

Chapter LXIX: State Of Rome From The Twelfth Century.--Part II.

Yet the courage of Arnold was not devoid of discretion: he was protected, and had perhaps been invited, by the nobles and people; and in the service of freedom, his eloquence thundered over the seven hills. Blending in the same discourse the texts of Livy and St. Paul, uniting the motives of gospel, and of classic, enthusiasm, he admonished the Romans, how strangely their patience and the vices of the clergy had degenerated from the primitive times of the church and the city. He exhorted them to assert the inalienable rights of men and Christians; to restore the laws and magistrates of the republic; to respect the name of the emperor; but to confine their shepherd to the spiritual government of his flock. [26] Nor could his spiritual government escape the censure and control of the reformer; and the inferior clergy were taught by his lessons to resist the cardinals, who had usurped a despotic command over the twenty-eight regions or parishes of Rome. [27] The revolution was not accomplished without rapine and violence, the diffusion of blood and the demolition of houses: the victorious faction was enriched with the spoils of the clergy and the adverse nobles. Arnold of Brescia enjoyed, or deplored, the effects of his mission: his reign continued above ten years, while two popes, Innocent the Second and Anastasius the Fourth, either trembled in the Vatican, or wandered as exiles in the adjacent cities. They were succeeded by a more vigorous and fortunate pontiff. Adrian the Fourth, [28] the only Englishman who has ascended the throne of St. Peter; and whose merit emerged from the mean condition of a monk, and almost a beggar, in the monastery of St.

Albans. On the first provocation, of a cardinal killed or wounded in the streets, he cast an interdict on the guilty people; and from Christmas to Easter, Rome was deprived of the real or imaginary comforts of religious worship. The Romans had despised their temporal prince: they submitted with grief and terror to the censures of their spiritual father: their guilt was expiated by penance, and the banishment of the seditious preacher was the price of their absolution. But the revenge of Adrian was yet unsatisfied, and the approaching coronation of Frederic Barbarossa was fatal to the bold reformer, who had offended, though not in an equal degree, the heads of the church and state. In their interview at Viterbo, the pope represented to the emperor the furious, ungovernable spirit of the Romans; the insults, the injuries, the fears, to which his person and his clergy were continually exposed; and the pernicious tendency of the heresy of Arnold, which must subvert the principles of civil, as well as ecclesiastical, subordination. Frederic was convinced by these arguments, or tempted by the desire of the Imperial crown: in the balance of ambition, the innocence or life of an individual is of small account; and their common enemy was sacrificed to a moment of political concord. After his retreat from Rome, Arnold had been protected by the viscounts of Campania, from whom he was extorted by the power of Cæsar: the præfect of the city pronounced his sentence: the martyr of freedom was burned alive in the presence of a careless and ungrateful people; and his ashes were cast into the Tyber, lest the heretics should collect and worship the relics of their master. [29] The clergy triumphed in his death: with his ashes, his sect was dispersed; his memory still lived in the minds of the Romans. From his school they

had probably derived a new article of faith, that the metropolis of the Catholic church is exempt from the penalties of excommunication and interdict. Their bishops might argue, that the supreme jurisdiction, which they exercised over kings and nations, more especially embraced the city and diocese of the prince of the apostles. But they preached to the winds, and the same principle that weakened the effect, must temper the abuse, of the thunders of the Vatican.

[Footnote 26: He advised the Romans,

Consiliis armisque sua moderamina summa  
Arbitrio tractare suo: nil juris in hâc re  
Pontifici summo, modicum concedere regi  
Suadebat populo. Sic læsâ stultus utrâque  
Majestate, reum geminæ se fecerat aulæ.

Nor is the poetry of Gunther different from the prose of Otho.]

[Footnote 27: See Baronius (A.D. 1148, No. 38, 39) from the Vatican MSS. He loudly condemns Arnold (A.D. 1141, No. 3) as the father of the political heretics, whose influence then hurt him in France.]

[Footnote 28: The English reader may consult the Biographia Britannica, Adrian IV.; but our own writers have added nothing to the fame or merits of their countrymen.]

[Footnote 29: Besides the historian and poet already quoted, the last adventures of Arnold are related by the biographer of Adrian IV.

(Muratori. Script. Rerum Ital. tom. iii. P. i. p. 441, 442.)]

The love of ancient freedom has encouraged a belief that as early as the tenth century, in their first struggles against the Saxon Othos, the commonwealth was vindicated and restored by the senate and people of Rome; that two consuls were annually elected among the nobles, and that ten or twelve plebeian magistrates revived the name and office of the tribunes of the commons. [30] But this venerable structure disappears before the light of criticism. In the darkness of the middle ages, the appellations of senators, of consuls, of the sons of consuls, may sometimes be discovered. [31] They were bestowed by the emperors, or assumed by the most powerful citizens, to denote their rank, their honors, [32] and perhaps the claim of a pure and patrician descent: but they float on the surface, without a series or a substance, the titles of men, not the orders of government; [33] and it is only from the year of Christ one thousand one hundred and forty-four that the establishment of the senate is dated, as a glorious æra, in the acts of the city. A new constitution was hastily framed by private ambition or popular enthusiasm; nor could Rome, in the twelfth century, produce an antiquary to explain, or a legislator to restore, the harmony and proportions of the ancient model. The assembly of a free, of an armed, people, will ever speak in loud and weighty acclamations. But the regular distribution of the thirty-five tribes, the nice balance of the wealth and numbers of the centuries, the debates of the adverse orators, and the slow operations of votes and ballots, could not easily be adapted by a blind multitude, ignorant of the arts, and insensible of the

benefits, of legal government. It was proposed by Arnold to revive and discriminate the equestrian order; but what could be the motive or measure of such distinction? [34] The pecuniary qualification of the knights must have been reduced to the poverty of the times: those times

no longer required their civil functions of judges and farmers of the revenue; and their primitive duty, their military service on horseback, was more nobly supplied by feudal tenures and the spirit of chivalry. The jurisprudence of the republic was useless and unknown: the nations and families of Italy who lived under the Roman and Barbaric laws were insensibly mingled in a common mass; and some faint tradition, some imperfect fragments, preserved the memory of the Code and Pandects of Justinian. With their liberty the Romans might doubtless have restored the appellation and office of consuls; had they not disdained a title so promiscuously adopted in the Italian cities, that it has finally settled on the humble station of the agents of commerce in a foreign land. But the rights of the tribunes, the formidable word that arrested the public counsels, suppose or must produce a legitimate democracy. The old patricians were the subjects, the modern barons the tyrants, of the state; nor would the enemies of peace and order, who insulted the vicar of Christ, have long respected the unarmed sanctity of a plebeian magistrate. [35]

[Footnote 30: Ducange (*Gloss. Latinitatis Mediæ et Infimæ Ætatis*, Decarchones, tom. ii. p. 726) gives me a quotation from Blondus, (*Decad. ii. l. ii.:*) Duo consules ex nobilitate quotannis fiebant, qui ad

vetustum consulum exemplar summærerum præessent. And in Sigonius (de Regno Italiæ, l. v. Opp. tom. ii. p. 400) I read of the consuls and tribunes of the xth century. Both Blondus, and even Sigonius, too freely copied the classic method of supplying from reason or fancy the deficiency of records.]

[Footnote 31: In the panegyric of Berengarius (Muratori, Script. Rer. Ital. tom. ii. P. i. p. 408) a Roman is mentioned as *consulis natus* in the beginning of the xth century. Muratori (Dissert. v.) discovers, in the years 952 and 956, Gratianus in *Dei nomine consul et dux*, Georgius *consul et dux*; and in 1015, Romanus, brother of Gregory VIII., proudly, but vaguely, styles himself *consul et dux et omnium Romanorum senator*.]

[Footnote 32: As late as the xth century, the Greek emperors conferred on the dukes of Venice, Naples, Amalphi, &c., the title of *υπατορ* or consuls, (see Chron. Sagornini, *passim*;) and the successors of Charlemagne would not abdicate any of their prerogative. But in general the names of consul and senator, which may be found among the French and Germans, signify no more than count and lord, (*Signeur, Ducange Glossar.*) The monkish writers are often ambitious of fine classic words.]

[Footnote 33: The most constitutional form is a diploma of Otho III., (A. D 998,) *consulibus senatûs populique Romani*; but the act is probably spurious. At the coronation of Henry I., A.D. 1014, the historian Dithmar (apud Muratori, Dissert. xxiii.) describes him, a *senatoribus*

duodecim vallatum, quorum sex rasi barbâ, alii prolixâ, mystice  
incedebant cum baculis. The senate is mentioned in the panegyric of  
Berengarius, (p. 406.)]

[Footnote 34: In ancient Rome the equestrian order was not ranked  
with the senate and people as a third branch of the republic till the  
consulship of Cicero, who assumes the merit of the establishment,  
(Plin. Hist. Natur. xxxiii. 3. Beaufort, République Romaine, tom. i. p.  
144--155.)]

[Footnote 35: The republican plan of Arnold of Brescia is thus stated by  
Gunther:--

Quin etiam titulos urbis renovare vetustos;  
Nomine plebeio secernere nomen equestre,  
Jura tribunorum, sanctum reparare senatum,  
Et senio fessas mutasque reponere leges.  
Lapsa ruinosis, et adhuc pendentia muris  
Reddere primævo Capitolia prisca nitore.

But of these reformations, some were no more than ideas, others no more  
than words.]

In the revolution of the twelfth century, which gave a new existence and  
æra to Rome, we may observe the real and important events that marked or  
confirmed her political independence. I. The Capitoline hill, one of  
her seven eminences, [36] is about four hundred yards in length, and two  
hundred in breadth. A flight of a hundred steps led to the summit of the

Tarpeian rock; and far steeper was the ascent before the declivities had been smoothed and the precipices filled by the ruins of fallen edifices. From the earliest ages, the Capitol had been used as a temple in peace, a fortress in war: after the loss of the city, it maintained a siege against the victorious Gauls, and the sanctuary of the empire was occupied, assaulted, and burnt, in the civil wars of Vitellius and Vespasian. [37] The temples of Jupiter and his kindred deities had crumbled into dust; their place was supplied by monasteries and houses; and the solid walls, the long and shelving porticos, were decayed or ruined by the lapse of time. It was the first act of the Romans, an act of freedom, to restore the strength, though not the beauty, of the Capitol; to fortify the seat of their arms and counsels; and as often as they ascended the hill, the coldest minds must have glowed with the remembrance of their ancestors. II. The first Cæsars had been invested with the exclusive coinage of the gold and silver; to the senate they abandoned the baser metal of bronze or copper: [38] the emblems and legends were inscribed on a more ample field by the genius of flattery; and the prince was relieved from the care of celebrating his own virtues. The successors of Diocletian despised even the flattery of the senate: their royal officers at Rome, and in the provinces, assumed the sole direction of the mint; and the same prerogative was inherited by the Gothic kings of Italy, and the long series of the Greek, the French, and the German dynasties. After an abdication of eight hundred years, the Roman senate asserted this honorable and lucrative privilege; which was tacitly renounced by the popes, from Paschal the Second to the establishment of their residence beyond the Alps. Some of these



republican coins of the twelfth and thirteenth centuries are shown in the cabinets of the curious. On one of these, a gold medal, Christ is depicted holding in his left hand a book with this inscription: "The vow of the Roman senate and people: Rome the capital of the world;" on the reverse, St. Peter delivering a banner to a kneeling senator in his cap and gown, with the name and arms of his family impressed on a shield. [39] III. With the empire, the præfect of the city had declined to a municipal officer; yet he still exercised in the last appeal the civil and criminal jurisdiction; and a drawn sword, which he received from the successors of Otho, was the mode of his investiture and the emblem of his functions. [40] The dignity was confined to the noble families of Rome: the choice of the people was ratified by the pope; but a triple oath of fidelity must have often embarrassed the præfect in the conflict of adverse duties. [41] A servant, in whom they possessed but a third share, was dismissed by the independent Romans: in his place they elected a patrician; but this title, which Charlemagne had not disdained, was too lofty for a citizen or a subject; and, after the first fervor of rebellion, they consented without reluctance to the restoration of the præfect. About fifty years after this event, Innocent the Third, the most ambitious, or at least the most fortunate, of the Pontiffs, delivered the Romans and himself from this badge of foreign dominion: he invested the præfect with a banner instead of a sword, and absolved him from all dependence of oaths or service to the German emperors. [42] In his place an ecclesiastic, a present or future cardinal, was named by the pope to the civil government of Rome; but his jurisdiction has been reduced to a narrow compass; and in the days of

freedom, the right or exercise was derived from the senate and people.

IV. After the revival of the senate, [43] the conscript fathers (if I may use the expression) were invested with the legislative and executive power; but their views seldom reached beyond the present day; and that day was most frequently disturbed by violence and tumult. In its utmost plenitude, the order or assembly consisted of fifty-six senators, [44] the most eminent of whom were distinguished by the title of counsellors: they were nominated, perhaps annually, by the people; and a previous choice of their electors, ten persons in each region, or parish, might afford a basis for a free and permanent constitution. The popes, who in this tempest submitted rather to bend than to break, confirmed by treaty the establishment and privileges of the senate, and expected from time, peace, and religion, the restoration of their government. The motives of public and private interest might sometimes draw from the Romans an occasional and temporary sacrifice of their claims; and they renewed their oath of allegiance to the successor of St. Peter and Constantine, the lawful head of the church and the republic. [45]

[Footnote 36: After many disputes among the antiquaries of Rome, it seems determined, that the summit of the Capitoline hill next the river is strictly the Mons Tarpeius, the Arx; and that on the other summit, the church and convent of Araceli, the barefoot friars of St. Francis occupy the temple of Jupiter, (Nardini, Roma Antica, l. v. c. 11--16. \*

Note: The authority of Nardini is now vigorously impugned, and the question of the Arx and the Temple of Jupiter revived, with new arguments by Niebuhr and his accomplished follower, M. Bunsen. Roms

Beschreibung, vol. iii. p. 12, et seq.--M.]

[Footnote 37: Tacit. Hist. iii. 69, 70.]

[Footnote 38: This partition of the noble and baser metals between the emperor and senate must, however, be adopted, not as a positive fact, but as the probable opinion of the best antiquaries, \* (see the Science des Medailles of the Père Joubert, tom. ii. p. 208--211, in the improved and scarce edition of the Baron de la Bastie. \*

Note: Dr. Cardwell (Lecture on Ancient Coins, p. 70, et seq.) assigns convincing reasons in support of this opinion.--M.]

[Footnote 39: In his xxviiith dissertation on the Antiquities of Italy, (tom. ii. p. 559--569,) Muratori exhibits a series of the senatorian coins, which bore the obscure names of Affortiati, Infortiati, Provisini, Papparini. During this period, all the popes, without excepting Boniface VIII, abstained from the right of coining, which was resumed by his successor Benedict XI., and regularly exercised in the court of Avignon.]

[Footnote 40: A German historian, Gerard of Reicherspeg (in Baluz. Miscell. tom. v. p. 64, apud Schmidt, Hist. des Allemands, tom. iii. p. 265) thus describes the constitution of Rome in the xith century: Grandiora urbis et orbis negotia spectant ad Romanum pontificem itemque ad Romanum Imperatorem, sive illius vicarium urbis præfectum, qui de suâ dignitate respicit utrumque, videlicet dominum papam cui facit hominum,

et dominum imperatorem a quo accipit suæ potestatis insigne, scilicet gladium exertum.]

[Footnote 41: The words of a contemporary writer (Pandulph. Pisan. in Vit. Paschal. II. p. 357, 358) describe the election and oath of the præfect in 1118, inconsultis patribus.... loca præfectoria.... Laudes præfectoriæ.... comitiorum applausum.... juraturum populo in ambonem sublevant.... confirmari eum in urbe præfectum petunt.]

[Footnote 42: Urbis præfectum ad ligiam fidelitatem recepit, et per mantum quod illi donavit de præfecturâ eum publice investivit, qui usque ad id tempus juramento fidelitatis imperatori fuit obligatus et ab eo præfecturæ tenuit honorem, (Gesta Innocent. III. in Muratori, tom. iii. P. i. p. 487.)]

[Footnote 43: See Otho Frising. Chron. vii. 31, de Gest. Frederic. I., l. i. c. 27.]

[Footnote 44: Cur countryman, Roger Hoveden, speaks of the single senators, of the Capuzzi family, &c., quorum temporibus melius regebatur Roma quam nunc (A.D. 1194) est temporibus lvi. senatorum, (Ducange, Gloss. tom. vi. p. 191, Senatores.)]

[Footnote 45: Muratori (dissert. xlii. tom. iii. p. 785--788) has published an original treaty: Concordia inter D. nostrum papam Clementem III. et senatores populi Romani super regalibus et aliis dignitatibus

urbis, &c., anno 44° senatûs. The senate speaks, and speaks with authority: Reddimus ad præsens.... habebimus.... dabitis presbetria.... jurabimus pacem et fidelitatem, &c. A chartula de Tenementis Tusculani, dated in the 47th year of the same æra, and confirmed decreto amplissimi ordinis senatûs, acclamatione P. R. publice Capitolio consistentis. It is there we find the difference of senatores consilarii and simple senators, (Muratori, dissert. xlii. tom. iii. p. 787--789.)]

The union and vigor of a public council was dissolved in a lawless city; and the Romans soon adopted a more strong and simple mode of administration. They condensed the name and authority of the senate in a single magistrate, or two colleagues; and as they were changed at the end of a year, or of six months, the greatness of the trust was compensated by the shortness of the term. But in this transient reign, the senators of Rome indulged their avarice and ambition: their justice was perverted by the interest of their family and faction; and as they punished only their enemies, they were obeyed only by their adherents. Anarchy, no longer tempered by the pastoral care of their bishop, admonished the Romans that they were incapable of governing themselves; and they sought abroad those blessings which they were hopeless of finding at home. In the same age, and from the same motives, most of the Italian republics were prompted to embrace a measure, which, however strange it may seem, was adapted to their situation, and productive of the most salutary effects. [46] They chose, in some foreign but friendly city, an impartial magistrate of noble birth and unblemished character, a soldier and a statesman, recommended by the voice of fame and his

country, to whom they delegated for a time the supreme administration of peace and war. The compact between the governor and the governed was sealed with oaths and subscriptions; and the duration of his power, the measure of his stipend, the nature of their mutual obligations, were defined with scrupulous precision. They swore to obey him as their lawful superior: he pledged his faith to unite the indifference of a stranger with the zeal of a patriot. At his choice, four or six knights and civilians, his assessors in arms and justice, attended the Podesta, [47] who maintained at his own expense a decent retinue of servants and horses: his wife, his son, his brother, who might bias the affections of the judge, were left behind: during the exercise of his office he was not permitted to purchase land, to contract an alliance, or even to accept an invitation in the house of a citizen; nor could he honorably depart till he had satisfied the complaints that might be urged against his government.

[Footnote 46: Muratori (dissert. xlv. tom. iv. p. 64--92) has fully explained this mode of government; and the *Oculus Pastoralis*, which he has given at the end, is a treatise or sermon on the duties of these foreign magistrates.]

[Footnote 47: In the Latin writers, at least of the silver age, the title of Potestas was transferred from the office to the magistrate:--

Hujus qui trahitur prætextam sumere mavis;

An Fidenarum Gabiorumque esse Potestas.

Juvenal. Satir. x. 99.11]