attention onto Man himself and away from the impersonal office. Then the field was opened up to tackling this complex problem by no longer shielding the pope as man behind the office, but by forcing him into the foreground and making him absorb the office. And the further significance of Frederick's attack lay in preparing the soil for the receptivity of this natural-human point of view. The fruits were not gathered by him, but by succeeding generations: it was they who resolved the antinomy between logical reasoning and natural reasoning in the latter's favour.

WALTER ULLMANN