

Chapter XLIX: Conquest Of Italy By The Franks.--Part VI.

There is nothing perhaps more adverse to nature and reason than to hold in obedience remote countries and foreign nations, in opposition to their inclination and interest. A torrent of Barbarians may pass over the earth, but an extensive empire must be supported by a refined system of policy and oppression; in the centre, an absolute power, prompt in action and rich in resources; a swift and easy communication with the extreme parts; fortifications to check the first effort of rebellion; a regular administration to protect and punish; and a well-disciplined army to inspire fear, without provoking discontent and despair. Far different was the situation of the German Cæsars, who were ambitious to enslave the kingdom of Italy. Their patrimonial estates were stretched along the Rhine, or scattered in the provinces; but this ample domain was alienated by the imprudence or distress of successive princes; and their revenue, from minute and vexatious prerogative, was scarcely sufficient for the maintenance of their household. Their troops were formed by the legal or voluntary service of their feudal vassals, who passed the Alps with reluctance, assumed the license of rapine and disorder, and capriciously deserted before the end of the campaign. Whole armies were swept away by the pestilential influence of the climate: the survivors brought back the bones of their princes and nobles, and the effects of their own intemperance were often imputed to the treachery and malice of the Italians, who rejoiced at least in the calamities of the Barbarians. This irregular tyranny might contend on equal terms with the petty tyrants of Italy; nor can the people, or

the reader, be much interested in the event of the quarrel. But in the eleventh and twelfth centuries, the Lombards rekindled the flame of industry and freedom; and the generous example was at length imitated by the republics of Tuscany. In the Italian cities a municipal government had never been totally abolished; and their first privileges were granted by the favor and policy of the emperors, who were desirous of erecting a plebeian barrier against the independence of the nobles. But their rapid progress, the daily extension of their power and pretensions, were founded on the numbers and spirit of these rising communities. Each city filled the measure of her diocese or district: the jurisdiction of the counts and bishops, of the marquises and counts, was banished from the land; and the proudest nobles were persuaded or compelled to desert their solitary castles, and to embrace the more honorable character of freemen and magistrates. The legislative authority was inherent in the general assembly; but the executive powers were intrusted to three consuls, annually chosen from the three orders of captains, valvassors, and commons, into which the republic was divided. Under the protection of equal law, the labors of agriculture and commerce were gradually revived; but the martial spirit of the Lombards was nourished by the presence of danger; and as often as the bell was rung, or the standard erected, the gates of the city poured forth a numerous and intrepid band, whose zeal in their own cause was soon guided by the use and discipline of arms. At the foot of these popular ramparts, the pride of the Cæsars was overthrown; and the invincible genius of liberty prevailed over the two Frederics, the greatest princes of the middle age; the first, superior perhaps in

military prowess; the second, who undoubtedly excelled in the softer accomplishments of peace and learning.

Ambitious of restoring the splendor of the purple, Frederic the First invaded the republics of Lombardy, with the arts of a statesman, the valor of a soldier, and the cruelty of a tyrant. The recent discovery of the Pandects had renewed a science most favorable to despotism; and his venal advocates proclaimed the emperor the absolute master of the lives and properties of his subjects. His royal prerogatives, in a less odious sense, were acknowledged in the diet of Roncaglia; and the revenue of Italy was fixed at thirty thousand pounds of silver, which were multiplied to an indefinite demand by the rapine of the fiscal officers. The obstinate cities were reduced by the terror or the force of his arms: his captives were delivered to the executioner, or shot from his military engines; and after the siege and surrender of Milan, the buildings of that stately capital were razed to the ground, three hundred hostages were sent into Germany, and the inhabitants were dispersed in four villages, under the yoke of the inflexible conqueror. But Milan soon rose from her ashes; and the league of Lombardy was cemented by distress: their cause was espoused by Venice, Pope Alexander the Third, and the Greek emperor: the fabric of oppression was overturned in a day; and in the treaty of Constance, Frederic subscribed, with some reservations, the freedom of four-and-twenty cities. His grandson contended with their vigor and maturity; but Frederic the Second was endowed with some personal and peculiar advantages. His birth and education recommended him to the Italians;

and in the implacable discord of the two factions, the Ghibelins were attached to the emperor, while the Guelfs displayed the banner of liberty and the church. The court of Rome had slumbered, when his father Henry the Sixth was permitted to unite with the empire the kingdoms of Naples and Sicily; and from these hereditary realms the son derived an ample and ready supply of troops and treasure. Yet Frederic the Second was finally oppressed by the arms of the Lombards and the thunders of the Vatican: his kingdom was given to a stranger, and the last of his family was beheaded at Naples on a public scaffold. During sixty years, no emperor appeared in Italy, and the name was remembered only by the ignominious sale of the last relics of sovereignty.

The Barbarian conquerors of the West were pleased to decorate their chief with the title of emperor; but it was not their design to invest him with the despotism of Constantine and Justinian. The persons of the Germans were free, their conquests were their own, and their national character was animated by a spirit which scorned the servile jurisprudence of the new or the ancient Rome. It would have been a vain and dangerous attempt to impose a monarch on the armed freemen, who were impatient of a magistrate; on the bold, who refused to obey; on the powerful, who aspired to command. The empire of Charlemagne and Otho was

distributed among the dukes of the nations or provinces, the counts of the smaller districts, and the margraves of the marches or frontiers, who all united the civil and military authority as it had been delegated to the lieutenants of the first Cæsars. The Roman governors, who,

for the most part, were soldiers of fortune, seduced their mercenary legions, assumed the Imperial purple, and either failed or succeeded in their revolt, without wounding the power and unity of government. If the dukes, margraves, and counts of Germany, were less audacious in their claims, the consequences of their success were more lasting and pernicious to the state. Instead of aiming at the supreme rank, they silently labored to establish and appropriate their provincial independence. Their ambition was seconded by the weight of their estates and vassals, their mutual example and support, the common interest of the subordinate nobility, the change of princes and families, the minorities of Otho the Third and Henry the Fourth, the ambition of the popes, and the vain pursuit of the fugitive crowns of Italy and Rome. All the attributes of regal and territorial jurisdiction were gradually usurped by the commanders of the provinces; the right of peace and war, of life and death, of coinage and taxation, of foreign alliance and domestic economy. Whatever had been seized by violence, was ratified by favor or distress, was granted as the price of a doubtful vote or a voluntary service; whatever had been granted to one could not, without injury, be denied to his successor or equal; and every act of local or temporary possession was insensibly moulded into the constitution of the Germanic kingdom. In every province, the visible presence of the duke or count was interposed between the throne and the nobles; the subjects of the law became the vassals of a private chief; and the standard which he received from his sovereign, was often raised against him in the field. The temporal power of the clergy was cherished and exalted by the superstition or policy of the Carlovingian and Saxon dynasties, who

blindly depended on their moderation and fidelity; and the bishoprics of Germany were made equal in extent and privilege, superior in wealth and population, to the most ample states of the military order. As long as the emperors retained the prerogative of bestowing on every vacancy these ecclesiastic and secular benefices, their cause was maintained by the gratitude or ambition of their friends and favorites. But in the quarrel of the investitures, they were deprived of their influence over the episcopal chapters; the freedom of election was restored, and the sovereign was reduced, by a solemn mockery, to his first prayers, the recommendation, once in his reign, to a single prebend in each church. The secular governors, instead of being recalled at the will of a superior, could be degraded only by the sentence of their peers. In the first age of the monarchy, the appointment of the son to the duchy or county of his father, was solicited as a favor; it was gradually obtained as a custom, and extorted as a right: the lineal succession was often extended to the collateral or female branches; the states of the empire (their popular, and at length their legal, appellation) were divided and alienated by testament and sale; and all idea of a public trust was lost in that of a private and perpetual inheritance. The emperor could not even be enriched by the casualties of forfeiture and extinction: within the term of a year, he was obliged to dispose of the vacant fief; and, in the choice of the candidate, it was his duty to consult either the general or the provincial diet.

After the death of Frederic the Second, Germany was left a monster with a hundred heads. A crowd of princes and prelates disputed the ruins of

the empire: the lords of innumerable castles were less prone to obey, than to imitate, their superiors; and, according to the measure of their strength, their incessant hostilities received the names of conquest or robbery. Such anarchy was the inevitable consequence of the laws and manners of Europe; and the kingdoms of France and Italy were shivered into fragments by the violence of the same tempest. But the Italian cities and the French vassals were divided and destroyed, while the union of the Germans has produced, under the name of an empire, a great system of a federative republic. In the frequent and at last the perpetual institution of diets, a national spirit was kept alive, and the powers of a common legislature are still exercised by the three branches or colleges of the electors, the princes, and the free and Imperial cities of Germany. I. Seven of the most powerful feudatories were permitted to assume, with a distinguished name and rank, the exclusive privilege of choosing the Roman emperor; and these electors were the king of Bohemia, the duke of Saxony, the margrave of Brandenburgh, the count palatine of the Rhine, and the three archbishops of Mentz, of Treves, and of Cologne. II. The college of princes and prelates purged themselves of a promiscuous multitude: they reduced to four representative votes the long series of independent counts, and excluded the nobles or equestrian order, sixty thousand of whom, as in the Polish diets, had appeared on horseback in the field of election. III. The pride of birth and dominion, of the sword and the mitre, wisely adopted the commons as the third branch of the legislature, and, in the progress of society, they were introduced about the same æra into the

national assemblies of France England, and Germany. The Hanseatic League

commanded the trade and navigation of the north: the confederates of the Rhine secured the peace and intercourse of the inland country; the influence of the cities has been adequate to their wealth and policy, and their negative still invalidates the acts of the two superior colleges of electors and princes.

It is in the fourteenth century that we may view in the strongest light the state and contrast of the Roman empire of Germany, which no longer held, except on the borders of the Rhine and Danube, a single province of Trajan or Constantine. Their unworthy successors were the counts of Hapsburgh, of Nassau, of Luxemburgh, and Schwartzenburgh: the emperor Henry the Seventh procured for his son the crown of Bohemia, and his grandson Charles the Fourth was born among a people strange and barbarous in the estimation of the Germans themselves. After the excommunication of Lewis of Bavaria, he received the gift or promise of the vacant empire from the Roman pontiffs, who, in the exile and captivity of Avignon, affected the dominion of the earth. The death of his competitors united the electoral college, and Charles was unanimously saluted king of the Romans, and future emperor; a title which, in the same age, was prostituted to the Cæsars of Germany and Greece. The German emperor was no more than the elective and impotent magistrate of an aristocracy of princes, who had not left him a village that he might call his own. His best prerogative was the right of presiding and proposing in the national senate, which was convened at



his summons; and his native kingdom of Bohemia, less opulent than the adjacent city of Nuremberg, was the firmest seat of his power and the richest source of his revenue. The army with which he passed the Alps consisted of three hundred horse. In the cathedral of St. Ambrose, Charles was crowned with the iron crown, which tradition ascribed to the Lombard monarchy; but he was admitted only with a peaceful train; the gates of the city were shut upon him; and the king of Italy was held a captive by the arms of the Visconti, whom he confirmed in the sovereignty of Milan. In the Vatican he was again crowned with the golden crown of the empire; but, in obedience to a secret treaty, the Roman emperor immediately withdrew, without reposing a single night within the walls of Rome. The eloquent Petrarch, whose fancy revived the visionary glories of the Capitol, deplores and upbraids the ignominious flight of the Bohemian; and even his contemporaries could observe, that the sole exercise of his authority was in the lucrative sale of privileges and titles. The gold of Italy secured the election of his son; but such was the shameful poverty of the Roman emperor, that his person was arrested by a butcher in the streets of Worms, and was detained in the public inn, as a pledge or hostage for the payment of his expenses.

From this humiliating scene, let us turn to the apparent majesty of the same Charles in the diets of the empire. The golden bull, which fixes the Germanic constitution, is promulgated in the style of a sovereign and legislator. A hundred princes bowed before his throne, and exalted their own dignity by the voluntary honors which they yielded to their

chief or minister. At the royal banquet, the hereditary great officers, the seven electors, who in rank and title were equal to kings, performed their solemn and domestic service of the palace. The seals of the triple kingdom were borne in state by the archbishops of Mentz, Cologne, and Treves, the perpetual arch-chancellors of Germany, Italy, and Arles. The great marshal, on horseback, exercised his function with a silver measure of oats, which he emptied on the ground, and immediately dismounted to regulate the order of the guests. The great steward, the count palatine of the Rhine, placed the dishes on the table. The great chamberlain, the margrave of Brandenburg, presented, after the repast, the golden ewer and basin, to wash. The king of Bohemia, as great cup-bearer, was represented by the emperor's brother, the duke of Luxemburgh and Brabant; and the procession was closed by the great huntsmen, who introduced a boar and a stag, with a loud chorus of horns and hounds. Nor was the supremacy of the emperor confined to Germany alone: the hereditary monarchs of Europe confessed the preëminence of his rank and dignity: he was the first of the Christian princes, the temporal head of the great republic of the West: to his person the title of majesty was long appropriated; and he disputed with the pope the sublime prerogative of creating kings and assembling councils. The oracle of the civil law, the learned Bartolus, was a pensioner of Charles the Fourth; and his school resounded with the doctrine, that the Roman emperor was the rightful sovereign of the earth, from the rising to the setting sun. The contrary opinion was condemned, not as an error, but as a heresy, since even the gospel had pronounced, "And there went forth a decree from Cæsar Augustus, that all the world should be

taxed."

If we annihilate the interval of time and space between Augustus and Charles, strong and striking will be the contrast between the two Cæsars; the Bohemian who concealed his weakness under the mask of ostentation, and the Roman, who disguised his strength under the semblance of modesty. At the head of his victorious legions, in his reign over the sea and land, from the Nile and Euphrates to the Atlantic Ocean, Augustus professed himself the servant of the state and the equal of his fellow-citizens. The conqueror of Rome and her provinces assumed a popular and legal form of a censor, a consul, and a tribune. His will was the law of mankind, but in the declaration of his laws he borrowed the voice of the senate and people; and from their decrees their master accepted and renewed his temporary commission to administer the republic. In his dress, his domestics, his titles, in all the offices of social life, Augustus maintained the character of a private Roman; and his most artful flatterers respected the secret of his absolute and perpetual monarchy.