
THE FIRST PAPAL ELECTION ACCORDING TO THE DECREE *IN NOMINE DOMINI*

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Abstract

Domini decree. It analyses contemporary sources, particularly the *Monte Cassino Chronicle* and post-election announcements, to ask when this decree was first used in practice and under what circumstances. The main focus is on Pope Urban II's election, which has several essential features that coincide with the *In nomine Domini* decree provisions. The study makes a detailed comparison of the procedure used in the choice between contemporary sources and the text of the decree, to show that they did indeed coincide in the major features of the procedure. In addition, it focuses on the internal and external criticism of the sources, dealing primarily with possible later modifications and contradictions. The result is not only a confirmation of Urban II's election as an exceptional act, which deliberately used Nicholas II's decree to select a new pope but also a subsequent evaluation of the reasons why the electors preferred such a procedure.

Keywords: *In nomine Domini* decree, papal election, papacy, Urban II

1. Introduction

Pope Nicholas II's decree of 1059, traditionally called *In nomine Domini*, is considered a key legislative document regulating the method of papal election, whose basic parameters are still valid today. It is a lesser-known fact that selecting a new head of the Catholic Church through the election of the College of Cardinals was a lengthy process. The decree did not initially represent any fundamental change in how the Pope was elected. An analysis of the individual elections that took place during the second half of the 11th century and the first half of the 12th century confirms that the *In nomine Domini* decree remained for a long time out of the attention of the ecclesiastical leaders, or, more precisely, only some parts of it were used and modified for the election [1]. This study does not set out to analyse the election method over the whole period, i.e. from the decree's issuance to the final enforcement of binding legislation in 1179 but concentrates attention on the key question of when the practical application of the *In nomine Domini* decree in the papal election can first really be demonstrated. It is based on analysing and comparing extensive source material on the topic and reflecting contemporary historical-canonical discourse.

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2. State of research

It should be mentioned at the beginning that the research on the issue of the electoral *In nomine Domini* decree is extensive and elaborate. In particular, German theology and historiography have been concerned with various aspects of this topic since the 19th century, especially the circumstances of the decree's issuance, matters of language and content as well as the motivations that led to its adoption [2, p. 678-683; 3, p. 342-344; 4, p. XI-XIII; 5, p. 9-22, 277-278; 6, p. 1-9; 7, p. 352-367]. The research has led to several main conclusions, which are nowadays respected by most of the professional community. For example, manuscript research can be considered complete, with Detlef Jasper making the last significant additions in the 1980s [7; 8]. There is a consensus on the authenticity of the so-called papal-cardinal version, while the so-called imperial version is seen as a later modification [9]. The extensive debate on the reasons for the decree also shifted from the initial accentuation of the influence of the Investiture Contest to other meanings, especially greater independence from the Roman aristocracy and consideration of the current ecclesiastical-political situation after the death of Emperor Henry III [4; 5]. However, the decree itself is necessarily only a starting point for other questions that can be drawn from this electoral regulation.

Research in recent decades has been dominated by questions related to the College of Cardinals' status and this group's overall rise in the context of the ecclesiastical development of the late 11th and first half of the 12th centuries. Nicholas's decree, with its explicit highlighting of the rights of cardinal-bishops and the subsequent efforts of the rest of the College to accommodate their claims, with an imaginary culmination around the schism of 1130, provides important insights into the structural workings of the papal office [10]. The struggles among the various groups to assert ecclesiastical rights and delineate secular and ecclesiastical power gave many impulses for the development of legal thinking. While the Nicholas legislation and the issue of papal elections form only a partial segment of this topic, they allow us to trace the gradual changes in emphasis and interpretation and the use of ever newer and more sophisticated procedures to defend their positions. Ecclesiastical and legal historians have focused on the development of Gregorian canonical law and representatives of High Medieval Romance studies and their approach to the electoral procedure. Again, the 1059 decree's importance and role cannot be ignored, nor can subsequent attempts to modify it or to challenge its postulates [11; 12; 13]. In this sense, Nicholas' legislation remains an integral part of contemporary historical, theological, and canonical research and continues to influence the search for partial aspects and the overall shape of Latin society during the assertion of religious freedoms at the turn of the 11th and 12th centuries.

3. Papal elections in the mid-11th century and their specifics

Following the above-mentioned research, the practical impact of the decree on individual papal elections can also be analysed in depth. As indicated in the Introduction, the legislative act itself did not have sufficient influence in the mid-11th century to transform existing customs and power relations inside and outside the Church. A glance at the course of the elections in 1061 (after the death of Nicholas II) or 1073 (after the death of Alexander II) clearly shows that little or no regard was paid to the provisions of the *In nomine Domini* decree. In the first case, the Roman urban opposition completely ignored the new legislation and, together with the Northern Italian episcopate, called on the Empire Court to elect or confirm their candidate. If the pro-reform candidate Alexander II eventually prevailed, it was not due to respect for the existing electoral law but to the diplomatic and power support of Anno, the Archbishop of Cologne, who took control of the practical politics of the emperor court. None of the available sources mentions the *In nomine Domini* decree, and the reform party's actions gathered around Cardinals Peter Damiani or Hildebrand do not suggest that they felt bound by its provisions. The situation simply required complex manoeuvring, and following all the procedures called for by the Decree was not realistic. Therefore, it is impossible to assess how much respect the reform party had for the provisions of the Decree and how the imperial environment (the emperor court or Archbishop Anno) viewed it.

Even more complicated circumstances accompanied the election of Pope Gregory VII in 1073. Although the official announcement of the Pope's accession to the Holy See spoke of joint action of the entire Roman Church under the leadership of the cardinals, the Pope himself, in his two letters describing his promotion, acknowledges the leading role of spontaneous popular acclamation and sees the whole event as a manifestation of God's will. It was certainly not an election according to the diction of the *In nomine Domini* decree. Although the official announcement does formalize the whole act more, it still differs in many elements from the instructions of 1059 - for example, by emphasizing the greater role of the clerical cardinals. Similarly, we would find various major and minor deviations from the procedure laid down by the *In nomine Domini* decree also in other elections that took place by the end of the 11th century or in the first half of the 12th century. One cannot ignore the role of the papal designation, i.e., the previous pope's efforts to recommend or directly promote a candidate who seemed optimal to him [14]. Other elections were primarily influenced by the extraordinary political situation (e.g. the election of Calixtus II in 1119 in the exile of Burgundy), responded to the formation of the College of Cardinals and its different views on the powers of the individual cardinal orders (e.g. the election of Paschal II in 1099 or the process of approving the election of Calixtus II) or reflected the political ambitions of Roman noble families (e.g. the attack of the Frangipane family on the electoral assembly of Gelasius II in 1118).

Therefore, it is not easy to take relevant positions on the issue of the actual application of the *In nomine Domini* decree in the period between its issuance (1059) and the formal confirmation of its main principles at the Third Council of

the Lateran (1179). There is no doubt that the electoral process was a living thing even after the Decree had been issued, constantly evolving, and reacting to new stimuli or the current situation. It is not possible to see in it a fixed, binding, and formalised concept of the electoral process, neither based on content analysis nor on immediate practice. A certain scepticism as to the real meaning of the Decree is reinforced by the fact that contemporary sources did not actually know the text of the Decree in detail. Not only has the original (autograph) of Nicholas' decree of 1059 not survived, but the individual copies we find in dozens of later manuscripts do not match in text and content. In addition to the group of copies that faithfully or with only minor deviations reproduce the text of the Decree adopted at the Roman Synod of 1059, there is an equally extensive group of copies that differ from the original Decree and thus testify to a later modification of this document [6, p. 9-18]. Moreover, all of these variants are of a younger date and were not created until the 12th or 13th century - the earliest record of an authentic document of 1059 is probably reproduced as a part of the legal collection of Ivon of Chartres *Panormia* (created 1094), or it appeared in the chronicle of Hugh of Flavigny (around 1100) [6, p. 9-13], and in the case of the modified imperial variant, the dating should be pushed back to the early 12th century [15, p. 245-248]. Given the limitations mentioned above, it is, therefore, very important to ask which papal election was the first to demonstrate an intentional process according to Nicholas' *In nomine Domini* decree and what reasons or circumstances led to such an action.

4. The election of Urban II

When we compare the individual elections in the period under review (i.e., from 1061 onwards) and analyse the accounts of contemporary sources, our attention is inevitably drawn to the presentation of the electoral procedure applied in the selection of Pope Urban II. This election, which took place in 1088, is unique in many aspects compared to most previous and subsequent descriptions of elections. Only three relevant sources record the election course in detail: the *Monte Cassino Chronicle* [16, p. 467-468] and two letters announcing the election, which were written by Pope Urban II himself soon after the election [17; 18]. The rest of the sources are modest in content and only illustrate a general view of the new election; the differences between them are not very great and are mostly limited to statements about the election made by the College of Cardinals and other clerics and laity [19, p. 470]. However, the first three sources mentioned are extraordinary in content. Unlike most other election descriptions, these texts are precise and focused on the electoral procedure. In a sense, we could even say that, for the first time, the source describing the election focused on the individual steps leading to the election of the Pope and devoted its attention to the formal procedures. At the same time, it cannot be overlooked that the procedure used in the election of Urban II strikingly copied the provisions of the *In nomine Domini* decree in many respects.

First, we will look at the election of Urban II itself. The search for a new Rome bishop occurred under very complicated conditions of the culminating

conflict between Emperor Henry IV and his supporters on the one hand and the supporters of the Gregorian Reform Party on the other hand (the Investiture Contest). In previous years, the emperor successfully expelled the reformist Pope Gregory VII (he died in exile in 1085) from Rome and mediated the election of Clement III, an antipope, who had the relatively strong support of both the Italian bishops and some of the clerical cardinals. The Reform Party did not give up its fight and managed to force Pope Victor III's election against Clement III (1086 or 1087), but his sudden death in September 1087 brought further uncertainty to the reform block. The leaders of the Reform Party, led by a group of cardinal bishops headed by Odo of Ostia, the Abbot of Monte Cassino, Odorisio, and other opponents of Clement III, were aware of the need to elect a strong and authoritative pope who would restore the position of the anti-imperial party. There was no time for political disputes and personal ambitions - on the contrary, the sources confirm consensual and united actions with the clear aim of presenting the election of the new Pope as conforming to the applicable law and all legitimate expectations.

The election of the new pope took place after previous preparations at the beginning of Lent, between 8 and 12 March 1088, in Terracina, a town on the border of the papal enclaves and near Norman territory. Presenting the election was in the hands of the cardinal bishops, who attended the meeting in its entirety - besides Odo of Ostia, the bishops of Porto, Tusculum, Albano, Sabina, and Segni were named [17, p. 704; 18, p. 174]; only the cardinal of Palestrina was absent. However, this bishopric was vacant at the time [20, p. 40, 117]. According to the description of the events as presented in the *Monte Cassino Chronicle*, in addition to the cardinals and Roman clerics and laity, bishops, and abbots, especially from Campania and Apulia, were to take part in the election, and the Transalpine bishops and Matilda of Tuscany sent representatives, making a total of about 40 participants [16, p. 478]. Urban confirms these data in his letters. He directly mentions the cardinal bishops and representatives of the other cardinal orders and completes them with a delegation of Roman laity headed by Prefect Benedict [21, p. 385]. He gives a precise list of the rest of the participants, namely 21 bishops and 4 abbots [17, p. 704]. Therefore, it was not a large assembly but rather a carefully selected and representative group of about 30 to 40 people who acted as representatives of their regions and estates.

The election itself was divided into two parts. Within the first one, on 8 and 9 March, the first official meetings took place, during which the competencies of the different groups and representatives were clearly defined. This is evidenced by the detailed list of participants and their identification as given in the *Monte Cassino Chronicle* and the election announcement of Urban II. Furthermore, the participants were briefed on the situation and the legislative and canonical aspect of the election was probably also addressed, although no source explicitly mentions this. Discussions about the voting rights and priorities of individual representatives were not necessarily clear-cut, and the text suggests that there was a more heated debate. In the end, however, the representatives of all the factions agreed that the new pope would be a candidate who could achieve unanimous support, as declared by their leaders, John of Porto and Prefect Benedict, on behalf

of the clerical and lay parts of the Roman Church [16, p. 478]. Presumably, the need to publicly announce this commitment was to ensure that one group would not overrule the other and a unified position would be sought.

We can only speculate whether the above statement did not hide the ambition of the clerical cardinals' representatives not to allow their group's marginalization. Thus, the search for unity could take place both between the clerical and lay parts, as well as within the clerical group itself, as evidenced, among other things, by the subsequent formal expression of consent. However, the cardinal bishops were aware of their superiority and did not hesitate to shield their candidate, Odo of Ostia, with the authority of both Pope Gregory VII and Pope Victor III. John, bishop of Tusculum, spoke in the assembly, drawing the participants' attention to the designations of the two previous popes in favour of Odo and presumably asking everyone to respect this [16, p. 478]. This certainly achieved the consolidation of Odo's position as the favourite for the election. Still, mentioning a three-day delay in the final decision (for prayer and spiritual meditation) at the same time refers to a certain hesitation.

The final election took place Sunday, 12 March, in a manner that bears the almost ceremonial hallmarks of electoral procedure. The various factions undoubtedly used the three days set aside for spiritual reflection on the election for further negotiations. Now, the result of the electoral agreement has been solemnly implemented. John, bishop of Porto, John, bishop of Tusculum, and Peter bishop of Albano, apparently on behalf of the Order of Cardinal Bishops, presented Odo of Ostia as their agreed nominee and asked the other electors to comment on this. They found the choice to be the right one and agreed with it. While the *Monte Cassino Chronicle* describes this election part only in general terms as a general acceptance of the proposal [16, p. 478], Urban II was more precise in his letters. For the election itself, although he merely stated that he had been elected after three days of prayers, a few lines earlier, he reveals that it was necessary to obtain the consent of the various factions - the cardinal priests represented by Cardinal Rainer of St. Clement, the cardinal deacons, represented by none other than Oderisius of Monte Cassino, a cardinal deacon of St. Agatha, the Roman clergymen, whose will was interpreted by the cardinal-bishop John of Porto, and finally, the Roman people, on whose behalf the urban prefect Benedict spoke [17, p. 704; 18, p. 174]. This separate enumeration alone would entitle us to suppose that after the episcopal nomination, the individual representatives gradually added their consent, and only after the last of them had expressed his opinion was it possible to state the unity of the election and to confirm Odo as the new pope.

The chosen procedure allowed both the demonstration of the unity of the entire Gregorian block, which was, outwardly, one of the most important goals of the negotiations, and the confirmation of the identity of the individual groups within the College of Cardinals and Roman society [19, p. 479]. Pope Urban II, acclaimed by the whole assembly, possessed clear legitimacy, and could undertake the difficult task of enhancing the reform papacy. However, the task he was facing was not an easy one, as all involved were no doubt aware. This can be inferred from the procedure that followed immediately after the election. Unlike

Victor III, Urban made no effort to move to Rome and achieve a ceremonial enthronement in the Basilica of Saint Peter in the Vatican or the Roman church of St. Peter in Chains. This was not an option without the help of the Normans, who were completely preoccupied with their problems, and so Urban was inaugurated the same day in the local church of St. Peter [16, p. 468].

5. The first use of the *In nomine Domini* decree?

The frequency of features that show agreement when comparing the description of Urban's election with the provisions of Nicholas's Decree of 1059 has previously led some historians and canonists to believe that this was a deliberate implementation of the legislation of the *In nomine Domini* decree [21, p. 381-394; 22, p. 198-199]. However, a priori acceptance of such conclusions is not possible. As mentioned above, the provisions of the *In nomine Domini* decree had not yet been applied in practice, and the subsequent elections (1099, 1118, 1119) have also deviated significantly from this legislation. Suppose we want to prove that Urban II's election was an example of full appreciation of the principles contained in the *In nomine Domini* decree. In that case, we must carefully analyse contemporary sources and evaluate two key research questions. The first question concerns the coincidence of the events described with the provisions of the *In nomine Domini* decree, i.e., it must be shown that the election took place according to the provisions of Nicholas' legislation. The second area of our interest is focused on the sources themselves. It is necessary to prove that the statements of the sources can be trusted, i.e. that they stand up to the criteria of external and internal criticism, that the texts have not been modified in later periods, and that their messages are not contradictory when compared with each other.

5.1. Coincidence of the election procedure with the provisions of the In nomine Domini decree

Our attention to analysing the course of Urban II's election is based on the premise that the main players in the negotiations applied the postulates contained in Nicholas II's Decree of 1059 or in other subsequent documents in implementing it. The validity of this assumption is based on visible features that refer to accents that can only be found in such an explicit form in the text of Nicholas' Decree. Similar to Nicholas' legislation, it is useful to divide the course of the election into several categories. The first one concentrates on the players of the election, their order, and their powers. The second one concerns the electoral procedure and the structure of the electoral process. The third area relates to the additional provisions governing the election in a non-standard situation, i.e., regarding the place of election and enthronement-related problems.

There is no need to re-present the basic circumstances of the election in detail. It is enough to recall that the electoral assembly took place after several months of careful preparation, with the knowledge that in a complicated situation, it was necessary to elect a man who would enjoy broad support inside and outside

the Gregorian block. Sources confirm the careful planning of the election and the search for the broadest possible consensus. We need not doubt, therefore, the discussions that focused on the appropriate form of the electoral procedure. If members of the College of Cardinals, as well as Monte Cassino monks and Roman supporters of the reform, were involved in the preparatory discussions, the election moderators could familiarize themselves with the necessary electoral legislation, including Nicholas' one, and consider which course of action would be optimal for their situation. Moreover, the polemical writings that appeared after 1084 confirm that these documents were available, especially in the milieu of the Roman Church and the papal curia, and therefore, it was not a problem to use them for this electoral meeting [1, p. 162-164, 183-187, 208-217].

However, this is still a mere assumption in the sense that circumstances and the situation make it possible to consider the use of Nicholas' legislation for the election of Urban II. However, only an analysis of the relevant sources can provide concrete evidence that the Decree was taken into consideration. The relevant material is primarily contained in the two election announcements of Pope Urban II. It is these that introduce us to the fact that three cardinal orders participated in the election, which the author of the letters clearly distinguishes in a form that is unique up to that time. Therefore, we know it was a complete group of cardinal bishops and representatives representing cardinal priests and cardinal deacons separately. Then the group of the Roman clergymen, in whose name the cardinal bishop John of Porto acted, and the lay part associated with the person of the Roman prefect Benedict are specified. Other players are also mentioned, namely the surrounding bishops, abbots, and emissaries sent from the German regions and by Matilda of Tuscany. So, we are not only well acquainted with the composition of the electoral assembly but can also carefully reflect on how this information is targeted, especially regarding the subsequent electoral procedure.

We derive the procedure for Urban's election primarily from the text of the *Monte Cassino Chronicle*. Its author distinguishes two phases of election - the preparatory one and the final phase. Within the first phase, there was room for discussion on the election process and consideration of all conceivable arguments about the candidates. Only the second phase mirrors the election process itself and talks about the chosen legislation. The bishops of Porto, Tusculum, and Albano, who are said to preside over the whole electoral assembly, opened the election [16, p. 450; 21, p. 391-392]. They ascended the ambo and presented the nomination for Odo of Ostia to the assembly, calling for a show of consent [16, p. 450]. Those approached were then asked to agree to the proposal, thus completing Odo's election [16, p. 450]. Although the text here does not provide further details about the actions of the rest of the electoral board, if we rely on the presentation in Urban II's election announcement, it is possible to infer with some probability a more precise procedure. First of all, the speeches of the three cardinal bishops can be understood as an announcement of their will and priorities in the spirit of the diction of Nicholas II's electoral decree according to the original papal version. According to the instructions of the Decree, this group, therefore, carried out the required "pre-selection" and invited other players predetermined by Nicholas' legislation to express their views. The election process election thus

bears a striking resemblance to the decretal model, which provides that “first, the cardinal-bishops, after careful deliberation, discuss among themselves, and then invite the clerical cardinals, after which the other clergymen and people join in to approve the new election.” Although the Monte Cassino text does not offer this specification of other electors and procedure, Urban’s letter seems more than illustrative - one can read of representatives of clerical cardinals (priests and deacons), of representation of Roman clerics, and a lay element. It is, of course, speculation to suppose that the process proceeded in stages, i.e., that Cardinal Rainer first gave his consent for the cardinal priests, Oderisius for the deacons, John of Porto for the Roman clergymen, and Benedict for the Roman lay elite. However, this is not impossible, especially if the election was to be ceremonial and demonstrative, representing the common will of all groups while preserving the rights of individual factions.

It remains an open question whether the other synod participants were actively involved in the election, i.e., with the right to vote. All three sources mention the presence of several other bishops, abbots, and representatives from northern Italy and the Transalpine regions. The author from Monte Cassino uses the all-encompassing word ‘all’ (*omnes*) for both the expression of consent and the final acclamation [16, p. 450], and Urban, in a long passage mapping the participants in the election, also associates the remaining assembled bishops, abbots, and laity with the word ‘they elected’ (me) [18, p. 174]. Assuming the thesis that the individual representatives of the “main” electoral groups (the various cardinal orders and the Roman clergymen and people) were entitled to express their explicit consent, then the role of the ‘rest’ of those present would be primarily in the acclamatory plane, i.e., in the confirmatory acceptance of the election by the assembly as a whole. However, there is no strict division of voters and observers, and it is more correct to speak of groups with a privileged or more prominent position rather than exclusivity.

But it is not only the electors, their involvement in the election, and the procedure that refer to Nicholas’ legislation. The overall context in which the election was prepared and conducted is equally important. Unlike the previous two elections of Gregory VII and Victor III, it was not within the power of the Gregorians to hold the election in Rome; it cannot be ruled out that the delay of several months was also related to a futile effort to secure Norman support, as in the case of Victor’s election. The assembly in Terracina was thus a forced affair that could weaken the legitimacy of the new pope. However, nothing of the kind is apparent from Urban’s announcement or the text of the *Monte Cassino Chronicle*; on the contrary, the election is portrayed as a confident, exemplary, and uniform action. In this respect, Nicholas’ Decree can be seen as an optimal template for holding an election since it offers a procedure precisely for the case when the electoral procedure cannot be implemented within the Roman Church. As a tool for emergencies, the Decree precisely addressed circumstances that prevented voting in the city and the absence of the entire representation of the Roman clergymen and people. Thus, if Urban emphasizes the participation of representatives in his announcement, not of entire cardinal orders or Roman

clerics and laity, he is theoretically responding to the requirement of the decretal text.

Similar is the case with the impossibility of the Roman enthronement. Past elections clearly showed the vigour with which the popes sought to achieve this solemn act and what they were willing to risk. Alexander II did not hesitate to use the military forces of the Normans and subterfuge to seize the church of St. Peter in Chains, just as Victor III fought hard to take office symbolically in the Basilica of Saint Peter after his election. But now, there was little prospect of quickly taking control of Rome and achieving the necessary enthronement, at least not with the help of his own forces. One of Urban II's great political victories in the later period was achieving recognition among the Roman public precisely through diplomatic channels and without the involvement of the Norman military forces. It cannot be ruled out that he had already decided on this course of action together with other cardinals and Roman supporters, who were aware of the conditions and mood in Rome, in preparation for the election. Therefore, it was even more important to resign from the forced and forcibly enforced Roman enthronement and settle for the time being for a more modest accession in Terracina (albeit also in the church with St Peter's patronage). Nicholas' Decree, which declared full papal jurisdiction for a pope elected outside Rome and installed without the possibility of a proper enthronement, also considered this option. It cannot be ruled out, therefore, that the cardinal group also chose to model the election as closely as possible on the Decree of 1059 to emphasize the premises contained therein - Urban could thus have acceded with justified self-confidence and prepared to face any attacks on his legitimacy by Clement's partisan.

5.2. *Reliability and credibility of source materials*

The fundamental coincidence of the sources on the procedure of Urban II's election with the main provisions of the *In nomine Domini* decree represents only a first step, however necessary. The relevance of all claims is closely linked to the question of how far the sources used can be trusted. It is necessary to prove whether both the *Monte Cassino Chronicle* and the two election announcements of Urban II are authentic records of the election process or whether there may have been distortions either at the time these texts were written or at a later period. It is also necessary to carry out an internal critique of these texts and exclude their mutual inconsistency (content, contextual). This means comparing the temporal sequence of the events presented, the terminology used, and other elements that could point to inconsistencies in the source texts. Only the confirmation of the authenticity of both sources entitles us to base relevant conclusions on them and to try to answer the fundamental question of to what extent the electoral legislation of Nicholas II was reflected in the perception of the desired form of elections in the reform period, or in what form and in what period.

The two letters of Urban II announcing the election result to important supporters of the Gregorian papacy seem logically the most authentic. Both are dated on the day of Urban's election, March 12, 1088, which corresponds to the common practice of Urban's predecessors, who sent the first announcement of

their promotion on the day of their election. The identity of the basic passages in both texts indicates office work, with partial differences due to the differences between the addressees - the letter to Abbot Hugh of Cluny, to whom Urban was bonded by personal friendship, has a distinctly more intimate and personal feel. From this, it can be deduced that the Pope interfered, at least in the letter to the Burgundian abbey, and that it was his dictation. Unfortunately, both letters were edited as early as the 18th century, and there is no modern critical edition that would allow further codicological, diplomatic, and linguistic assessment of both letters. Without it, it is not possible to confirm with absolute certainty that there were no later modifications (in language or content), but the same structure of the election description and the terminology used testify in favour of the text's authenticity.

An important factor is the subsequent comparison with the account of events in the *Monte Cassino Chronicle*. There is no contradiction in content between the two groups of texts - neither in terms of persons, time, or acts; the sources differ only in emphasis, additions, or minor details, e.g., in the total number of persons involved, which may be due primarily to the authors' different views of the relevant participants [21, p. 388]. Thus, the two texts confirm each other, and it cannot be inferred that the author of Monte Cassino was basing himself on Urban's election announcement. Despite the similar account of events, the two texts' different structures and accents are visible at first glance. If the chronicler of Monte Cassino had had Urban's letters at his disposal, he would undoubtedly have taken something from them - for example, the reference to the representative of the cardinal priests Rainer of St. Clemente or the distinction in the total number of bishops and abbots. In any case, it seems more likely that he was drawing on his background documents and relying on a tradition that resonated in his abbey. If one of the key players in the election was the Abbot of Monte Cassino, Oderisius, and if this abbey had already functioned as a coordinating centre for the election preparations before the election, he certainly had sufficient documentary material at his disposal.

Another issue may be the possible revision of the chronicle's text in a later period. Research has shown that the *Monte Cassino Chronicle* was written in several phases and with the input of several authors. The earliest was Leo Marsicanus, who began writing in the 1090s and covered the period from the beginning of the monastery to 1075. He was followed by the monastery librarian Quido, who probably also prepared the passages, the essential ones for us, on the election of Urban II. However, it is not clear in what form the text was when the last of the authors, Peter the Deacon, began to add to it (Quido died around 1130, and Peter the Deacon did not take over the chronicle until the 1140s). It is probable that Peter the Deacon not only supplemented the chronicle's text from other periods but also edited some previous passages [16, p. VII-XII]. The fact that he published the text from at least Book 4 onwards (including Urban's election) as his work and does not mention Quido's contribution would suggest this. Therefore, we do not know whether and to what extent he used passages written by his predecessor and whether this is his inventiveness. In principle, however, it is possible to place the creation of the relevant passages about Urban in the period

when Quido took over the writing of the chronicle (i.e., after 1115). Thus, if the *Monte Cassino Chronicle* describes the course of Urban II's election in considerable detail, the author must have based the relevant passages on the surviving documentary materials he found in the monastery and on his own experience with the course of other elections. The question is whether the author remained faithful to these monastic sources from the time of Urban's election or whether he inserted a greater or lesser degree of his inventiveness into the description of the election [1, p. 286-287].

The assessment of the relevance of the description of Urban's election according to the *Monte Cassino Chronicle* for the following analysis (and the conclusions that follow from it) will be based primarily on the coincidence in content between the *Monte Cassino Chronicle's* text and Urban's letters where both texts allow it. A key factor will be the fact that Urban's writings primarily provide the basis for the systemic analysis of the electoral procedure; the descriptions in the *Monte Cassino Chronicle* are used mainly to verify or support Urban's claims. At the same time, it is necessary to point out the close interdependence of this election's perception with other electoral procedures in the following years. Although they took place under different conditions, the basic legislative and procedural standards should be reflected in them, either positively or by highlighting their absence. Thus, Urban II's election becomes a standard to which one must repeatedly return and look for identical features and tendencies.

6. Discussion

Analysis of the content of both basic texts, i.e., the passages in the *Monte Cassino Chronicle* and the election announcements of Urban II, should have shown that the presentation of Odo of Ostia's election is characterised by features referring to the electoral legislation of Nicholas II's Decree of 1059. Therefore, it is even more important to assess whether the presented image of the election is rather a targeted stylization along the lines of Nicholas' Decree or whether it is possible to prove the authenticity of the described events and, thus, the reality of the use of Nicholas' legislation for Urban's election. In the case of Urban II's post-election announcements, there was undoubtedly a deliberate effort to present the election to his partisans as a unanimous and conciliatory event. Artificially modelling the electoral procedure would be pointless, as would misrepresenting the facts about the personal details or participants. Emphasis was placed on gaining their support and activation for further struggle with the party of the antipope Clement III [17, p. 705]. Features referring to Nicholas's legislation come to the fore rather unintentionally as part of a defence of the Pope's election and a demonstration of the unity of the Gregorian block.

The situation is different with the *Monte Cassino Chronicle*. The final text was written relatively far from the events described, and the author certainly considered how he would conceive of this important event. We must be interested in two questions if we identify the signs of a procedure according to the diction of Nicholas II's Decree also in his text. The first one is whether he knew or could have known the Decree and referred to it elsewhere in the work, and the second

one is whether it may have been his intention to model the election on the Decree. The first question must be answered positively. There can be no dispute that the author of the Chronicle passages was aware of the Decree but probably did not know it word for word. This statement is supported by Chapter 30 of Book 3, where the author describes an alleged discussion between his abbot Desiderius and a group of imperial bishops, even including the future pope Odo of Ostia (the conversation was supposed to have taken place in Alban in 1082). Cardinal Odo and the imperial bishops raised the question of the sovereign rights in the papal election and, in the spirit of Nicholas' Decree, were to defend the thesis that no one could become a pope without the emperor's consent. Desiderius, however, disagreed with this principle and claimed that no one had the right to do such a thing, not even the Pope or any other prelate of the Church [16, p. 431-433; 5, p. 224-227].

The passage develops an idea that was already a leitmotif of the polemical-canonical treatise entitled *Libellus contra invasores et symoniacos*, authored by the Gregorian jurist Cardinal Deusdedit [23]. In his work (written in 1097), he held the same opinion, i.e., that even Nicholas II had no right to grant such a right to the emperor, and when he did so, it was only out of ignorance of the older legislation; if he had known these early Christian norms, he would certainly not have yielded to the emperor [23, p. 309-313; 5, p. 207-217]. The writer of the Monte Cassino Chronicle was well acquainted with Deusdedit's work, as can be shown in several places in the Chronicle where he quotes from his texts directly or refers to them [16, p. 452, 453-455]. At the same time, we know that there was a long-standing friendly relationship between the Monte Cassino community and Cardinal Deusdedit [16, p. XV; 24, p. 94, 104, 134], which would entitle us to assume that the monastery acquired (or received) copies of his work. It can also be shown that at Monte Cassino, they knew the Cardinal's collection of canons, *Collectio canonum* [25, No. 86, p. 103].

However, the mere knowledge of the Decree by the Monte Cassino author does not necessarily imply an effort or willingness to present Urban's election according to it. On the contrary. Deusdedit's reticence to accept Nicholas' legislation, at least as this canonist knew it, would argue against the chronicler's attempt to model Urban's election on it. Deusdedit did not include the text of the Decree in his legal collection. In *Libellus contra invasores et symoniacos*, he refers to the confusion that prevailed in his time about the various versions of this legislation. According to his statement, several versions of the Decree in Rome were apparently modified by the emperor's party. It is impossible to decide responsibly which can be considered authentic [23, p. 310]. Instead, he insisted on a return to the older legal provisions of the papal election. Therefore, it is probable that the author of the *Monte Cassino Chronicle* did not consider the Decree, which he probably did not have in his possession [5, p. 224-227], to be an optimal model for the conduct of a papal election. Therefore, it cannot be assumed that the text is structured to confirm the application of the Decree of 1059.

How, then, can we explain the features that demonstrate or at least support the linking of the description of the election to the model of Nicholas' Decree? Another factor is key to assessing the whole issue. The chronicle's details testify

to the author's very good familiarity with the course of events. As mentioned above, it was almost certainly due to the surviving written materials and perhaps also to oral tradition, which must have been alive in the monastery - after all, it was the papal election of one of the abbots of Monte Cassino (Victor III), or the significant involvement, both institutional and personal, of another abbot, Oderisius, in the search for his successor (Urban II). In particular, although being clearly mislabelled as a denier of the Decree, Abbot Desiderius knew Nicholas' electoral legislation well and was instrumental in its approval, as evidenced by his signature on the document [6, p. 111]. Of course, he could later reconsider the appropriateness and binding nature of this norm, but the record of his speech at the Synod of Benevento shows that he respected the basic outlines of Nicholas' electoral ideal [16, p. 454; 5, p. 227-232]. His successor, Oderisius, was one of Desiderius' closest contemporaries (he nominated him to head the monastery before his death), and the Chronicle records his full support for the preparations that led to Urban's election. He, too, must have known the Nicholas' legislation quite well. We do not know whether he was not already present when the Decree was passed, but as a holder of the cardinalate (since 1059), he was certainly aware of other legislative actions, e.g., when the Decree against simony was issued in 1060.

If we consider all these arguments, we come to the logical conclusion that both documents indeed capture the procedure of election according to the model of Nicholas II's legislation. In the case of Urban II's election announcements, this is demonstrated primarily by the structure of the electoral groups and the emphasis placed on the role of the cardinal bishops in selecting a candidate. The *Monte Cassino Chronicle* text, which presents the election course in a way that also follows the model of the Decree of 1059, is no less important. At the same time, based on Cardinal Deusdedit's assessment, it can be shown that the Chronicle author was somewhat sceptical about the Decree. If, despite this, his entry expresses the clear features of the procedure according to Nicholas' model, it is a supporting argument for verifying the electoral procedure as presented in the Chronicle. The Chronicle author drew on surviving materials from the monastery archives or from the authentic tradition of this monastic community and incorporated them into his work in this spirit. The result is a text that can be considered close to the actual course of the election, although partial modifications and adaptations, depending on the priorities of the time of writing, cannot be ruled out [1, p. 292-296].

7. Conclusion

Therefore, it can be concluded that the relevant sources confirm the course of the election of Pope Urban II according to the provisions of the *In nomine Domini* decree, which distinguished this action from other descriptions of elections during the period of the Investiture Contest. What was the reason for this course of the election? Let's look at the previous elections, starting with pushing Nicholas II through. We must recognize the external and internal factors that strongly influenced the electoral process and largely precluded the use of the

provisions of the *In nomine Domini* decree. Only the election of Urban II appears to be an unprecedentedly free act compared to previous electoral assemblies. For the first time, the participants deliberately ignored the search for a compromise with the emperor, who was no longer a partner for them. Thanks to the circumstances, they did not even have to submit to the demands of the Normans. It was possible to gain support and at least indirectly secure the participation of all important groups with the right to vote and to convince them that a demonstrative and united vote is desirable as a prerequisite for a strong mandate for the elected candidate. The sufficient time frame contributed to considering the appropriate process and the optimal procedure, which most likely allowed for the due appreciation of Nicholas II's electoral decree. All this, supported by the fact that we have two or, more precisely, three sources with extraordinary information value that explicitly mention important aspects of the election, makes the election of Urban II a watershed event.

However, only further developments and the subsequent elections could show to what extent the actions of Urban's election influenced the view of the desirable procedure for selecting a new pope. However extraordinary and exemplary, one election does not allow us to reach more general conclusions. At that moment, the clerical cardinals were weakened by the schism between the Gregorian and Clementine factions, which no doubt led to some reticence on their part and a readiness to prefer the unity of the election to any demarcation of the estates. However, this did not mean that there was a consensus on the binding nature of the *In nomine Domini* decree. On the contrary, the later elections confirm that the struggle for the 'correct' procedure for electing the Bishop of Rome persisted, and the *In nomine Domini* decree remained only one of the possible alternatives. Nevertheless, the electoral procedure used in selecting Urban II was based on the models of Nicholas' Decree, and in retrospect, it was the first papal election so conceived.

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