

SOME CASES OF ROBBING THE PAPAL REPRESENTATIVES
ALONG THE EASTERN ADRIATIC COAST IN THE SECOND HALF
OF THE TWELFTH AND DURING THE THIRTEENTH CENTURY

Ivan MAJNARIĆ

Lexicographic Institute "Miroslav Krleža", HR-10000 Zagreb, Frankopanska 26
e-mail: imajnaric@lzmk.hr

ABSTRACT

In this short paper the author analyses the global papal attitude towards the piracy in the second half of the twelfth and during the thirteenth century. As a starting point for this study, the author used three cases documented in Tadija Smičiklas's source collection "Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae", involving deviant behaviour against papal representatives along Eastern Adriatic coast. The first of them deals with the case of papal nuntius Raymund de Capella (from 1177), the second with that of papal legate, subdeacon and curial chaplain Aconzio (from the early 1220s) and the third with that of the Bishop Henry of Cephalonia (from 1273). Based on the rhetoric of the papal letters related to these cases, the relevant decrees of the Third and the Fourth Lateran Councils and relying upon the previous studies of contemporary historiography on the medieval canon law, the author tries to outline the formation and development of papal attitude towards piracy along the Eastern Adriatic coast.

Key words: the Middle Ages, the second half of the twelfth and the thirteenth century, papacy, papal representatives, piracy, the Kačić kindred of the Omiš County

ALCUNI CASI DI RAPINE DI RAPPRESENTANTI PAPALI LUNGO
LA COSTA ADRIATICA ORIENTALE NELLA SECONDA META DEL
DODICESIMO E NEL TREDICESIMO SECOLO

SINTESI

Il breve articolo analizza l'atteggiamento papale globale verso la pirateria nella seconda metà del dodicesimo e nel tredicesimo secolo. Usati come un punto di partenza sono tre casi documentati nel volume di Tadija Smičiklas "Codex diplomaticus Regni Croatiae et Slavoniae" che trattano del comportamento deviante contro i rap-

presentanti papali lungo le coste adriatiche orientali. Il primo riguarda il caso del nunzio papale Raimondo de Capella (dal 1177), il secondo il caso del legato papale, suddiacono e cappellano curiale Aconzio (dai primi anni venti del tredicesimo secolo) e il terzo il caso di Enrico, vescovo di Cefalonia (dal 1273). Basandosi sulla retorica delle lettere di papa su questi casi, sui relativi decreti del Terzo e Quarto Concilio Lateranense e sulle ricerche storiografiche della legge canonica medievale, l'autore cerca di descrivere la formazione e lo sviluppo dell'atteggiamento papale verso la pirateria lungo la costa adriatica orientale.

Parole chiave: Medioevo, seconda metà del dodicesimo secolo e il tredicesimo secolo, pontificato, rappresentanti papali, pirateria, famiglia Kačić dalla provincia di Omiš

Nowadays, the causes of a whole range of deviations can be studied from different points of view: sociological, cultural, religious, economical and various others. Conversely, piracy of the second half of the twelfth and the thirteenth century, was one of the few social deviations which, to some degree, incorporated all the aspects mentioned above. However, medieval Christian society (*universitas Christiana*) of the mentioned period saw piracy foremost as a deviation from religious and only up to a point from economical and cultural norms. The goal of this short paper is to examine piracy as a religious deviation and to present the predominant attitude of the time towards it. The best insight into the formation and the development of the medieval attitude towards piracy seen as a religious deviation may be observed from the papal theoretical and practical attitude towards it.

The Church reform and "the Renaissance of the Twelfth Century"¹ restored the shaken radiance of papacy and formed lawyer–popes such as Gregory IX or Innocent IV. The initial impulse of Gratian's *Decretum* was followed by formation of several canon–law compilations. Commentators generally known as Decretists and Decretalists further elaborated the canons. During the elaboration special attention was given to the question of priority of Empire or Papacy, that is to the question of right to hold the two swords.² In a way, this discussion contributed also to the formation of papal attitude towards piracy.

1 There is a large literature on "the Twelfth-Century Renaissance". For preliminary insight see Southern, 1993; Swanson, 1999; Luscombe, Riley-Smith, 2004.

2 For condensed presentation of the whole discussion and its wider theoretical background see Tierney, 1988, 117–126; cf. Kantorowicz, 1997, 45–49.

The discussion about papal right to depose (*Depositionrecht*) an Emperor or any ruler by way of excommunication, releasing their subjects from the oath of allegiance (cf. Hageneder, 1963, 53–65), was profoundly influenced by the increase of influence of heretical movements at the end of twelfth century. The part of the Third Lateran Council's constitution 27 decreed confiscation of properties of those rulers who in any way helped North Pyrenean bands of mercenaries (Brabanters, Aragonese, Navarrese, Basques, Coterelli and Triaverdini) raging through the regions of South France, and release their subjects of bonds of loyalty and homage. The same constitution foresaw that arms should be taken against these rulers (a kind of a crusade), probably because of the likely possibility that their subjects, would remain loyal to them (cf. Mansi, XXII, 232).³ A part of the Decretists interpreted this decree as a decision against heretics (Hageneder, 1963, 65–68). However, the constitution did not explicitly mention that mercenaries were heretics, but in a simplified manner it can be stated that even then, there was a thin line between identifying heresy with robbery and confiscation of possessions of temporal rulers, releasing their subjects from homage and finally calling for military intervention.

In a way, this decree was further elaborated in 1184 by Lucius III's constitution *Ad Abolendum* (Decretalium Gregorii, V, 7, 3; CorpIC, 780–782) and then further in 1199 by Innocent III's decree *Vergentis in senium*.⁴ The latter decree, among other, repeated the decision about confiscation of properties of all the defenders or champions of heretics as secular punishment (Reg. Inn. II, n. 1, 5).⁵ The decree also mentioned that prosecution of heretics, beyond the borders of papal temporal rule (i.e. the Patrimony of St. Peter), will be entrusted to temporal rulers and based on pope's intervention (cf. Hageneder, 1963, 67).⁶ The latter principle was put in use as early as

3 "De Brabantionibus et Aragonensibus, Navariis, Bascolis, Coterellis et Triaverdinis, qui tantam in Christianos immanitatem exercent, ut nec ecclesiis, nec monasteriis deferant, non viduis, et pupillis, non senibus, et pueris, nec cuilibet parcant aetati, aut sexui, sed more paganorum omnia perdant, et vastent: similiter constituimus, ut qui eos conduxerint, vel tenuerint, vel foverint per regiones, in quibus taliter debacchantur, in Dominicis, et aliis solemnibus diebus per ecclesias publice denuncientur, et eadem omnino sententia et poena cum praedictis haereticis habeantur adstricti, nec ad communionem recipiantur ecclesiae, nisi societate illa pestifera, et haeresi abjuratis. Relaxatos autem se noverint a debito fidelitatis et hominii, ac totius obsequii: donec in tanta iniquitate permanserint quicumque illis aliquo peccato tenentur annexi. Ipsis autem, cunctisque fidelibus, in remissionem peccatorum injungimus, ut tantis cladibus, se viriliter opponant, et contra eos armis populum Christianum tueantur. Confisceturque eorum bona, et liberum sit principibus, hujusmodi homines subjicere servituti" (Mansi, XXII, 232).

4 For decree *Vergentis in senium* see Reg. Inn. II, n. 1, 3–5 and literature stated there, especially Hageneder, 1963a. Also see Pennington, 1993a.

5 "Nec ad eos bona ipsorum ulterius revertantur, nisi eis ad cor redeuntibus et abnegantibus hereticorum consortium aliquis voluit misereri: ut temporalis saltem poena corripiat, quem spiritualis non corrigit disciplina."

6 "In terris vero temporalis nostre iurisdictioni subiectis bona eorum statuimus publicari; et in aliis idem fieri precipimus per potestates et principes seculares [...]" (Reg. Inn. II, n. 1, 5).

1197 by Clement III and what it came down to was following: the pope summoned Catholic rulers, most often neighbouring to the ruler denoted as a protector of heretics, to a military campaign offering his land as loot (cf. Hageneder, 1963, 68; Hageneder, 1963a, 155). This practice was confirmed and elaborated on the Fourth Lateran Council. The part of the constitution 3 states that any temporal ruler, who protects, allows or supports heresy under his temporal authority should be excommunicated. If he should refuse to repent within a year, the Pope may declare the ruler's subjects absolved from their allegiance and may offer his territory to Catholic princes who, after the extermination of the heretics, may claim it without hindrance (cf. Hageneder, 1963, 69; Hageneder, 1963a, 152–167).⁷ In a sense, a ruler who protected heretics was identified with them and could be, in fact, condemned as a one.

This decision soon found a wider and broader application. Anyone who was for any reason excommunicated for over a year could be suspected of heresy and was facing the possibility of military intervention (cf. Hageneder, 1963, 70–72). In short, use of the allegations such as those regarding robbery and those regarding heresy was eventually used for stressing papal viewpoints on temporal powers and social relationships.⁸ Naturally, the described process had far-reaching consequences as for as the question of papal right to depose temporal rulers, but the question is whether it can be followed through formation of papal attitude towards piracy? For this kind of analysis the examples of robbing papal representatives along Eastern Adriatic coast during this period are especially favourable.

In that respect, the decrees of the Third and the Fourth Lateran Councils against piracy are particularly important. Their constitutions foresaw excommunication also as a penalty for the act of piracy against Christians or shipwrecked Christians (constitution 24), at least until the return of sized property,⁹ but also against the helpers

7 Decretalium Gregorii, V, 7, 13 § 2 in: CorpIC, II, 787–788. "*Qui, autem invenit fuerint sola suspicione notabiles, nisi iuxta considerationem suspicionis qualitatemque personae propriam innocentiam congrua purgatione monstraverint, anathematis gladio feriantur, et usque ad satisfactionem condignam ab omnibus evitentur, ita, quod, si per annum in excommunicatione persisterint, ex tunc velut haeretici condemnentur.*" (Decretalium Gregorii, V, 7, 13 § 3 in: CorpIC, II, 788). "*Si vero dominus temporalis, requisitus et monitus ab ecclesia, suam terram purgare neglexerit ab [hac] haeretica foeditate, per metropolitanum et ceteros comprovinciales episcopos excommunicationis vinculo innodetur, et, si satisfacere contempserit, infra annum significetur hoc summo Pontifici, ut ex tunc ipse vasallos ab eius fidelitate denunciaret absolutos, et terram exponat catholicis occupandam, qui eam, exterminatis haereticis, absque ulla contradictione possideant, et in fidei puritate conservent, salvo iure domini principalis, dummodo super hoc ipse nullum praestet obstaculum, nec aliquod impedimentum opponat, eadem nichilominus lege servat circa eos, qui non habent dominos principales.*"

8 For further elaboration of this rather simplified statement as well as for basic insight into Innocent III's viewpoints and theory of the relations of church and state see Hageneder, 1957; Tierney, 1962; Pennington, 1993b; Courtney–Batson, 1999; Pennington, 1993c; Canning, 1999; Canning, 2003; Pennington, 1993d; Schmidt, 1999; Clarke, 1999; Bolton, 2003; Pavlac, 1999; Powell, 1994; Sayers, 1994.

9 "*Excommunicationi quoque subdantur, qui Romanos aut alios Christianos, pro negotiatione vel aliis*

and supporters of piracy and pirates (the part of constitution 71). Even further, the latter constitution foresaw exercise of ecclesiastical severity against them and their lands (cf. Mansi, XXII, 1063–1066).¹⁰ These constitutions in connection with process mentioned above, played a decisive role in development of papal attitude towards piracy along the Eastern Adriatic coast.



Fig. 1: Aretino Spinello: *Pope Alexander III receives an Ambassador (1407)*, fresco.
Sl. 1: Aretino Spinello: *Papež Aleksander III sprejema odposlanika (1407)*, freska.

honestis causis navigio vectos, aut capere aut rebus suis spoliare praesumunt. Illi etiam, qui Christianos naufragium patientes, quibus secundum regulam fidei auxilio esse tenentur, damnata cupiditate spoliant rebus suis, nisi ablata reddiderint, excommunicationi se noverint subiacere." (Decretalium Gregorii, V. 17, 3 in: CorpIC, II, 808–809).

- 10 *"Ceterum quia cursarii et piratae ninium impediunt subsidium terrae sanctae, capiendo et expoliando transeuntes ad illam, et redeuntes ab ipsa: nos speciales adjutores et fautores eorum excommunicationis vinculo innodamus, sub interminatione anathematis inhibentes, ne quis cum eis scienter communicet aliquo venditionis vel emptionis contractu: et injugentes rectoribus civitatum et locorum suorum, ut eos ab hac iniquitate revocent et compescant: alioquin, quia nolle perturbare perversos, nihil aliud est quam fovere, nec caret scrupulo societatis occultae, qui manifesto facinori desinit obviare: in persona et terras eorum per ecclesiarum praelatos severitatem ecclesiasticam volumus et praecipimus exerceri"* (Mansi, XXII, 1063–1066).

In July of 1177, while returning to Venice from royal court of King William II of Sicily, papal nuncio Raymond de Capella and his fellow travellers were robbed by pirates from Šibenik (Sebenico), lead by two commanders, Nestos and Poklat.¹¹ The pirates took a fair amount of silver marks and papal letters and William II's letters given to the nuncio for the Pope.¹² The Pope reacted to the robbery and ordered the archbishop of Split (Spalato) and the bishop of Trogir (Traù) to rebuke (*quantocius moneatis*) the pirates and their commanders and press them to return the letters and all other seized goods and to compensate the loses without delay.¹³ In case that the pirates and their commanders would not accept that admonition, the Pope empowered the prelates to excommunicate everyone who participated in the robbing with solemn ceremony (the public ignition of candles; *publice accensis candelis auctoritate nostra excommunicetis*). Excommunication should stand until the pirates returned everything they seized and came to the Pope (*donec uniuersa ablata restituant [...] ad apostolicam sedem accedant*). Raymond himself gave evidence about the worth of the loot that the pirates had laid theirs hand on (CD, 1904, n. 143, 146–147). Except for different kinds of medieval money (*marboti [...] maismutine [...] sterlingos et aliud argentums, tarenorom regis Sicilie, obolos*), the pirates took an ounce worth of gold foils (*uncia folii auri ad deaurandum*), golden rings and rings with rubies or gems (*anuli aurei [...] alii anuli aurei cum gemmis, rubinis*), golden necklaces (*monilia auri*), gems (*gemme*), an ounce of musk (*musci fere uncia*), fabrics and silk (*Pannus de lino [...] Siriace [...] serici albi*), different kinds of belts (*Zonarum braccalium retecellarum de opere salernitano [...] zona de opere pessulano sine fibula*), knives with casing (*cultelli cum vaginis*), belts for footwear (*corrigie*), muscat nuts, clove, and other spices (*nucis muscate, gariofoli et alie species*), altar linen (*mappe mense*). The clothes they took from Raymond included various coats and cap with and without fur (*Mantellum de burnete cum pellibus de conillis, capa de burneto cum pellibus de apuleis, mantellum de burneto sine pellibus*), a tunic, boots, shirts (*camisiarum*), a shirt made of white fustan (*camisum de fustanico albo*). The outfit they took included sheets, a pillow (*linteamina, lecti auriculare*), curb bits, saddle-bags (*male, besacie*) and also many other things Raymond could not think of

11 "[...] pirate, qui erant in sagettia castris de Seuenico, in qua duo comites erant, Nestos videlicet et Poklat, in ipsum et socios suos presumpserunt violentas manus inicere [...]" (CD, 1904, n. 142, 144–145).

12 "[...] et ei quidquid habebat in nauis valens ultra sextaginta marchas argenti et litteras etiam nostras et illas etiam, quae prefatus rex nobis mittebat [...] ei turpiter et inhoneste auferre minime dubitarunt" (CD, 1904, n. 143, 146–147).

13 "[...] ut tam litteras quam etiam ablata nuncio memorato subdicono nostro ... sine diminutione et dilatione cum expensis, quas propter hoc facere coactus est, restituant [...]" (CD, 1904, n. 143, 146–147).

(*et alie res plures, de quibus non recordor*). Nuncio recovered only a breviary and a psalter, 12 out of 23 rings, a garnet and a few gems (*Recuperavi librum breviarii et psalterium... XII. anulos, gramatam et aliquot gemmas*). Only a few weeks after the unpleasant event, Raymond conducted a legatine mission on the Eastern Adriatic coast. The preserved sources, however, do not report about further events connected with this robbing.

As this vivid example shows, the Pope reacted to the robbery of his representative rather carefully. It seems he showed a special interest in letters that Raymond was carrying from the Sicilian royal court. In the light of the forthcoming signing of peace treaty with Emperor Frederic I. Barbarossa, the Pope's interest for this letters should not be all that surprising. The pope predicted a possible excommunication, but everything connected with the robbery should have been closely investigated first. There are only a few elements from the practice established by the Third Lateran Council (i.e. the constitution 24): excommunication and its duration until the offenders repent. Still, there is no trace of equalization between pirates and heretics as well as no decree concerning possible military intervention. It is debatable how isolated this case was or did the punishment have moral and practical consequences for the pirates (banishment from *universitas Christiana* and deprivation of the Eternal life) aiming for the return of the seized goods. However, the doctrine of Alexander III, especially towards heretics, supports the conclusion that punishment was a measure of prevention with the goal of coercing offenders to acknowledge their errors and repent (Bolton, 1995, 83).

In the year 1221 the legate Aconzio from Viterbo, subdeacon and curial chaplain, was active in the areas of Hungary, Dalmatia, Croatia and Bosnia. From Honorius III's letter to the *comes* and the people of Split it follows that Aconzio had credentials for suppressing of piracy (CD, 1905, n. 166, 191–192). The Pope mentions the rumours that reached him: the Slaves and Dalmatians rob (*piratica rabie spoliant*) crusaders on their way to the Holy Land as well as other Christians and take their pray to their hidden pits like foxes (*velut vulpes*). Furthermore, he called the robbers as godless enemies of Christ (*nefandissimi hostes Christi*). Indeed, in April 1221 in his letter to archbishop John of Esztergom, the Pope mentioned that he had directed legate Aconzio to King Andrew II because of the Slavic pirates' attacks on crusaders and other Christians. The pope also advised archbishop John to induce King Andrew to act against the pirates (CD, 1905, n. 167, 192–193). It seems that King Andrew's threat to *comes* Malduk Kačić and his kindred, dated from about this time, that if they do not stop robbing in the region between two islands and river Žrnovnica (*quod a latrociniis in insulis duabus maritimis et Zernouniza se abstineant*) and eject pirates and Patarenes (*piratas et patarinos eiciant*), he would punish them with the full force of his royal authority (CD, 1905, n. 162, 187–188). Also, in 1221 Aconzio mentions that he had to retreat before the godless Kačići (*nephandorum Cazetorum*) who laid

him an ambush (CD, 1905, n. 179, 205–206). The most exact data for this discussion are revealed by the Pope's letter from 12 March 1221, addressed to the archdeacon and the chapter of Dubrovnik (CD, 1905, n. 183, 209–210). Just as the Third Lateran Council's constitution 27, the letter vividly tells of the atrocities which the inhabitants of Omiš (Almissa) brought upon Christians, sparing neither churches, widows, young and old nor any gender or age.¹⁴ The Pope stresses that the men of Omiš rage following pagan customs and perversely deriving pleasure from their doings.¹⁵ In the regions of Omiš and Bosnia, inhabited by heretics, the Church is disappearing,¹⁶ so the Pope invites the inhabitants of Dubrovnik to elect an archbishop who would help Aconzio against heretics and the men of Omiš (*contra hereticos et Almisienses*). The Chronicle of Thomas Archdeacon expands on mentioned sources. It is stated there that Aconzio was performing tasks throughout the Kingdom of Hungary and received a mandate to deter pirates of Omiš from robbing in Dalmatia.¹⁷ After Aconzio had waited for some other papal envoys in Split whom brought him the *plene officium legationis* from the Pope, he summoned the whole of Dalmatia and Croatia to help him against pirates and heretics.¹⁸ Thomas further states, how the legate gathered great navy and cavalry (*congregato multo nauali exercitu et equestri*) and attacked the men of Omiš. The latter capitulated, with the promise not to attack Christians, and Aconzio ordered them to burn their pirate ships.

According to the sources, legate Aconzio encountered a whole range of deviations in Dalmatia in 1221, which could lead to an armed conflict. Did the latter really occur, is not of crucial importance for this paper. This example shows certain elements in accordance with the Fourth Lateran Council (constitution 3). As can be seen from everything stated above, during this period the sources identify pirates with the men of Omiš and heretics. The rhetoric of papal letters supports this. The Pope makes a clear distinction between Christians and their robbers, whom he compares with foxes, godless people, pagans and puts them on the same level with heretics. The same is reaffirmed by King Andrew II in his letter to Malduk Kačić, though in much less formal style of writing than the Pope's. The king openly identifies pirates

14 "[...] quod inhabitatores castri Almisiensis eam in Christianos immanitatem exercent, ut non ecclesiis aut personis earum uiduis, pupillis uel senibus deferant nec cui libet parcant sexui uel atati [...]" (CD, 1905, n. 183, 209–210).

15 "[...] sed paganorum more uniuersa uastantes tanquam eorum sint deliciae operari peruerse, [...]" (CD, 1905, n. 183, 209–210).

16 "[...] uicini sitis castro predicto et partibus de Bossina, ubi heretici quidam dogmatizando palam sue prauitatis errores, Christi gregem et uineam, id est sacrosanctam orthodoxam ecclesiam exterminat et disperdunt [...]" (CD, 1905, n. 183, 209–210).

17 "[...] dans sibi mandatum, ut ad Dalmatiae partes descenderet piratasque Almisanos a latrociniis cohiberet [...]" (HS, 2003, 148).

18 "Conuocauit autem totam Dalmatiam et Chroatiam in adiutorium suum contra hereticos et piratas [...]" (HS, 2003, 150).

with heretics. Thomas also identifies heretics with pirates, which considering the time of writing his Chronicle indirectly gives testimony of his education in canon law and his acquaintance with the contemporary glosses. It is necessary to emphasize here that historiography mostly viewed the mentioned heretics and the Patarenos in some connection with heresy in Bosnia, i. e. "Church of Bosnia".¹⁹ However, the remaining sources do not affirm heretics in the County of Omiš and Aconzio's activities concerning the "Church of Bosnia" should not be mixed with the episode about the pirates of Omiš. It seems that in a wider time period, before and after Aconzio's legatine mission, the notions of the Kačići, the men of Omiš, pirates and heretics were synonymous. However, the pirates of Omiš are identified with heretics because robbery caused their desertion of the Fold of Church, and not some dogmatic-religious differences. A guideline for contemporaries directed against the piracy of Kačići is mentioned for the first time as early as 1215 in an alliance between the towns of Rab and Labin.²⁰ Since Kačići pursued the piracy for quite a few years, it was permitted to label them as heretics accordingly to the Fourth Lateran Council's constitution. Indeed, it seems that Aconzio was searching for a way to obtain support for a military campaign and in principle received consent of at least one Catholic ruler, King Andrew. If Thomas's information that he amassed a great army is correct, it is likely that the East Adriatic communes as well as the Venetians also supported the campaign. Without the latter nothing of greater importance could happen in Adriatic and as soon as 1208 they concluded a peace treaty with the Kačići (CD, 1905, n. 67, 77–78).

The differences of papal attitude in two aforementioned cases reflect the development of canon law and ecclesiastical institutions during this period. It seemed that at the end of the twelfth and in the beginning of the thirteenth century, especially after the Fourth Lateran Council and within the given European balance of powers, theocracy dominated the ecumene. The papacy could reach the tiniest pores of society and every single person. While canon law compilations commentators were finding a way for an efficacious use of papal (i.e. Christological and biblical) abstract principles in everyday political and social life, the latter was flowing beyond the philosophical and mystical theoretic postulates of theocracy. The social relationships, although a part of the *universitas Christiana*, were still based on the worldly. The temporal bearers of current conditions in a certain space and certain time did not act according to theocratic principles. In this sense one should view the piracy of Kačići as a way of everyday earning, i.e. a way of charging for the right of passing through the maritime territory under the dominion of the County of Omiš, namely the circle

19 This was already implied by Klaić, 1897, 21, and it was ever since repeated by historians dealing the "Church of Bosnia" (see, for example, Ćirković, 1987, 200). For recent historiographical view on the "Church of Bosnia" cf. collections: Fenomen, 2005; Bilinopoljska, 2003, also see literature stated there.

20 About this alliance see more CD, 1905, n. 112, 131; Klaić, 1897, 29.

of great middle Dalmatian islands, Omiš–Korčula–Biševo–Brač (cf. Majnarić, 2004). The sources do not offer a clear answer to the question whether any of this can be connected with the fact that around the time of Raymond de Capella's robbery the *župan* of Šibenik (a position adequate to the later *comes*) was a person named Brečko Kačić. Naturally, this kind of disharmony with papal viewpoints about the conduct of a temporal ruler and with the theocratic principles in general, in a certain moment caused the identification of pirates and heretics. In spite of its great efforts, the papacy did not succeed in rooting out the piracy of Omiš. Indeed, it flourished until the end of the thirteenth century, when it became a part of the policy of the neighbouring powers (Venice and the counts of Bribir of the Šubić kindred) and the Kačići of Omiš disappeared from the historical scene as local hereditary oligarchy. The example of robbing the bishop of Cephalonia, Henry of Padua (*dominus Henricus natione Paduanus, episcopus Zefalonie et Jacenti*), shows actual papal powerlessness. As Henry himself states in 1273 in Trogir, Stanoj and Saracen, *cursarii de Almisio*, with their companions attacked him (CD, 1908, n. 45, 49). However, Henry states that he would not claim the stolen things back or in any way pursue the *cursarii*.²¹

Papal reaction to this presumptuous act failed to take place. One should seek reasons for this in further development of ecclesiastical institutions and existence of other mechanisms for solving problems of this nature. But, if one is to believe words of Henry, this example shows that the piracy not only survived, but indeed, had even become institutionalised.

NEKAJ PRIMEROV ROPARSKIH NAPADOV NA PAPEŠKE PREDSTAVNIKE
VZDOLŽ VZHODNOJADRANSKE OBALE V DRUGI POLOVICI 12.
IN 13. STOLETJU

Ivan MAJNARIĆ

Leksikografski zavod "Miroslav Krleža", HR-10000 Zagreb, Frankopanska 26
e-mail: imajnaric@lzmk.hr

POVZETEK

Nedaleč od Šibenika je bil leta 1177, ko se je vračal s sicilskega dvora Viljema II., oropan papeški nuncij Raimund de Capella. V začetku leta 1220 se je z vrsto deviantnosti srečal tudi papeški legat, poddiakon in kurialni kapelnik Akoncij. Ob koncu leta 1273 so omiški gusarji napadli kefalonijskega škofa Henrika. Vsi našteti

21 "[...] per se, nec per aliquam personam ulterius de rebus sibi acceptis aliquid nec petere, nec exigere aliquo tempore, iure aliquo et eis ulterius litem nec molestiam non inferre, nec inferri facere et ipsi cursarii aliquo tempore de predictis non teneantur [...]" (CD, 1908, n. 45, 49).

primeri so, v nasprotju s prevladujočim mnenjem hrvaškega zgodovinopisja, na nek način povezani z Omišem, središčem vzhodnojadranskega gusarstva. V prispevku na primeru omenjenih ropov papeških predstavnikov avtor raziskuje teoretični odnos papeštva do vzhodnojadranskega piratstva/gusarstva. V tem smislu si je potrebno nujno ogledati retoriko papeških pisem oziroma pisem njihovih predstavnikov, povezanih s prvima primeroma. V skladu z uredbami tretjega in četrtega lateranskega koncila ter dekretoma Ad Abolendum (1184) in Vergentis in senium (1199) je skozi pisma namreč mogoče posredno spremljati razvoj papeškega stališča do vzhodnojadranskega piratstva v časovnem obdobju od leta 1177 do dvajsetih let 13. stoletja. Na oblikovanje tega stališča je vplival tudi vse večji porast herezije. Še več, papeška pisma prežema tanka ločnica med pojmi pirat in heretik/pataren, medtem ko so ti pojmi, kot se zdi, v pismih ogrskega in hrvaškega kralja Andreja II. in v kroniki Tomaža Arhidiakona izenačeni. Poenostavljeno, papeški odnos je bil sledeč: vsak svetovni vladar, ki je podpiral pirate in heretike, je bil izločen. Če se v enem letu ni skesal, je papež njegove podložnike razrešil prisege zvestobe, njegovo območje vladanja pa je ponudil drugim svetovnim vladarjem, pogosto sosednjim, ali vrhovnemu vladarju določenega območja ali pa jih je pozval v vojno proti izločenemu vladarju. Osnovne postavke tega odnosa so bile temelj akcije proti piratom v dvajsetih letih 13. stoletja. Kolikšen je bil njen obseg in kdo so bili udeleženci, pa avtor prepušča neki drugi raziskavi. Kot priča zadnji primer, akcija ni dala dolgotrajnih rezultatov.

Ključne besede: srednji vek, druga polovica 12. in 13. stoletje, papeštvo, papeški predstavniki, piratstvo, omiški knezi Kačići

SOURCES AND BIBLIOGRAPHY

- CD, 1904** – Smičiklas, T. (ed.): Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae. Vol. II. Zagreb, Jugoslavenska akademija znanosti i umjetnosti.
- CD, 1905** – Smičiklas, T. (ed.): Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae. Vol. III. Zagreb, Jugoslavenska akademija znanosti i umjetnosti.
- CD, 1908** – Smičiklas, T. (ed.): Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae. Vol. VI. Zagreb, Jugoslavenska akademija znanosti i umjetnosti.
- CorpIC** – Friedberg, Æ. (ed.) (1959): Corpus Iuris Canonici, Pars secunda, Decretalium collections (1879). Graz, Akademische Druck- u. Verlagsanstalt.
- Decretalium Gregorii** – Decretalium d. Gregorii papae IX compilatio. (Liber extra). In: Friedberg, Æ. (ed.) (1959): Corpus Iuris Canonici, Pars secunda, Decretalium collectiones (1879). Graz, Akademische Druck- u. Verlagsanstalt.
- HS, 2003** – Perić, O., Matijević Sokol, M. (eds.): Thomae Archidiaconi, Historia Salonitanorum atque Spalatinorum pontificum. Biblioteka Knjiga Mediterana, 30. Split, Književni krug.

- Mansi, 1961** – Joannes Dominicus Mansi, *Sacrorum conciliorum nova et amplissima collection*. Vol. XXII (1903). Graz, Akademische Druck- u. Verlagsanstalt.
- Reg. Inn. II** – Hageneder, O., Maleczek, W., Strnad, A. A. et al. (eds.) (1979): *Die Register Innocenz' III, 2. Band, 2. Ponifikatsjahr 1199/1200. Texte*. Rom – Wien, Publ. d. Abt. f. histor. Studien d. österr. Kulturinstituts Rom.
- Bilinopoljska (2003)**: *Bilinopoljska abjuracija 1203. Prilozi instituta za istoriju u Sarajevu*, 32, 11–132.
- Bolton, B. (1995)**: *Tradition and temerity: papal attitudes to deviants, 1159–1216*. In: Bolton, B. (ed.): *Innocent III: Studies on Papal Authority and Pastoral Care*. Variorum Collected Studies Series, CS 490. Aldershot, Variorum, n. XII, 79–91.
- Bolton, B. (2003)**: *Signposts from the Past: Reflections on Innocent III's Providential Path*. In: Sommerlechner, A. (ed.): *Innocenzo III urbs et orbis. Atti del Congresso Internazionale, Roma 9–15 settembre 1998*. Vol. I. Roma, Istituto storico italiano per il Medioevo, 21–55.
- Canning, J. (1999)**: *Power and Pastor: A Reassessment of Innocent III's Contribution to Political Ideas*. In: Moore, J. C. (ed.): *Pope Innocent III and his World*. Aldershot, Ashgate Publishing Limited, 245–253.
- Canning, J. (2003)**: *The Pope as Teacher and Judge: How Innocent Saw Himself as Teacher Who Coerced*. In: Sommerlechner, A. (ed.): *Innocenzo III urbs et orbis. Atti del Congresso Internazionale, Roma 9–15 settembre 1998*. Vol. I. Roma, Istituto storico italiano per il Medioevo, 74–83.
- Clarke, P. D. (1999)**: *Innocent III, Canon Law and the Punishment of the Guiltless*. In: Moore, J. C. (ed.): *Pope Innocent III and his World*. Aldershot, Ashgate Publishing Limited, 271–285.
- Courtney-Batson, D. (1999)**: *Per venerabilem: From Practical Necessity to Judicial Supremacy*. In: Moore, J. C. (ed.): *Pope Innocent III and his World*. Aldershot, Ashgate Publishing Limited, 287–303.
- Ćirković, S. (1987)**: *Bosanska crkva u Bosanskoj državi*. In: Redžić, E. (ed.): *Prilozi za istoriju Bosne i Hercegovine I. Društvo i privreda srednjovjekovne bosanske države. Posebna izdanja, knjiga LXXIX. Odjeljenje društvenih nauka, knjiga 17*. Sarajevo, Akademija nauka i umjetnosti Bosne i Hercegovine, 191–254.
- Fenomen (2005)**: Šanjek, F. (ed.): *Fenomen "krstjani" u srednjovjekovnoj Bosni i Humu: zbornik radova*. Sarajevo – Zagreb, Institut za istoriju u Sarajevu, Hrvatski institut za povijest, 1–686.
- Hageneder, O. (1957)**: *Das Sonne-Mond-Gleichnis bei Innocenz III. Versuch einer teilweisen Neuinterpretation*. *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 65. Graz – Köln, 340–368.
- Hageneder, O. (1963)**: *Das päpstliche Recht der Fürstenabsetzung: seine kanonistische Grundlegung (1150–1250)*. *Archivum Historiae Pontificiae*, 1. Roma, 53–95.

- Hageneder, O. (1963a):** Studien zur Dekretale „Vergentis" (X, V, 7, 10). Ein Beitrag zur Häretikergesetzgebung Innocenz' III. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung, 49. Wien – Köln – Weimar, 138–173.
- Kantorowicz, E. H. (1997):** The King's Two Bodies. Princeton, Princeton University Press.
- Klaić, V. (1897):** Hrvatska plemena od XII. do XVI. stoljeća. Rad JAZU, 130. Zagreb, 1–34.
- Luscombe, D., Riley–Smith, J. (eds.) (2004a):** The New Cambridge Medieval History, Volume IV c. 1024–c. 1198. Cambridge, Cambridge University Press.
- Majnarić, I. (2004):** Prilog poznavanju roda Kačića tijekom druge polovice XII. stoljeća. Biobibliographica, 2. Zagreb, 7–37.
- Pavlac, B. A. (1999):** Henry IV (1191–1197) and the Papacy: Similarities with Innocent III's Temporal Policies. In: Moore, J. C. (ed.): Pope Innocent III and his World. Aldershot, Ashgate Publishing Limited, 255–269.
- Pennington, K. (1993a):** 'Pro peccatis partum puniri': A Moral and Legal Problem of the Inquisition. In: Pennington, K. (ed.): Popes, Canonists and Texts (1150–1550). Variorum Collected Studies Series, CS 412. Aldershot, Great Britain; Brookfield, USA, Variorum, n. XI, 1–21.
- Pennington, K. (1993b):** Pope Innocent III's Views on Church and State: A Gloss to *Per venerabilem*. In: Pennington, K. (ed.): Popes, Canonists and Texts (1150–1550). Variorum Collected Studies Series; CS, 412. Aldershot, Great Britain; Brookfield, USA, Variorum, n. IV, 1–25.
- Pennington, K. (1993c):** Innocent III and the Devine Authority of the Pope. In: Pennington, K. (ed.): Popes, Canonists and Texts (1150–1550). Variorum Collected Studies Series; CS, 412. Aldershot, Great Britain; Brookfield, USA, Variorum, n. III, 1–32.
- Pennington, K. (1993d):** The Legal Education of Pope Innocent III. In: Pennington, K. (ed.): Popes, Canonists and Texts (1150–1550). Variorum Collected Studies Series; CS, 412. Aldershot, Great Britain; Brookfield, USA, Variorum, n. I, 1–10.
- Powell, J. M. (ed.) (1994²):** Innocent III: Vicar of Christ or Lord of the World? Washington, Catholic University of America Press.
- Sayers, J. (1994):** Innocent III: Leader of Europe (1198–1216). Harlow – Essex, Longman Group UK Limited.
- Schmidt, H.-J. (1999):** The Papal and Imperial Concept of "plentitudo potestatis: The Influence of Pope Innocent III on Emperor Fredrick II. In: Moore, J. C. (ed.): Pope Innocent III and his World. Aldershot, Ashgate Publishing Limited, 305–314.
- Southern, R. W. (1993):** The Making of the Middle Ages. London, Pimlico edition.

- Swanson, R. N. (1999):** *The Twelfth-Century Renaissance*. Manchester – New York, Manchester University Press.
- Tierney, B. (1962):** "Tria Quippe distinguit iudicia ..." A Note on Innocent III's Decretal "Per venreabilem". *Speculum: Journal of Medieval Studies*, 37. Cambridge, 48–59.
- Tierney, B. (1988):** *The Crisis of Church and State (1050–1300)*. Medieval Academy Reprints for Teaching 21. Toronto – Buffalo – London, University of Toronto Press – Medieval Academy of America.