Innovations and Conservatism:
Foundation of the Metropolitan Authority and the Effective Control within
the Church Province of Nidaros in the Thirteenth Century

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On the Spelling of Personal and Place Names in the Thesis

I will employ the uniform spelling in Old Norse for the medieval personalities from the church province of Nidaros, comprising of Norway, Iceland, and the other isles in the North Atlantic from the Irish Sea to Greenland. As for other personal names, I will basically follow her/his origin, or, in case of the clergy, in Latin, but some names of the famous churchmen such as Innocent III or Adrian IV are to be spelled in English for the sake of convenience, instead of ‘Innocentius,’ or ‘Hadrianus.’

On the other hand, the most of place names in this thesis will be written in modern English spelling, just for sake of convenience.
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0. Introduction

0.1. Background and Description of the Problems

The main purpose of this thesis is to discuss the transformation of the ecclesiastical policy of the metropolitans of Nidaros in 13th century (especially during ca. 1215-1285), and that of their administrative measures, oriented to the effective control in their church province, and to evaluate them within wider European context from a point of view from ‘Integration into Europe/ Latin Christendom’, through the overall scrutiny both on the different sort of the primary sources. It is worth noting that the concept of ‘Europe,’ or ‘Latin-Christendom’ itself experienced the profound transformation during this period. Wheels of this transformation mainly stemmed from the efforts of the Papacy, also oriented towards the centralization of the church and establishment of the supreme authority of the Pope. It is not difficult to expect that such consolidation of the papal authority affected the power balance on the peripheral region, and sometimes provoked conflicts. 1 Did the efforts of the metropolitan of Nidaros and their relationship with the Papacy, or with their suffragans, largely follow the similar directions as that of their colleague archbishops? If it diverged from the main trend of his colleagues in Medieval West, what local characteristics differentiated it? Moreover, how the ecclesiastical authority, both the Papacy in Rome and the metropolitan of Nidaros, reacted against the problems? These questions are to be examined as leading questions, i.e. problemstilling in this thesis.

In the title, I employ two conceptual key words, i.e. ‘authority’ and ‘control,’ of the archbishop, or the metropolitan of Nidaros. 2 In this thesis, the term ‘authority’ primarily means the jurisdiction (potestas jurisdictionis), especially of the archbishop over a certain area with territorial border, i.e. the church province, stipulated chiefly in accordance with the Canon Law. There are mainly two theories about the legal foundation of the metropolitan ‘authority’ over the province. Whereas the first theory ascribes it mainly to the customary rights as the preeminence of the archbishop among the collegial bishops in the province (‘primus inter pares’), the second one, preferred by the Gregorian Papacy from 11th century onwards, primarily regards the metropolitan as a tandem exchange of

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1 See Smith 2002 as a case study.
2 At least from 12th century onwards, the two terms, i.e. archbishop and metropolitan have been used as synonyms. Therefore, I follow the contemporary usage of them, and do not distinguish these two words each other in the thesis. Gaudemet 1994: 462sq.
the papal power in the province.³ In course of the High Middle Ages, the predominant interpretation of the foundation shifted to the latter one, but there was still a room for the exact content and extent of this jurisdiction.⁴

On the other hand, we cannot attribute the sources of the power of the archbishop /metropolitan solely to somewhat dry discussion about the legal definition of the office. In their latest collection of essays on the episcopal office of the Central Middle Ages, Ott and Jones emphasize the multiple and sometimes overlapping role of the bishop in his immediate environments, as patron, as liturgist, as warrior as well as pastor, as intellectual as well as lawyer, and as lord and reformer.⁵ In short, the episcopal office in the High Middle Ages was intertwined with the nexus of sometimes conflicting principles, the secular-political and the religious, and the local and the universal. For the archbishop/metropolitan, situation must have been the same. Therefore I also choose the term, ‘control,’ to denote the broader influence of the archbishop, exerted in his province, than their religious role, based on the discussion in Canon Law. In other words, the control of the archbishop of Nidaros over oversea dioceses in the North Atlantic, situated in his church province, was not restricted to the ecclesiastical authority, in a strict sense of the term. He could also made advantage of the secular power as well as his political influence to make his point.

In course of medieval history in Latin West, 13th century is often characterized as an age of the centralization and establishment of the administrative apparatus. The ecclesiastical organization was a forefront standard-bearer of this characteristic of the era. It is the bishopric that functioned as a basic unit of Latin Christendom. Bartlett compares the Latin-Christendom, sharing the consolidated ecclesiastical supremacy of the Roman Pontiff and the Latin liturgy, as an organic body, the bishopric as one of its cells.⁶ Intensified communication between the Papacy in Rome and the local church, both in form of the papal representatives and written document, and the legal framework of Canon Law invested the geographical area of Western- and Northern Europe with the governmental body of the church at that time, so called the ‘Papal monarchy’⁷, as a

³ Hinchius 1959 (1878), ii: 7-17; Kempf 1980.
⁵ Ott and Jones 2007: 18.
⁶ Bartlett 1993: 5.
⁷ Pennington 1984: 3; Morris 1989.
relatively unified substance.

The Papacy also defined and established several administrative measures within the church province during this period, thus supplemented the traditional way of ecclesiastical policy, such as the intervention to the canonical election. The visitation and provincial council, obliged by the decree of the 4th Lateran council (1215), granted the archbishop an excuse, or a legal to ‘reform’ the discipline of the clerics and to administrate his church more effectively, at least on the surface. On the other hand, the Papacy also strived for the establishment of more direct relationship between Rome and the local, peripheral part of Europe, which in turn lead to the reduction of the metropolitan authority as an intermediate. In addition to the system of appeal to the papal court, the more frequent presence of the papal legate on the peripheral part of Latin Christendom and the drastic increase of the papal correspondences and intervention to the local affairs accelerated this trend.8

Moreover, the collection of the crusader tax, initiated by Pope in the church council, was a turning point for the financial history of the medieval church. It was the first attempt to make use of the ecclesiastical organization in the West as machinery to collect money effectively. In fact, some kingdom in the northern periphery of Latin Christendom, including Norway, had made it rule to levy Peter’s pence onto their territory, and to pay it to the Papacy in Rome. It means that there was a difference between the earlier payment to the Papacy, presupposing the relationship between the peripheral part of Europe to the center, and this 13th century taxation, imposed on the inhabitants of Latin Christendom together from above.9 In 1274, about the end of the period in question, Gregory IX preached the crusading movement in the second Council of Lyon. Two Studies of Roberg shows that not the union with the Eastern Church, but the urgent support to the Holy land was a central theme for this council: To collect of subsidium sanctae terrae, the financial aid for the emancipation of the Holy Land, was the most important prerequisite to realize this aim.10 This taxation was imposed on the every part of the Latin Christendom, with the assent of ecclesiastical dignities in the Council, but the papal collectors often confronted difficulty and resistances in the collection.11

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8 Schmidt 1999: 103.
9 LMa, vi, cols. 1947, s.v. Peterspfennig (auf B. Roberg).
10 Roberg 1983; Roberg 1990.
Norwegian archbishopric/ metropolitan of Nidaros, established in 1152/3 and officially confirmed in 1154 by the foundation bull of Pope Anastasius IV, is supposed to be one of such regions, in which the new papal policies was not so welcomed. It comprised of five Norwegian mainland bishopric (Trondheim, Bergen, Oslo, Stavanger, Hamar), as well as six oversea bishoprics situated in the North Atlantic, from the Isle of Man to Greenland (Sudreyar, Orkney, the Faeroes, Skálholt, Hólar in Iceland, and Garðar in Greenland). In other words, the archbishopric of Nidaros was one of the largest archbishoprics in the Latin Christendom, not consisting of the politically homogenous body.\textsuperscript{12} Furthermore, the metropolitan of Nidaros was one of few example of the archbishopric in the High Middle Ages in Latin Christendom that remained the character as a ‘missionary archbishopric’ for the further geographical expansion.\textsuperscript{13} Therefore, it is natural to suppose that the metropolitan of Nidaros had experienced more difficulties in the ecclesiastical administration in his province than his contemporary colleagues had, who presided over the smaller and more regular provinces in the continental Europe.

Fulfillment of the fiscal requirement from the papacy must have been a hard job for the Norwegian archbishops. Shortly after the Council of Lyon, Gregory IX sent the letter to Jón Raude, metropolitan of Nidaros, which urged to collect the levy of \textit{subsidium} onto archbishop’s province as decreed in the council.\textsuperscript{14} Nevertheless, it eventually spent eight years, instead of six years, firstly prescribed in the mandate of commission, until 1282, and many parchments for the correspondences between the Popes and Jón as well as Jón and his suffragans in the province of Nidaros. Hence, Norwegian affairs concerning the Second Council of Lyon as well as the collection of the sextennial tax supposedly provided good materials also for the case study of the ecclesiastical administration within the church province of Nidaros, and I set the year ca. 1285 as the latest limit of the chronological framework for this thesis on this ground.

Furthermore, two well-known conflicts between the Church and the secular authority in Norway set the earliest and latest chronological framework of the dissertation. The first one is that the severe internal strife, developed from the antagonism between the

\textsuperscript{12} Johnsen 1967; Recently Ian Beuermann raises the interesting hypothesis in regard to the incorporation of the Sudreyer into the newly founded church province of Nidaros in his M. Phil. Thesis. Beuermann 2002.

\textsuperscript{13} Jón Viðar Sigurðsson 2003b: 69; In regard to the legal definition of the ‘missionary (arch-) bishopric’, see Hinschius 1959 (1878), i: 355-63.

\textsuperscript{14} DNVIII-11 [20/09/1274].
king of Norway, Sverrir Sigurðsson (r. 1177-1202) and the archbishops of Nidaros: Visitation and collection of Peter’s pence were one of the sources for their rupture, according to the famous account in *Sverris saga*.\(^\text{15}\) Their ordinary, if not entirely friendly, relation was restored first by the election of Guthormr, former partisan of the Birkebeinar, to the archbishop of Nidaros in 1214,\(^\text{16}\) just at the eve of Lateran IV. Besides, we can also discern the conflict between the archbishop Jón and his secular foes at the last of the period dealt in the thesis. He was expelled from Norway as well as his metropolitan seat, and finally died in Skara, Sweden, as an exile. Between these two famous conflicts in Norwegian history, the relationship between the secular and ecclesiastical authority can be characterized as relatively stable, although somewhat ambivalent, through the period. Both parties and its representative, i.e. the king and archbishop, needed to make terms each other, in order to consolidate their authority within the society.\(^\text{17}\)

At this juncture, it is important to remark that the former, i.e. royal authority, extended their dominion into the North Atlantic, and strived for the apparent political parallel of the church province, which led to the formation of ‘Norgesveldet’ at that time.\(^\text{18}\) Helle’s recent article on the Norwegian *skattland* similarly emphasizes the importance of the corporation between two authorities as to their consolidation over the former Norse settlement.\(^\text{19}\) Such political consolidation of the king in the 13\(^{th}\) century, mainly under the reign of Hákon Hákonarson presupposed the profound ‘institutional’ change, or the institutionalization of the kingship in contemporary Norway. The doctoral dissertation of Waerdahl also compares the process of the political integration among the *skattland*, with the key concepts, such as ‘outside rule’ and ‘physical presence.’\(^\text{20}\) Her analysis clarifies the differences between the ‘original’ *skattlander* such as the Orkneys and Shetland on the one side, and Iceland and Greenland on the other. King Hákon strived

\(^\text{15}\) *Sverris saga*, Ch. 117 [*ÍF* XXX: 177-79].

\(^\text{16}\) Bagge 2003: 75.

\(^\text{17}\) Jón Viðar Sigurðsson 1999: 131.

\(^\text{18}\) *Norgesveldet*, or Norwegian dominion, is a historiographical concept, not found the exact term in the primary sources. The jargon means the geographical extant which Norse settler had colonized, and later incorporated into the hand of the high medieval Norwegian kings, embracing the North Atlantic area from the Orkneys to Greenland, in addition to the mainland Norway. Krag 2000: 134-37.

\(^\text{19}\) Helle 2005: 17..

for the control of the latter through the direct lordship, characterized as a royal monopoly of the legislative power as well as the appointment of the key person in the local government. Nevertheless, both categories of skattlander had a common feature: ‘physical absence of the king from the oversea skattland.’ The institutional development of the kingship in Norway enabled the king to rule the oversea skattland without visiting the lands in person. Can we also detect similar kind of direction also in the establishment phase of the metropolitan authority in the North Atlantic? Hence this chronological framework, adapted in my thesis, is also suitable for the study on the transformation of the Norwegian church itself as well as the Latin Christendom as a whole.

Taken these backgrounds into consideration, my preliminary hypothesis is as following: Contrary to the general tendency of the reductions of the metropolitan authority, the metropolitan of Nidaros in fact consolidated their authority during the period in question, especially over oversea dioceses in the North Atlantic Isles. In other words, he benefited from the papal efforts towards the centralization of the church.

1.2. Historiography
Norwegian church and her leaders in the 13th century have attracted from the recent researches than her 12th-century predecessors. Moreover, a few exceptional works, dealing mainly with the 13th century, concentrate mainly on the relationship between the State and the Church, thus not so relevant to the main theme of this thesis. As a result of this historiographical tradition, little further study about the Norwegian church in the 13th century have done except for this traditional theme in Norwegian historiography since the 1950s, when the two classical works for the history of the archbishopric were published. In fact, some latest works even omit the period concerned in thesis almost entirely.

Authors of these classical works share one premise together: the general trend of the centralization of the Church in the Latin West, initiated by the Roman Pontiff, did not have a great impact on the Norwegian church in the High Middle Ages. Joys characterizes

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23 For example, Imsen’s latest collection of essays (2003), concerning the medieval metropolitan of Nidaros, does not contain the peculiar section about the period from 1214 to ca. 1270. See Bagge 2003: 51-82; Haug 2003: 83-119.
the age 1202-1280 as an era for the canonical election, when bishops are elected by the cathedral chapters, canonical electoral body in most cases. Whereas admitting the possibility that the legal ground of the sporadic royal intervention against the election left unsettled until almost the end of the period in question, his picture of the Norwegian church since ca. 1200 is a already well-developed or pre-destined one, and didn’t demand further impetus from the outer, i.e. Papal intervention.  

On the other hand, Johnsen agrees on Joys’ view about the episcopal election and regards the age, which began the year 1202 as an age of continuous consolidation, although he expresses a very negative opinion on the implementation of the decree of Lateran IV within the church province of Nidaros, from the comparison with the case of England.  

According to him, the consolidation of the ‘primitive’ Norwegian church was attributed almost solely to the cooperation with the kingship and its exploitation. Canonical decrees concerning the church organization and its moral reform, not strictly observed within the church province, contributed little to the development of the metropolitan authority. He deduces this view solely from the ‘practices’ mainly through the analysis of the complaint against the disobedience or the normative sources. In sum, both researchers, especially the latter, characterize the thirteenth-century Norwegian church as ‘national’ and ‘distinct’ character, isolated from the contemporary development in the Latin Christendom.

A young American scholar, Perron, still follows the step of Johnsen in his recent article, presenting the ‘still well isolated’ figure of the Norwegian church well into the midst of the thirteenth century. His hypothesis on the metropolitan authority is certainly worth paying attention. For the Roman Papacy, the province of the Nidaros remained a remote fringe of the Latin Christendom, thus the metropolitans of Nidaros kept immune to the general papal policy of reducing the authority of the metropolitans within the province and connecting the local church directly with the Papal government system.  

His idea partly derives from the observation, deduced from his doctoral dissertation about the contemporary Danish metropolitan authority (1178-1274). According to this observation, the deeper the regional church integrates into the order of the Roman Catholic Church, the less authority granted from the Papacy to the metropolitan, and that this tendency clearly emerges from the latter half of the pontificate of Honorius III, ca.

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26 Perron 2006.
1220. Contrary to his doctoral dissertation, based on the meticulous scrutiny about the appeal and visit of the papal legate, however, his study on Norwegian church largely relies on the rhetorical descriptions of the narrative sources, and seems to lack the precision in the treatment of the primary sources. This problem requires further investigation.

Certainly some of the younger scholars pay attention to the administrative activity of the metropolitan of Nidaros in the 14th century, and depict the contemporary Norwegian church as a fairly well organized administrative body, fully integrated, functioned completely as a gear of the hierarchical organization of Roman Catholic Church at that period. Both Hildonen and Tryti draw this conclusion from the meticulous analysis of the letter collection by the bishops of Bergen (Bergens kobibok). Furthermore, Lilvetd’s study concerns the synodal statutes, promulgated in the provincial council, presided by the metropolitan of Nidaros from 1280-1351, and explores especially the theological and judicial backgrounds of the contents. We should be careful not to stretch their conclusions without any reservation into the 13th century, since their research are mainly based on the primary sources from the bishopric of Bergen, without doubt the most developed bishopric except for Nidaros itself, the bishopric of Bergen.

On the other hand, the historiography of the Icelandic church, which belonged to the metropolitan of Nidaros, however, has tended to regard the Norwegian archbishop as the epitome of the reform ideal of the ‘international’ church, at least from the end of the twelfth century. Such problems as clerical celibacy, canonical marriage and especially the proprietary church have attracted the attention of the researchers. The efforts of the reformist bishops and installment of the ‘foreign’ Norwegian bishops directly concerns the central theme of this thesis, i.e. the establishment of the effective control of the metropolitan within the church province during the thirteenth century. Moreover, Iceland has a rich collection of the narrative sources, such as the bishops’ saga, concerning from ca. 1150 to 1350. The approach of the Icelandic historiography also has a weakness, however. They have treated the problems listed above as Icelandic proper, not so often

28 Hildonen 1977; Tryti 1987; Tryti 1994: 24-43. As for the circumstances on this source collection, see Bull 1932: 56-80.
31 For example, Magnús Stefánsson 2000 (as for the proprietary church).
taking wider background of the issue of such kind of into account: Did the prohibitions merely aim at the correction of the morals solely in Iceland, or did they consist one of the wider administrative plan of the metropolitans of Nidaros?

In this context, recent contributions of Kaufhold are indeed suggestive. According to him, focusing on the papal correspondences, the influence of the papal authority in Norway was limited at the middle of the 13th century, and it is not the Pope, but the archbishop, who took initiative in introducing the Roman- Latin Christian standard norm into his own church province.32 Although Helmgrath criticizes his work for the negligence of the corroborative scrutiny on other sources, his conclusion is certainly stimulating if we concentrate on the archbishops’ attitude towards the papal intervention.33 His research concerns mainly the relationship between Norwegian and outer authority, i.e. the Pope, however, and he does not go into the problem within the Norwegian church in detail.

Concerning the ecclesiastical taxation, there is virtually no general work that covers the church province of Nidaros during the thirteenth century as a whole.34 Crawford makes two useful suggestions as to the establishment of the metropolitan control in this context, however: The first is the relationship between the incorporation of the Norwegian archbishopric and the introduction of the Peter’s pence. She clarifies also the regional difference of its implement within the Northern and the Western Isles.35 Her study focus only on the Peter’s pence, but similar approach must be valid and useful as to *subsidium* and other ecclesiastical tax. As to the payment in kind from the North Atlantic, especially from Iceland and Greenland, several recent researches have been recently published. Their primarily concern is, however, not ecclesiastical affairs, rather cultural as well as economic aspects of the relationship: Roesdahl and Arneborg take up walrus tusks, collected from Greenland as a *naturalia*, tax in kind. Especially Roesdahl points out the highly organized nature of the walrus trade, which was at bishop’s disposal at least since the thirteenth century.36 On the other hand, Ekbom’s investigation into the assessment

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33 Helmgrath 1999: 164, Anm. 115.
34 The following detailed article is based mainly on the primary sources of the 15th- and 16th century, thus not so useful for this dissertation. Dybdahl 2003.
35 Crawford 1974; 1993.
unit for Viennnationden, the parallel of the *subsidium* of the Second Council of Lyon, decreed in the council of Vienne (1311) onto inland Norway is only the systematic study for the ecclesiastical taxation during the Middle Ages.\(^{37}\) It is also important to note that the process of the transfer of the collected levy to Rome have attracted even less attention from Norwegian as well as other Scandinavian scholars.\(^{38}\) Despy’s classical essay and Schuchard’s study on the papal collectors are exceptions concerning this theme, but both of them are of non-Scandinavian origin and do not focus on Norway proper.\(^{39}\)

Considering these historiographical backgrounds, I set the twofold preliminary approach to this theme. The first one is to re-construct the metropolitan’s ecclesiastical policies, such as personnel, such as election or installment of the person, summoning to the provincial council, discipline, and fiscal relation, from wider perspective, I focus on the church province of Nidaros as a whole, for the unit of research. Then, I would like to evaluate the influence of the contemporary Papal policy and decrees in regard to the implementation of their policies within such wider framework.

### 1.3. Primary Sources

This thesis mainly employs three categories of the primary sources, i.e. 1) diplomatic sources, including papal letters, 2) laws, comprising of secular as well as ecclesiastical legislations, in addition to statutes, 3) and finally, some contemporary sagas from 13\(^{th}\) and 14\(^{th}\) century Iceland. Since the thesis concerns the hierarchical structure of the church authority and its administration, the majority of the sources derive from ecclesiastical institutions, high prelates, and archives, as is often the case with other kingdoms in Medieval West.\(^{40}\) They consist of charters, correspondences, and statutes. In addition to these sources, I will often use some indigenous sources in the thesis to give a complimentary picture of the local circumstances in Norway as well as the oversea dioceses. During the period in question, the generality of these indigenous sources were supposedly written in Iceland. Therefore, this thesis will inevitably more often feature

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37 Ekomb 1976.
38 Nyberg 1990 is probably almost sole exception. The European parallel of this problem, see Denzel 1991, dealing with the relationship between the papal finance and the see of Bamberg.
40 As for the archives in Norway in general, see Öberg 1977: 19sq.
Icelandic cases, as an example of the relationship between the archbishop and his suffragans than other dioceses in the North Atlantic.

1.3.1: Diplomatic Sources and Letters

Papal Chancery in high Medieval Rome epitomizes the evolutionary increase of the literacy and written activity during the High Middle Ages, spreading over the whole Latin Christendom.\(^{41}\) In the later half of the eleventh century, the Pope Gregory VII assumedly dispatched ca. 40 letters to high prelates and rulers in Europe. By the end of next century, the amount of the yearly output of the chancery rose ca. ten times, however. Further, Sayers estimates that the chancery under the pontificate of Boniface VIII (r. 1294-1303) issued 50,000 letters per a year.\(^{42}\)

These documents from the papal chancery includes the privileges, its confirmation, papal letters of more literary nature (\textit{litterae apostolicae}), and correspondences between the pope and the ecclesiastical dignities residing in the church province of Nidaros and its neighboring provinces.\(^{43}\) The generality of them, mainly concerning the relation between the Papacy and the local churches in the mainland Norway, had been collected and edited since the middle of the nineteenth century, and published in form of the source collection \textit{Diplomatarium Norvegicum (DN)}.\(^{44}\) This multi-volume collection of the diplomatic sources, however, does contain neither the documentary sources on the direct communication between the Papacy and the oversea dioceses in the North Atlantic, nor some pastoral letters from the Norwegian archbishop. These two sort of the correspondences and so on are often included in the local source collection, published separately by the local historian in the former oversea dioceses. The most prominent of such collections is without doubt 16 volumes of \textit{Diplomatarium Islandicum (DI)}. P. A. Munch also compiled the diplomatic and financial document of the medieval papacy concerning Scandinavia in one volume.\(^{45}\) Together with \textit{Acta Pontificum Svecica}, originally published as an appendix of \textit{Diplomatarium Svecanum}, they offer an indispensable groundwork for comparative study on the financial relation of the

\(^{41}\) Cf. Clanchy 1993 (1979): 60sq.
\(^{42}\) Sayers 1984: 51.
\(^{44}\) \textit{DN} 22 bd. 1847-1976.
\(^{45}\) Munch (utg.) 1864.
Scandinavian church provinces to the Papacy from the High to the Later Middle Ages.

These collections of the documentary sources have the same problem in common: Since especially DN and DJ have been edited and published since the first half of the nineteenth century, they do not satisfy the today’s standard on the editorial principles and critical scrutiny towards the sources. The seven volumes of Regesta Norwegica (RN), however, supplement the materials in those collections with the updated dating as well as relevant references, thus I largely rely on this register in regard to the date and other relevant information in this thesis.

1.3.2. Law and Statutes
The famous law collection of five volumes, Norges gamle Lov (NgL), initiated by two prominent scholars in the middle nineteenth century, Rudolf Keyser and Peter A. Munch, and published from 1846 to 1895, contains both secular and ‘ecclesiastical’ legislations from medieval Norway. Here the ‘ecclesiastical’ legislations comprise of two different sets of legislations, i.e. church law section in Norwegian provincial codes and provincial statutes from the church province Nidaros. This law collection from the 19th century also has some shortcomings, especially from the point of textual criticism, as Rindal notes. Nevertheless, I employ some of legal texts from this collection, mainly on the ground that there is no available modern edition of the text other than this NgL edition. Icelandic law collection from the commonwealth period has their own edition, namely three volumes of Grágás.

The former category of the ecclesiastical legislations, church law, or Christian Law section (ON: kristne lög or kristinrétir), are usually incorporated into the provincial laws in Norway and Grágás in Iceland. This thesis will employ them only as subsidiary sources, since this category of the law mainly concerns the role of clergy and church in the local society as well as their control over the daily life of laymen, i.e. the relationship between

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46 Öberg 1977: 27sq.; In regard to editorial principles on NgL, see Rindal 1997.
47 RN (new ed.): 1978 sqq. Especially bd. 1 (843-1264), and 2 (1264-1300) are directly relevant to the chronological framework of this thesis.
49 Vílhelmur Finsen (urg.) 1852. The law collection Grágás is extant in two main MS from the late 13th century, Konungsþóbók (after 1250) and Stóðarhólsþóbók (c. 1270), in addition to some fragments. Both of them are not official law codes, and there are not a small account of the difference in contents between these two MSS. Sandvik and Jón Viðar Sigurðsson 2005: 225.
the clergy and lay society in Medieval Scandinavia. Therefore, the majority of the clauses in the Christian Law sections are not of particular use for the ecclesiastical administration itself.\textsuperscript{50}

Generally, researchers reach an agreement on the following two premises: First of all, extant corpus of the Nordic provincial law codes represents the multiple layers of texts from different ages, although their opinion differs in how to approach the text of such different strata. Furthermore, they were essentially normative sources. In short, the law text probably represents the idealized picture of the society by the legislators rather than the actual society. Combining these two premises, the recent researches since 1970 have tended to pay more attention to possible influences from the continental, or the Canon Law in the Nordic law corpus.\textsuperscript{51} This trend of research is indeed suggestive and helpful for this thesis, because some revisions of the ‘old law’ in the 12\textsuperscript{th} and 13\textsuperscript{th} century specify names of the archbishop and bishop as initiators.

On the other hand, the high medieval Norway produced ca. 10 provincial statutes, i.e. stipulations of the provincial statutes, settled by the archbishops and his suffragans together. From the latest decades of the 13\textsuperscript{th} century to the middle of the 14\textsuperscript{th} century, about the arrival of the Black Death in the church province was the heyday of their production, at least according to the extant corpus of the statutes. Whereas some 14\textsuperscript{th} century statutes concerns the pastoral activity of clergy and their discipline, the statutes of archbishop Jón, extant in two different reductions,\textsuperscript{52} focus on the relationship between the secular and sacerdotal authorities, so both two reductions do not illustrate the ecclesiastical administration of the province at that time.

1.3.3. Narrative Sources
I will employ mainly the descriptions in the Old-Norse narrative sources, i.e. contemporary sagas and Icelandic annals as to the sources for this approach, in addition to the titles mentioned in diplomatic sources. They are also useful as a source for the particular local, Icelandic circumstances from the 12\textsuperscript{th} and first half of the 14\textsuperscript{th} century, although not hitherto used and studied extensively.\textsuperscript{53} Most of them date back to the (near)

\textsuperscript{50} Anne-Marit Hamre 2003: 222sq.
\textsuperscript{51} Norseng 1987: 63-69.
\textsuperscript{52} \textit{NgL}, iii: (1849): 230-37 (longer), 238-41 (shorter).
\textsuperscript{53} Jón Viðar Sigurðsson 2005: 129.
contemporary of the event described in the works. Hence, researchers generally regard them as reliable, albeit polemical natures in some bishop’s sagas.

The first half of the thirteenth century saw a first flowage of the sagas of the native bishops. Some of them depict their heroes as an active reformist and fighter for the church, in addition to adding the miracles providing their sanctity. The oldest and unfinished Prestssaga Guðmundar góða, dealing with the life of the bishop of Hólar (d. 1237), belongs to this group. This saga was transmitted through four reductions, composed later around 1300, in addition to the abridged version among the compilation Sturlunga saga. Reworked editions show different standpoints and tendencies, and version A of this saga, GA, is the most close to the older, original, according to the latest research.

Iceland was submitted officially to the king of Norway in 1262/4. Especially two bishop’s sagas are important to note as primary sources concerning the ‘Norwegian’ era of Iceland. First is Árna saga biskups, narrating the life of Árni Þorláksson, bishop of Skálholt (r. 1271-1298). His life-long effort for the abolishment of the proprietary church in Iceland was narrated in detail in this work. Extant more than forty MSS and fragments, together with sixty-eight documents quoted directly in the work, this saga should be regarded as the most essential primary source as for the ecclesiastical as well as the political relationship with Norway in the latter half of the 13th century. The second is Lárentius saga biskups, probably authored by the bishop’s student Einarr and preserved in form of three main MSS. This saga describes not only the course of events in Iceland, but also the youth and education of the bishop Lárentius of Hólar in Nidaros, illustrating the Norwegian ecclesiastical milieu, which seldom appears in other sources.

Tradition of writing annals began in Medieval Iceland rather late, at the end of the thirteenth century, ca. 1280. Of four annals regarded as the oldest, annales regii, or Konungsannáll (IA IV), the fourth annals in the modern recension, contains the fullest

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54 Cormark 2005: 30-32.
55 Jón Jóhannesson, Magnús Finnbogason og Kristján Eldjárn (utg) 1946, 2bd.
57 Árna saga biskups, i: ÍF XVII: 1-212.
58 Pulsiano (ed.) 1993: 20, s.v. Árna saga biskups (by Þorleifur Hauksson).
60 Pulsiano (ed.) 1993: 15 sq., s.v. Annals: 2; Iceland (and Norway) (by Jakob Benediktsson).
and unique entries from the 12th and 13th centuries. Such entries, or notices, comprising of the obituary, entrance, transfer, and the journey of the ecclesiastical dignities, have indispensable value for this thesis, since they show the mobility within the church province otherwise unknown. Taking the fact into consideration that annales regii betrays the monastic influence as for both the style and the contents, they must be relatively trustworthy as a source for the contemporary, ecclesiastical affairs in the province of Nidaros in the 13th century. Although hitherto due attention seems not to have been paid, the systematic analysis of these entries will contribute much towards illustrating several aspects of the relationship between archbishop and the local church.

Of contemporary king’s saga, Böglunga saga and Håkon saga Håkonarsonar (HsH) deal with the period investigated in this thesis. Especially the former narrates the conflicts between the king Sverrir and the archbishop Eiríkr, mainly from the former, pro-Birkebeinjar/ Norwegian point of view, thus providing counter-argument against the ecclesiastical point of view, described in the correspondences between the Papacy and Danish church, sheltering bishops in exile at that time. On the other hand, the period dealt in Håkon saga Håkonarsonar roughly corresponds with the chronological framework of the thesis. Although its tendentious nature is recently debated, wide discretion of the letters allowed to Stula casts a light, although dim, upon the active diplomatic activity centered at royal court, in which the church was also intertwined. Besides, Sverris saga and Orkneyngja saga will also be useful to get a glimpse of the Norwegian church at the eve of the period, although the main period dealt in the sagas is before ca. 1200.

1.3.4. Approach to the Sources

There is one more important premise to note, concerning the interpretation of the diplomatic sources mentioned in the previous sub-section. Only small amount of letters and privileges derived from the Papal initiative indeed: the most part of them takes the

61 Annales regii, i: IA:79-155. (Below abbreviated as IA IV).
63 The saga is extant in three medieval MSS, i.e. Eirspennill, Codex Frisianus, and Flateyjabók. I use Vígfusson’s Rolls recension as a text. Vígfusson 1964 (1887): 1-365.
64 Bagge 1996: 10sq.; Ólafía Einarsdóttir 1995: 29-80. Despite of their hard criticism, however, Krag defends the relative trustworthiness of this saga as a historical source. See Krag 2000: 243.
form of the response against the inquiry, request, or petition from the local church.\textsuperscript{65} We sometimes come across the infrequent concentration on the papal letters from one Church province, that of Nidaros, within very short interval. For example, Pope Gregory IX dispatched nine letters within five days, from 11\textsuperscript{th} to 16\textsuperscript{th} of May 1237, including the archbishop as an address, and previous research has focused almost exclusively on the contents of the letter.\textsuperscript{66} Taking into consideration the fact that more than 200 letters yearly issued from the Papal chancery in the 13\textsuperscript{th} century, and that above statistics covers only on the register of the extant letters,\textsuperscript{67} this kind of concentration is suggestive indeed. Norwegian, and oversea part in the North Atlantic, church wrote the request to Rome concertedly, and the Papacy probably responded the group of the request almost mechanically. Researchers define such form of the papal government in the 12\textsuperscript{th} and 13\textsuperscript{th} century as the term ‘rescript government’.\textsuperscript{68} The bulk of papal letters were issued in response to requests from the local churchmen, rather than the representative of the uniform papal policy that unfolded over whole Latin Christendom. Hence, it is important to clarify the following points: 1) Why the Scandinavians acquired such documents, 2) Who were they, and 3) On what purpose they intended to make use of the documents in their local context, as Ingesman notes.\textsuperscript{69} In sum, this collective group of letter clarifies us the intentional control of the supplications by the archbishops as well as something about his plan of the ecclesiastical administration. Thus, I will investigate the papal documents collectively as well as individually, focusing both on their contents and on context surrounding them in this thesis.

This thesis will also employ prosopography as a method of evaluating the general tendency of personnel aspect of the metropolitan control: Here the jargon ‘prosopography’ means collective biography, focusing on the group investigated and consisting of the data extracted based on particular interests and criteria.\textsuperscript{70} This method itself is not so new also in Norwegian medieval historiography. Indeed Bagge published his research on the royal chaplains (\textit{kongelige kapellgeistlighet}), and Sletten’s recent MA

\textsuperscript{65} Sayers 1984: 52.
\textsuperscript{66} RN I, nr. 665-673.
\textsuperscript{67} Sayers 1984: 50.
\textsuperscript{68} Morris 1989: 212.
\textsuperscript{69} Ingesman 2001: 136.
\textsuperscript{70} Bulst 1986: 4-7.
thesis clarifies the ‘institutionalizing’ tendency of the diplomatic envoys of the Norwegian kings through this method of analysis, although he excluded the negotiation between the king and the Pope from the object of his investigation.\textsuperscript{71} Even appendix of DN, inspired from Gam’s \textit{series episcoporum} (1873) and complied by Kolsrud, can perhaps be regarded as a precursor of this trend in Nordic historiography.\textsuperscript{72}

Focusing on the ecclesiastical dignities, such as archbishops, bishops, and canons of the cathedral chapter, as a target group, I concern the following two points. 1) As for the episcopal election, ecclesiastical background of the person mentioned, such as a membership of the collegiate church,\textsuperscript{73} and whether and how their elections can be intervened, and 2) as for the ecclesiastical affairs, their means and responses towards the archbishops to keep contact with, such as correspondence, use of the procurators, and journey in person.\textsuperscript{74} Thus as a counterpart of Bagge’s study on royal chaplains, I will clarify the metropolitan’s ‘systematic’ use of the personnel resources and their control from this kind of approach.

\textsuperscript{71} Bagge 1976; Sletten 2003.
\textsuperscript{72} Kolsrud 1913.
\textsuperscript{73} As for the historical significance of collegiate church as a place of education (Ausbildung), see Kinzinger 2006; Lars Hamre traces the historical development of the collegiate church in medieval Norway. Hamre 2003: 190-192.
\textsuperscript{74} General communicational problem between Norway and its North Atlantic settlements has attracted attention of the researchers to some extent, at least since the beginning of the last century. Magerøy 1993 summarizes the state of the sources and the research in a convenient way.
2. Norwegian Metropolitan of Nidaros around Lateran IV

In 1202, the death of the king Sverrir made it possible to reconcile the king and the church in Norway. Hákon the third, Sverrisson, sent the exiled archbishop Eiríkr and other bishops the letter to guarantee the previous privileges enjoyed by the church.\footnote{DN VIII-5 [1202].} Although two political factions in Norway, the Birkebeinar and the Baglers, resumed opposing each other after the death of Hákon Sverrisson, at least the bishops return to their dioceses, including the archbishop Eiríkr.

The main purpose of this chapter is to give an overview of the church province of Nidaros around the Lateran IV, with special focus on the foundation of the metropolitan authority. The first section mainly concerns the situation of Norwegian mainland, comprising of five dioceses, Trondheim/Nidaros, Bergen, Oslo, Stavanger, and Hamar. Especially the role of the archbishop as a pacificator is to be examined in the context of church policy. Then, the second section discusses the relationship between the archbishop and his suffragans at that time. Here I choose the bishop of Orkney as an example, because the Orkney Isles was being incorporated in the emerging political order of the ‘Norwegian Dominion’ just at that time. Thus, it is an ideal material to consider the problem on the relationship between the secular and ecclesiastical, especially metropolitan authority over the North Atlantic.

2.1. Restoration of the Order in the Mainland Norway?

Due to the scarcity and polemic nature of the sources, it is extremely difficult to reconstruct the general picture of the ecclesiastical circumstances in regard with the mainland diocese before and around Lateran IV (1215). The native sources, including the Icelandic Annals, reveal us little about the administration as well as the succession of the bishops in the mainland church at that time. Therefore, we have to rely on not so many foreign sources such as the correspondence between the Papacy in Rome and the Norwegian church. Can we detect some trends towards he centralization of the ecclesiastical organization at this period?

After the reconciliation between the monarch and church in Norway in 1202 and successive retirement of the old and blind archbishop Eiríkr, one of the two opposing pillars of the conflict, the relationship between the Roman Papacy and Norwegian
metropolitan seems to be re-established in accordance with the consecration of the new archbishop, Þórir (r. 1206-14), with relatively little difficulty.

Pope Innocent III confirmed the privileges, granted previously to the metropolitan of Nidaros, together with the issue of the other Papal documents on February and March in 1206, just after the consecration of new archbishop Þórir.76 Firstly, Innocent addressed two letters to the newly consecrated archbishop, even before the official confirmation of the privileges. The first letter deals with the prohibition against the consecration of the persons to the bishops without the consent of the archbishop, proviso, in case of his vacancy, the consent of the cathedral chapter.77 The mandate stipulates that it is for the archbishop’s obligation as well as right to collect Peter’s pence within the church province of Nidaros. Traditionally, the Roman Pontiffs had granted such privileges as an independent archbishopric in Scandinavia, in exchange for the exhaustive subjection to the Roman papacy: In short, the payment of Peter’s pence had been regarded as a prerequisite for the independence of the archbishopric and sole subjection to the Papacy.78 In fact, the payment of this ‘tax,’ romaskatt, to Rome was one of the most disputed topics in Sverrir’s Oration against the Bishops.79 Hence, we can interpret these two papal correspondences as symbols of the informal agreement between Innocent and the new Norwegian archbishop, Þórir, in regard with the restoration of the regular relationship after the disruption under the reign of Sverrir.

Now the Papacy secured the payment of Peter’s pence, and in return, the Norwegian church could get the support from the Papacy to secure the control within the metropolitan. In my understanding, the possible aim of the first letter is to secure the position of the metropolitan of Nidaros as a sole ecclesiastical authority within the province. Thus, it presupposes the division of the authorities within the province, and can direct either against the royal, or another secular, intervention to the episcopal election, or against the incursion of the other ecclesiastical authorities out of the province of Nidaros. Although we cannot rule out both possibilities, scholars have traditionally paid more attention to the latter one. For example, both Joys and Johnsen associate the issue of this papal confirmation with the consecration of Kóli, bishop of the Sudreyar, after 40 years

76 RNI, nr. 315-320 [11/02/1206-01/03/1206].
77 DN VII-5 [Feb.11, 1206].
78 See Seegrin 1967.
79 Holtmark (utg.) 1931: 2.
vacancy. Rather I would like to consider this problem from another perspective: The expansion of the influence of the archbishop over the oversea bishops in the North Atlantic presupposed the internal accord and order within the Norwegian church in the mainland Norway.

Both reductions of Böglunga sögur, although the longer one is extant only in form of 17th century translation, present the new archbishop, Þórir, and Bishop Nikulás Árnason of Oslo, one of the leaders of the Baglers, as representative of each political group formed during the Civil War who reached an agreement. After returning Norway, Eiríkr appeared as one of the most influential figures in the Birkebeinar as well as an advocate of the inhabitants of Trøndelag in his last pontificate. In fact, it is no other than Eiríkr, aged and blinded then, who had a decisive voice in the preference of Ingi Bardsson to Hákon Gallen as new king of the Birkebeins in 1204. As Clag points out, the adherent of the church succeeded in taking initiative of the both party involved in the Civil War at that phase.

In my understanding, however, none of the aforementioned scholars seems to have pay due attention to the political background of the new archbishop, and the possibility of his own contribution to the peace. Böglunga sögur explicitly states that he was originally a member of the cathedral chapter of St. Hallvard in Oslo, and that the old Eiríkr himself ventured to invite him as a successor from Viken, the stronghold of the Baglers, despite of the initial hesitation of the candidate. There is little doubt that the new archbishop had got in touch with Nikulás before the election to the archbishop. It is true that Eiríkr took initiative in designating him, but it is not unnatural that the alleged affinity of the candidate with Nikulás and Eastern Norway played some roles in his decision. The point is, Þórir, the new candidate, is probably preferred not solely on his educational background, i.e. as a student of St. Victor in Paris, but also on his political background of Eastern origin. Such a political background of him must have facilitated his negotiation with Nikulás, which further led to the settlement of peace of Kvitsøy in 1208. At this juncture, it is worth underlining that his predecessor Eiríkr himself arranged the course of

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80 Magerøy (utg:) 1988: 27sq.
81 Magerøy (utg:) 1988: 27sq.
82 Magerøy (utg:) 1988: 27sq.
84 Joys 1948: 200.
events in advance.

Bagge states that the new archbishop attempted not to favor either side of the political faction, and therefore to be neutral at this phase of the civil war.\textsuperscript{85} Whereas I recognize the validity of his argument to some extent, the following point is still to be considered: The attitude of the Norwegian church, presided by the new archbishop, was far from passive neutralism, so to speak. Rather the leaders of the church, formerly divided in both factions of the Norwegian Civil War, now attempted to act together to achieve a settlement of peace.

Already on 18 February in 1206, only a week after the confirmation of the preceding privileges, Innocent granted Þórir the privilege to absolve the person from the excommunication for the injury against the lesser clergy.\textsuperscript{86} The issuing date of this letter itself vouches for the imminence and importance. Moreover, Þórir and Nikulás even invoked the papal authority in order to make the settlement binding, according to the later letter of Innocent III.\textsuperscript{87} From these accounts, it is difficult to accept the assumption to regard their sole mere as a mediator, who spoke for the standpoint of the ‘ordinary people’ (\textit{bondesamfunnet}), as Helle supposes.\textsuperscript{88} It is rather natural to suppose that the archbishop and the Norwegian churchmen actively promoted the peace together on their sake. About two weeks later, Þórir also got two letters from Innocent in the beginning of March 1206. Whereas the second one concerns a liturgical problem in the mainland, probably in the diocese of Trondheim itself, the first one is a privilege that granted the archbishop to suspend disobedient priests, armed with the weapon and neglecting their pastoral duties, from their office.\textsuperscript{89} These evidences show that the new bishop took a great amount of interest in making peace and restoring order in mainland Norway, politically as well as in the ecclesiastical milieu, from the very beginning. At the first half of his archiepiscopate, at least until 1208, the settlement of Kvitsoy, the political matters, i.e. the peace and accord among the different authorities in Norway, secular and ecclesiastical alike, probably occupied the primary concern for the new archbishop.

Further, I would like to point out the fact that the active involvement of Þórir with

\textsuperscript{85} Bagge 2003: 75.
\textsuperscript{86} DN VII-8 [18/02/1206]
\textsuperscript{87} DN VI-12 [11/07/1211].
\textsuperscript{88} Helle 1974, 96.
\textsuperscript{89} DN VI-11; VI-12 [01/03/1206].
the ecclesiastical activity towards his oversea suffragans, confirmed by the sources, was in fact concentrated within the middle of his pontificate, from 1210 to 1211/12. In 1210 he consecrated the consecration of Kóli, bishop of the Sudreyar ‘after 40 years vacancy’, as I mentioned above, and further consecrated Helgi to Greenland assumingly in 1210/11, due to the fact that his arrival in Greenland is recorded in 1212 in the Annals. About at the same time, he summoned Guðmundr Árason, bishop of Hólar, together with his opponents, six Icelandic chieftains, to Nidaros. Although it is not unnatural that it took some time, more than one year, for the archbishop in Nidaros to hear of the news of the tumult in Iceland, it seems not to be enough to solve all the questions on timing of his intervention. On the face of the letter, it is clear that Þórir knew the skirmish that result in the expulsion of Guðmundr from his diocese. As it happened on spring in 1209, however, the first proposal by the arbitrators that the case should be appealed and submitted to the archbishop was suggested first in the spring assembly in 1207. According to the account of Páls saga, Þórir sent at least once a messenger with the gifts to Páll Jónsson, bishop of Skálholt (d. 1211), between 1206 and 1210/11. Taken the frequency of the communication between Norway and Iceland into consideration, Þórir’s response to the situations in Iceland was not so immediate, as it first appears.

On the one hand, accidentally or not, the consecration of the successor of Njáll, bishop of Stavanger (d. 1207), is missing from the entries of the Icelandic Annals, therefore we do not have any evidence at our disposal that confirms the activity of Þórir beyond the Norwegian mainland during the first years of his archiepiscopate. On the other hand, the consecration of the successor of Sveinn, bishop of the Faeroes (d.1212), was postponed until 1216, together with that of Magnús Gizurarson of Skálholt, after the return of the new archbishop, Guthormr, to Norway. Although there are fewer trustworthy sources that cover the last years of the archiepiscopate of Þórir, nevertheless they seem to impress that he got into trouble with the turmoil in Norway at that time. On

90  *I.A* IV, a. 1210, 1212. [Storm (utg.)1888: 123sq.] In fact, he was the first bishop whose arrival in Greenland is mentioned in the sources. Cf. Arneborg 1991: 144sq.
92  *Páls saga*, Kap. 17. [*IF XVI: 324sq.*] Páll sent the walrus ivory scepter (*byskupsstaf af tönn*) to Þórir in return, therefore he must have received the gifts during his lifetime, probably more than one season before his death in 1211.
93  *I.A* IV, a. 1207. [Storm (utg.) 1888: 122]
94  *I.A* IV, a. 1212, 1216. [Storm (utg.) 1888: 123sq.]
July 1211, Innocent inquires him about the friction among the political factions the pope had heard from the appeal from Philipus. As far as we know, there is neither any response from Þórir on this case nor any papal rescript on the other problems in the last three years of his pontificate. Furthermore, the longer, now lost, version of the Böglunga sögar tells us that Þórir was suspected to instigate the people to the rebellion at the very end of his career (in 1213). Consequently, Þórir probably had enough time to consider and to interfere in the ecclesiastical affairs over the church province, relatively free from the political turmoil within the Norwegian mainland, only during the middle phase of his archiepiscopate.

2.2. Relationship between the Archbishop and Oversea Dioceses in the North Atlantic

In order to evaluate the impacts of the activities of Þórir in wider context, now we shall turn our attention to the North Atlantic dioceses, and above all the bishopric of Orkney, since the conflicts with its adjacent political-ecclesiastical authorities reveals more about the nature of the relationship between the Norwegian archbishop and his suffragans.

The Orkney Isles, situated in the northernmost part of the British Isles, were incorporated into the newly founded church province of Nidaros together with the bishopric of Man and Sodor, or the Sudreyar, in 1152/53. During the last decade of the twelfth century, this part of the North Atlantic also involved in the political turbulence in Norway, intensified by the arrival of Sverrir ‘the pretender’ from the Faeroes. Helle regards the settlement between Sverrir, now the king of Norway, and Haraldr Maddaðarson, Jarl of Orkney in 1195 as a first decisive turning point for the political history of Orkney, that is to say, integration of the Orkney Isles into the ‘Norwegian Dominion’. In the preceding years, 1193/94, Haraldr took some share in the rebellion of ‘Islanders’ against Sverrir, or ‘øyskjeggreisningen’ in Norwegian, raised in Orkney, and

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95 Cf. RN I. nr. 355, 357, 358. [04–05/1213] These papal letters concern the exhortation to the Crusade. They are issued on the initiative of the Pope, not presupposing the inquiry from the local clergy, including the archbishop. Therefore, they only vouch for the Papal intervention on this area, not for the active correspondences between the Papacy in Rome and the church in Norway.
96 Magerøy (utg.) 1988: 125.
97 Beuermann 2002: 233-42.
98 Helle 1974: 91sq., 123.
was accused as treason of raising army against the king by Sverrir. As a result, Haraldr was forced to meet Sverrir in Bergen, and to admit the renunciation of Shetland and half of the income from the Orkney Isles.\footnote{OS, Ch. 112. [\textit{ÍF} XXXIV: 297]; \textit{Sverris saga}, Ch. 125 [\textit{ÍF} XXX: 190-92]. In regard with the interpretation of this event, compare Orning 2003: 123 with Wærdahl 2006: 79-85.}

The most significant part of this event for my thesis is, however, that Bjarni Kolbeinsson, bishop of Orkney at that time, accompanied Haraldr on his reconciliation with Sverrir. Moreover, he has participated actively in the political affairs in Norway and relationship between Norway and Orkney since 1190s until just before his death.\footnote{Crawford 1996: 13. His last appearance of the Norwegian political affairs is the on the occasion of the Great Council convoked by Hákon Hákonarson in Bergen in 1223, together with John, jarl of Orkney. \textit{HsII}, Ch. 86. [Vigfusson 1964 (1887): 74]. Whereas Johnsen regards this council as compound of the ecclesiastical synod and the political assembly, Helle emphasizes the latter character, and dismisses the former aspect as ‘not supported in the primary sources’. Johnsen 1955: 191; Helle 1972: 136.} Hence, the following questions arise: 1) Did he actively intervene in the political affairs, on basis of the ecclesiastical link between the archbishop of Nidaros and the Orkney Isles? 2) Had there ever been the established link between them? And, 3) did it strengthen as a result of the political submission of the Orkneys and their incorporation into the emerging ‘Norwegian Dominion’?

Recent historiography compares the ecclesiastical situation in the Orkney Isles from the eleventh to the thirteenth century as a clash of different cultures and interests of different metropolitan authority, i.e. Canterbury, York in the British Isles and Hamburg-Bremen in Germany, in addition to the metropolitan of Nidaros.\footnote{Crawford 1993: Abrams 1995.} Especially the problem on the ecclesiastical taxation is of particular importance in this context.\footnote{Sveaas Andersen 1986; 1991; Crawford 1993.} Both Sveaas Andersen and Crawford agree on the fact that the some parts of Scotland, including the Orkney Isles, introduced the Peter’s pence after the Scandinavian model during the latter half of the twelfth century, not earlier.

We come across the provision for the Peter’s pence in several Norwegian regional law codes as well as the criticism against the payment to Rome in \textit{Oration against the bishops}.\footnote{\textit{Frostathing Law}, II-20 [\textit{NgL}, i: 137]: Holtmark 1931: 2.} These prescriptions suggest that vPapacy conferred the metropolitan of Nidaros on the collection and transfer of Peter’s pence, even before the issuing of the
privileges in the 13th century.\textsuperscript{104} Was this taxation system introduced all over the church province on the initiative of the metropolitan authority of Nidaros, and can the levy in the Northern and Western Isles as a part of this ecclesiastical centralizing policy?

It is difficult to establish a consensus as for the origin and establishment of the ecclesiastical organization in the Orkney Isles, mainly due to the existence of conflicting sources. For example, Scholars have not come to term with the political as well as ecclesiastical background of Vilhjálmar I the Old, alleged first bishop of Orkney.\textsuperscript{105} Whereas Helle, who makes much of the Norse saga traditions, regards him as a mere pawn of the Norwegian expansion politics against the Northern and Western Isles, de Geer emphasizes the Scottish-Southern Influences on the basis of the English-Papal documents.\textsuperscript{106}

Let us begin to examine the circumstances of the Orcadian church in ca. 1200 with the papal letter of Pope Innocent III, written in 1198, his first pontifical year. In this letter, Innocent requests bishop Bjarni and bishop of Ross together to persuade John, bishop of Caithness, out of resisting the levy on Peter’s pence.\textsuperscript{107} The first point I would like to note is the conspicuous absence of the Norwegian authority, secular and ecclesiastical alike, in the text of the letter. As the bishop of Orkney, usually identified as Bjarni Kolbeinsson, is mentioned together with ‘Rosmarchenesi’,\textsuperscript{108} i.e. bishop of Ross, as recipients of the letters, nothing is found to support the archiepiscopal intervention of Eiríkr Ivarsson of Nidaros as a background of this letter.

Of course, it should be taken into account that the serious rupture between King Sverrir and Archbishop Eiríkr had broken out in Norway when Innocent wrote the mandate. Therefore, it would not be unfounded for the pope not to mention the Norwegian authority: In fact, archbishop Eiríkr had been in exile out of Norway together with his suffragans and resized in the palace of his colleague in Denmark, Absalon of

\textsuperscript{104} DN VI-13 [12/01/1221]; VII-6 [11/02/1206].
\textsuperscript{105} OS, Ch. 52, [\textit{IF} XXXIV: 113]; Also see the epitaph in the cathedral of Kirkwall: ‘H. Requiescit: Wiliamvs: Senex felicis memorie (front)/ Pmvs epis (back).’ Mooney 1924-25: 243.
\textsuperscript{106} Helle 1974: 123; De Geer 1985: 86.
\textsuperscript{107} DN VII-2 [27/05/1998].
\textsuperscript{108} ‘Rosmerikin’ is the early name of the bishopric of Ross, which later became mere ‘Ross’. See Cant 1986: 53.
Lund, for more than five years, only after one year’s stay in Norway of his pontificate.\footnote{\textit{Olafia Einarsdóttir 2002.}}

Nevertheless, what the letter suggests is rather the local interest and initiative: It is evident that Innocent wrote this letter as a reply for the preceding petition from the jarl of Orkney, Haraldr Maddaðarson. Whereas the proper name of the bishops, i.e. Bjarni of Orkney and Reginald of Ross, are not specified, the name of Haraldr and the bishops of Caithness are shown in the initial. Presumably, Innocent had heard the plea concerning the Peter’s pence only from the plea of Jarl Haraldr Maddaðarson of Orkney as well as Caithness, and addressed the mandate to the relevant ecclesiastical authorities, i.e. bishop of Orkney and Ross. In this context, it is also interesting to remark that co-recipient of the letter was the bishop of Ross, not the metropolitan of Nidaros in exile.

Barrow classifies the Scottish bishoprics into two groups, and the diocese of Ross, together with that of Moray and Caithness, belongs to the second category, whose establishment is mostly ascribed to the Scottish kings of the Canmore dynasty, namely Alexander I and David I (r. 1124-53).\footnote{\textit{Barrow 1981: 67sq.}} He emphasizes also the strategic significance of these dioceses for the Scottish kings. Other scholars, including Crawford and McDonald, agree with his interpretation of the foundation of the bishopric as a stronghold of the expansionist politic of the Scottish king, aiming at the reduction of the Norse influences from the Scottish mainland.\footnote{\textit{Cf. McDonald 2003: 107sq.}} Hence, this ecclesiastical conflict seems to be grasped as an example of the collision between the expansionist Scottish kingship and Orcadian-Norse resistance in a wider sense.\footnote{\textit{McDonald 1999: 185-93, esp., 185sq.}}

The ecclesiastical circumstances in the Orkney Isles as well as the relationship between the Canmore kings and the jarl of Orkney cannot be simplified as such a clear-cut antagonism, however. According to the aforementioned papal letter, Haraldr introduced the tax during the pontificate of Alexander III (1159-1181) with the consent of the predecessor of the bishopric of Caithness, Andreas.\footnote{\textit{DN VII-2 [27/05/1998].}} In my understanding, this collaboration between the secular and ecclesiastical, as well as Norse and Scottish, is worth considering. According to Watt, Andreas chiefly involved with the political matters within the kingdom of Alba, thus spending little time in the pastoral concern within his
assigned bishoprics.\textsuperscript{114} Crawford supposes that the more frequent presence of the new bishop, John of Caithness, may have led to the explicit rupture,\textsuperscript{115} but her hypothesis presupposes the continuous opposition to the taxation by the Scottish bishop from the beginning. In other words, she attributes the cause of conflict to the cultural crush between the Norse jarl and the Scottish bishop(s), and takes little heed to the possibility that Haraldr had introduced the taxation with the assent of Andreas in the beginning.

Alternatively, I would like to suggest a hypothesis, based on the description of the papal letter, that the initial introduction of the taxation did not meet the explicit opposition from both Andreas and the Scottish rulers. In fact, his consent to Haraldr’s taxation, mentioned in the letter, is the only known evidence that may tell something about his relationship with Haraldr, the most powerful secular ruler in his bishopric, as Watt remarks. There is no positive evidence that Andreas, as a representative of the Scottish royal interest of the area, argued against the taxation.

In the first place, Haraldr seems to have succeeded in getting support from the Scottish church and kings at the time of his co-election to the rulership of Orkney. \textit{Orkneyinga saga} narrates the visit of ‘Jon byskup ofan af Skotlandi af Atjoklum,’ i.e. John, bishop of Atholl in Scotland on behalf of Haraldr and his father Maddaðr, jarl, or mormaer of Atholl to negotiate the co-rulership of Haraldr with the earl Rögnvaldr and the bishop Vilhjálmr I.\textsuperscript{116} This installation of Haraldr as a co-earl of Orkney is regarded as a ‘triumph of the diplomacy of Scottish kings,’ as Oram and McDonald note.\textsuperscript{117} For there was in fact no fixed bishopric in Atholl at that time, Topping interprets this passage as a reference to John, bishop of Glasgow (c.1114/18-47) who was also a friend of King David I of Scotland.\textsuperscript{118} Moreover, Topping underlines the fact that Haraldr was the first earl whose ascension to the earl was confirmed also by the Scottish magnates as well as that of the Orcadean Isles, at least according to the account of \textit{Orkneyinga saga}.\textsuperscript{119} As Wærdahl clarifies in her doctoral thesis, the intervention to the successive conflict in

\textsuperscript{114} Watt 1991: 32sq.
\textsuperscript{115} Crawford 1993: 140sq.
\textsuperscript{116} \textit{OS}, Ch. 77 [\textit{ÍF} XXXIV: 175]. The term ‘mormaer’ means the secular ruler of semi-autonomous position to the kingship of Alba, in Scotland. Barrow 1981: 25sq.
\textsuperscript{117} McDonald 2003: 98; Cf. Oram 1999: 11.
\textsuperscript{119} \textit{OS}, Ch. 77 [\textit{ÍF} XXXIV: 176].
terms of the support to the rival candidate was the only possible means for the Norwegian kings to exert the indirect lordship over the Orkney Isles from the later Eleventh century on.\textsuperscript{120} This hypothesis must be also applicable to the influence of the Scottish rulers. Neither Norwegian rulers nor the Scottish kings who ruled Alba had enough power of enforcement to subjugate the earls of Orkney against their will and to incorporate them into their sphere of interest exclusively, at least until the very end of the twelfth century.

Indeed, Haraldr’s relationship with the kingship of Alba is highly problematic. Even his second marriage with the daughter of Malcolm MacHeth in 1168 cannot be enough to identify the date of his shift of alliance to the anti-royal party in the peripheral area in Scotland as McDonald supposes. To take an example, \textit{Gesta annalía}, incorporated in the text of \textit{Chronica gentis Scotorum} of John of Fordun, claims that until 1190s Haraldr ‘had been good man and loyal [to the Scottish king William I] (\textit{usque ad id tempus bonus viro et fidei}),’ as Crawford notes,\textsuperscript{121} although the author also ascribes Haraldr’s defect to the instigation of his second wife.\textsuperscript{122}

Moreover, Crawford points out the possible mainland connection of bishop Vilhjálmr I.\textsuperscript{123} He was mentioned as a relative of Svein Ásleifsson of Gairsay whose father Óláfr had also his estate in the mainland Caithness in \textit{Orkneyinga saga}.\textsuperscript{124} Even if Vilhjálmr I, called as the old, was probably installed by the Norwegian king at first, it is likely that at least a part of his power base derived from his extensive local network both in Orkney and in northern Scotland, Caithness. On the other hand, any of his ecclesiastical relationship and involvement with the newly founded archbishopric of Nidaros is conspicuously lacking in the narrative sources. Seemingly, he had some kind of connection with Norway according to the miracle concerning St. Magnus,\textsuperscript{125} but its date is located well before the establishment of the archbishopric of Nidaros in 1154.

What needs to be emphasized at this juncture is that Bjarni Kolbeinsson (r. 1188-1223), the contemporary bishop of Orkney at the time of the Fourth Council of Lateran, also had a solid foundation of the power among local circumstances in the

\footnotesize{\textsuperscript{120} Waerdahl 2006: 70-77.  
\textsuperscript{121} Crawford 1971: 71.  
\textsuperscript{122} John of Fordun, \textit{Gesta annalía}, Ch. 32. [Skene (ed.) 1871: 274].  
\textsuperscript{123} Crawford 1996: 9sq., note 53.  
\textsuperscript{124} \textit{OS}, Ch. 67, 56 [\textit{ÍF} XXXIV: 156, 120].  
\textsuperscript{125} \textit{OS}, Ch. 57 [\textit{ÍF} XXXIV: 123].}
Orkney Isles.\textsuperscript{126} As Crawford assumes, his friendship with Haraldr no doubt played an important role in his selection as a candidate. Saga’s account adds, however, he came from one of the most powerful local family in the isles, and also had many other influential friends than earl Haraldr himself.\textsuperscript{127} Hence, he was probably the most influential person in the Orkney in a political as well as ecclesiastical sense other than Haraldr.

Therefore, Bjarni Kolbeinsson’s position as a bishop of Orkney should be considered in such both a local and a wider context, neither as a mere delegate of the Norwegian ecclesiastical authority nor as a dependant friend of the jarl.

Bjarni’s presence on the reconciliation between Haraldr and Sverrir in 1195 and other political assemblies should be also examined in such a political context. When Haraldr met Sverrir together with Bjarni in Bergen, five year have passed since archbishop Eiríkr of Nidaros, fled from the land and went to Denmark because of his quarrel with Sverrir. Moreover, the fragment of the letter written by William of Æberholt claims that the exiled archbishop, Eiríkr, excommunicated the bishops who had participated in Sverrir’s coronation.\textsuperscript{128} Certainly, account of \textit{Sverris saga} emphasizes the ecclesiastical nature of the assembly that Helle accepts literally.\textsuperscript{129} On the other hand, Crag raises doubt about the presence of Nikulás Árnason of Oslo at this council on the ground that he went to Denmark and joined the exiled Eiríkr in the same autumn.\textsuperscript{130} If we pay attention to his argument, the nature of the assembly in 1195 became unique: It was indeed the assembly of the royalist bishops who pay little heed to the admonition of the archbishop. Consequently, it is difficult to exclude the political nature from the reconciliation meeting in 1195. At the same time, it means that Bjarni’s position as a bishop of Orkney and his ecclesiastical relationship with Norway mainland hardly played an important role as for the reconciliation meeting between Haraldr and Sverrir. Rather his presence at the reconciliation in Bergen suggests his lack of concern as for the ongoing conflict between the king of Norway and the archbishop.

Moreover, I would like underline the fact that the reconciliation in 1195 was

\textsuperscript{126} To our regret, we do not have certain account of Vilhjálmar II. (r. 1168-88) in detail except for his existence.
\textsuperscript{127} \textit{OS}, Ch. 109 [\textit{IF} XXXIV: 289].
\textsuperscript{128} \textit{LDNH}, Nr. 30 [c. 1195].
\textsuperscript{129} \textit{Sverris saga}, Ch. 124. [\textit{IF} XXX: 190]. Helle 1972: 128.
\textsuperscript{130} Crag 2005: 165.
probably Bjarni’s first attendance to the assembly in Norway since he had been consecrated to the bishop, despite of the possibility that he had been repeatedly invited to the important assemblies concerning both ecclesiastical and political matters such as Bergen in 1188 (The election of the new archbishop), Bergen/Nidaros in 1189/90, and Bergen in 1194 (Coronation of Sverrir), which had been held in the preceding year of the reconciliation. Helle notes the allusion to the church council in archbishop Eiríkr’s letter to the Icelandic magnates (1190), which reveals the participants of the second council as “four bishops…and the abbots and the parish clergies.” He also identifies the bishops attending the council as Páll of Bergen, Helgi of Oslo, Ñjáll of Stavanger, and Þórir of Hamar from the introductory clause of *King Sverrir’s Christian Law*. On this ground, he concludes that the characteristics of the second council were purely and primarily ecclesiastical council, although royal support and involvement possibly played some role in the regulations against the breach of the *Landfriede*. Bjarni took part in neither the election of the new archbishop of Nidaros nor the second church council in which the archbishop promulgated the first ecclesiastical statute, both important events for the ecclesiastical administration within the province of Nidaros.

Based on these observations, it is reasonable to suppose that the Orkney Isles had not integrated fully under the ecclesiastical administration of the metropolitan of Nidaros at the end of the twelfth century, more accurately at the time of 1195, the reconciliation and political subjugation of the jarl of Orkney with the king of Norway. Bjarni Kolbeinsson, bishop of Orkney, established his influence based mainly on his local background, and remained his semi-independent position within the local society, in a political and ecclesiastical sense alike. In the latter aspect, he seemed to prefer to corporate with the adjacent ecclesiastical leader rather than the formal ecclesiastical superior, the metropolitan of Nidaros. Further, the Roman Pontiff, or the Papacy, also seemed to agree about his autonomy in regard with the church politics in the local level. Newly elected

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131 DI I-72, s. 290. [1190] “En þa er vier biskupar hofum fund vorn haft...ok letum bann epter fara v. Biskupar saman ok abotar ok fiöldl kennemanna...”; Helle 1972: 125.

132 This source itself is a forgery in ca. 1300, falsely ascribed to the king Sverrir. The letter written by Sverrir, Eiríkr, and the list of the names of the bishops is located before the text since the Middle Ages and Helle’s identification seems to be based on this letter. See *NgL*, iv: (1885): 409. As for the textual background for the source, see Spørck 2006: 17.

133 Helle 1972: 126.
Pope Innocent III designated Bjarni, together with the Scottish bishop of Ross, to investigate and mediate the conflict between the jarl of Orkney-Caithness and the bishop of Caithness over the collection of the Peter’s pence on behalf of the former, without any reference to his superior, the archbishop of Nidaros.\footnote{DN VII-2 [27/03/1198].}

Then, next topic is to be discussed: Was the situation of the Orkney Isles changed due to the formal submission of the jarl to the king of Norway in 1195? Researchers have regarded the reconciliation of Haraldr with Sverrir at Bergen in 1195 as a decisive turning point both for Orcadian and for Norwegian political history. For example, Crawford supposed that the jarl lost much of both his independent authority and status within the Orkney Isles.\footnote{Crawford 1971: 150; Imsen 2000: 163-69.} Did this change of the power structure, i.e. implementation of the royal administration bring any change of the ecclesiastical connection between the mainland Norway and the Orkney Isles?

According to Waerdahl, the lordship of the Norwegian kings over the Orkney Isles remained unstable even after the formal subjugation in 1195.\footnote{Waerdael 2005: 84-86.} Although the Norwegian crown succeeded in introducing some new royal administrative apparatus such as Huseby system and taxation, it was not until the year 1210 that the Norwegian lordship finally restituted.\footnote{Mageroy (utg.) 1988: 120. Unfortunately the account of the subjugation in 1210 is extant only in the seventeenth century translation by Peter Claussen Friis.}

Throughout this period, Bjarni seemed to work as a mediator between the Norwegian authority and the jarls, John and David, who was sons of Haraldr. He journeyed to Norway at least four times, of two as an attendant of the jarl of Orkney.\footnote{Crawford 1996: 13.} Of these journeys, I wish to focus on the third, to the political assembly in Bergen in 1218. At that time, Bjarni was listed at the last of the notable participant to the ordeal by Inga, King Hákon Hákonarson’s mother, which testified the royal birth of Hákon.\footnote{HsH, Ch. 40. [Vigfusson 1964 (1887): 39.]} His sole presence in this event, without accompanying the jarl, is of worth noting on the following two grounds: The first point to mention is that the archbishop Guthormr took initiative in summoning the council for the ordeal. In other word, Bjarni traveled to Bergen not for his or jarl’s sake, but in response to his ecclesiastical superior’s, i.e. metropolitan’s, summons.
for witness. This was the first time the bishop of Orkney involved the provincial council held in Norway actively. Moreover, I wish to note that the ordeal had an explicitly political character. According to Helle, the Norwegian bishops cooperated with the secular authority and played an important political role in the first half of the thirteenth century. Therefore, Bjarni began to involve with the politics, as other Norwegian bishops from their mainland dioceses did, in the very last years of his episcopate. Political incorporation of the ‘Norwegian Dominion’ functioned here as a prerequisite for the intensified communication between the Norwegian metropolitan and his suffragan, bishop of Orkney, not the contrary order.

Bjarni of Orkney died in 1223, and succeeded by Jófréyr. Although Crawford expresses some reservations, Bagge identifies him with the provost in Tunsberg. He was active as a royal nuncius (messenger) since the second decade of the thirteenth century, and it is reasonable to suppose the royal expansionist intention at his consecration to the bishop of Orkney if this identification is correct. We are not concerned here with the ecclesiastical circumstances of the Orkney Isles, and their relationship with Norway after his promotion. It is worth noting that the succession of the bishops who had a local background and tie was clearly broken off at this phase.

So far, I have outlined the development of the ecclesiastical circumstances in the Orkney Isles, mainly focusing on the relationship with Norway and the political transformation of the area at that time. As for the incorporation of the isles into the ‘Norwegian Dominion’ in ca. 1200, Orkney’s belonging to the metropolitan authority of Nidaros apparently played no eminent role. In other word, the ecclesiastical link between Nidaros and Orkney was weaker than the preceding research assumed. Bishop Bjarni’s activity as a mediator between the kings of Norway and the jarls of Orkney, i.e. Haraldr Maddaðarson and his sons can be explained also from the standpoint of view that bishop Bjarni was the most politically influential figure in the Orkney since the last decades of the twelfth century. On the contrary, once the isles had been integrated firmly within the sphere of interest of the Norwegian kings, then Bjarni emerged also as a prominent

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141 I4 IV, a. 1223. [Storm (red.) 1888: 126].
142 Crawford 2003: 147.
143 Bagge 1976: 71; 85.
churchman in the account of the primary sources in his very last years. Hence the
establishment of the regular communication between the metropolitan of Nidaros and the
bishop of Orkney presupposed the political integration of the isles into the ‘Norwegian
Dominion’, although it is not sure whether the ‘political integration’ should be identified
with the establishment of the royal administrative apparatus.

As Beuermann clarifies in his doctoral thesis dealing with the Sudreyars,\(^{144}\) the
establishment of the supremacy of the metropolitan authority of Nidaros over the
Norwegian Dominion (Norgesveldet) still presupposed the political influence of the
king(s) of Norway over that area, or at least the political stability of the mainland. The
mainland Norway was still the stronghold of the metropolitan authority during the
pontificate of Þórir, just before the council of Lateran IV (1215). The papal confirmation
of the preceding privileges, i.e. legal foundations, itself was not enough to assert the
supremacy within the vast province in which diverse polities other than the sole king of
Norway competed with each other. It was the settlement of peace at Kvitsøy in 1208 that
eliminated the possibility of the incursion upon his authority from mainland Norway, and
further enabled him to extend his sphere of influence over the whole province.

In sum, the metropolitan authority of Nidaros, being established at eve of Lateran
IV was fragile and underdeveloped at least in regard with his oversea suffragans (the Isles,
Orkney, the Faeroes, two Icelandic bishoprics, and Greenland), just as the kingship in
contemporary Norway. The Involvement of the metropolitan(s) with the ecclesiastical
affairs in these suffragan bishoprics were restricted on the political disturbance to great
extent, and depended also on the sporadic political interventions of the Norwegian king(s),
such as the summon of the rulers from the Western Archipelago (Vesterhaveoyer) in 1210.
Furthermore, there is no positive evidence that the archbishop of Nidaros himself made
use of series of the papal correspondences in order to push forward the ecclesiastical
reform/ centralization within the province during this period. The primary concern of
Þórir as an archbishop of Nidaros was to rescore the order and unity within the kingdom/
mainland of Norway. The affairs in his oversea dioceses often escaped out of his sight: It
was not due to his personal negligence on the ecclesiastical affairs, but rather due to want
of the means to control the suffragans with the regular contact.

\(^{144}\) Beuermann 2006: 281-84.
3. Metropolitan Authority of Nidaros and Papal Centralism

The main topic I mean to deal with this chapter is the papal attitudes towards the Norwegian province of Nidaros, or especially, the metropolitan of Nidaros in the 13th century. As I noted in the introduction, the 13th century saw the centralization of the papal authority in Latin Christendom. How those development inner the Catholic Church, and especially, the Papal government, affected the relationship between the Papacy and the archbishop of Nidaros, or the position of the latter in the province? Did the development of the papal government make it unnecessary to employ the metropolitan of Nidaros as a papal representative with extensive authority in the province?

3.1. A Series of the Papal Correspondences: whose initiative?

This section concentrates on the main sources for this chapter, the correspondences between the Papacy and the local church. As Ingesman argues, it is important to pay more attention to the act of writing, or issuing the letter, or other documentary sources itself. Why Roman Pontiffs decided to issue such documents addressed to the Norwegian church? Do the bulk of the extant materials reflect the papal interest in the Norwegian province?

Morris proposes the term “rescript” government for the twelfth- and thirteenth century Papal government in course of centralization. Here the papacy appeared as rather a passive figure that merely responded to petitions from Europe over Latin Christendom, than a dynamic personality of the pope who was interested in affairs in the local church in person.145 In other words, the bulk of papal letters rather reflects the flood of appeals, than the alleged ‘Papal policy’.

Taken into this concept of the ‘rescript government’ into account, we often come across the often uneven chronological concentration of papal letters addressed to the recipient in the church province of Nidaros in the late 12th and 13th century. We can interpret this uneven distribution of the letters in chronological order from two points of view: 1) to attribute the uneven distribution mainly to the extant situation of the sources, or, 2) to suppose that the distribution reflects the actual frequency of the communication between the Roman Papacy and the church province of Nidaros. Rather I am inclined to prefer the second way of interpretation, since most of the papal rescripts in the 13th

century derive from the Papal archive in Rome, not in the local archive here in Norway and other isles in the North Atlantic.\textsuperscript{146} Most of the sources from the Papal archive about medieval Norway have been suffered from similar losses in course of time as the sources about other European church province did, but no more. Certainly now we do not have certain part of the sources at our disposal, for example, the letters from the last pontificate of Innocent III,\textsuperscript{147} nevertheless we can suppose that such sort of partial loss does not alter the total picture, reconstructed from the extant corpus of the source. In other words, the Pope sometimes actually received several letters from the clergy in the church province of Nidaros in certain years, but in other years, he did not. What such kinds of the uneven distribution reveal to us? Did each prelate in the province actually write a letter to the Papacy and send it to Rome individually?

3.1.1. Letter Collection of Archbishop Eystein in the Late 12\textsuperscript{th} Century

The earliest example of such series of papal correspondence is extant in MSS from the late 12\textsuperscript{th} century, in the archiepiscopate of the second archbishop of Trondheim/Nidaros, Eystein Erlendsson. Two English decretal collections, \textit{Coll. Cottoniana} and \textit{Coll. Petrihusensis}, composed in England in ca. 1190, contain a dozen of the papal \textit{responsum} to the inquiry from Eystein Erlendssson, the second archbishop of Trondheim/Nidaros.\textsuperscript{148} The issues dealt in the letters concern discipline of the cleric, Canon Law, and pastoral matters.

First of all, two papal responses are of special importance. The first letter concerns the special indulgence towards inhabitants of a certain isle, situated 12\textsuperscript{th} day sea route from the mainland Norway, in the incest marriage within the prohibited degree, i.e. five, six, and seventh degree of the kinship\textsuperscript{149}. Since Skånsland compares the texts from the two MSS, researchers have reached an agreement upon the identification of ‘a certain isle (\textit{insula quedam})’ with Greenland, which belonged to the church province of Nidaros and had only one bishop.\textsuperscript{150} The problem of the incest prohibition attracted wide attention

\textsuperscript{146} \textit{RN} I, ss. 9sq. (Forord til bind i, s.v. pavebrevene).
\textsuperscript{147} Paravicini Bagliani 1994: 603sq.; Cf. \textit{RN} I, nr. 379, note 1 [22/02/1215-16/07/1216].
\textsuperscript{148} Duggan 2004: 129sq; of 12 listed letters, only one was addressed to the archbishop of ‘Nidaros’, not Trondheim. \textit{DN} XVII-5 [20/01/1172 or1173].
\textsuperscript{149} \textit{LDNH}, nr. 13: 64-66.
\textsuperscript{150} Skånsland 1961-62: 140-42.
from the early legislator, lay and ecclesiastical alike, in Early and High Middle Ages,\textsuperscript{151} so it is probable to assume that Greenlanders, with the difficulty in communication, must have been serious about the case. On the other hand, the second letter that I wish to note deals with the herring fishery on holidays.\textsuperscript{152} The significance of this second \textit{responsum} consists in the fact that we can actually find the corresponding stipulation in the Frostatthing Law (II-26), which specifies the special indulgence in this case by the pope, Alexander III.\textsuperscript{153} This insertion of the papal approval into the legal text of provincial law reminds us of the famous episode in \textit{Sverris saga}, in which the archbishop resorted to the papal authority in order to strengthen his position in the quarrel with the king Sverrir.\textsuperscript{154}

From these accounts, it is evident that both papal responses presupposed the actual concerns, or conflicts between the local daily life and the rule of Canon Law, in the church province of Nidaros. These two letters belong to the five letters which Duggan ‘securely’ dated to December 1169, and she supposes that the other eleven letters, addressed to the archbishop of ‘Trondheim’, could be dated to the same date, or, at least within the narrower limits from 1163 to the end of 1169 than \textit{RN}.\textsuperscript{155}

This concentration of the eleven papal letters within the very narrow chronological limits presupposes that Eystein collected problems with the pastoral matters from the church province beforehand, probably after the legation of Stephanus of Orvieto in 1163/64.\textsuperscript{156} Then, he put together a series of questions from the province and sent his envoys to the Papacy in order to get certain answers, guaranteed by the papal authority. How could he manage to collect the information?

To hold a provincial council, comprising of the archbishop, his suffragans, and some of the high prelates such as abbots and canons in the cathedral chapter, as we will treat below in 4.2.2., was one of the most orthodox ways for the archbishop to access the

\textsuperscript{151} Gelting 1999.

\textsuperscript{152} \textit{LDNH}, nr. 15: 70-72.

\textsuperscript{153} \textit{NgL} i: 139.

\textsuperscript{154} \textit{Sverris saga}, Ch. 117. [\textit{ÍF} XXX: 177].

\textsuperscript{155} Duggan 2004: 170sq; Cf. \textit{DN} XIX-46 [Sep.- Oct. /1169]. The detail of the eleven letters is: \textit{LDNH}, nr. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21. \textit{RN} dates them in wider chronological limits, i.e. from 1161 (consecration of Eystein to the archbishop) to 1172.

\textsuperscript{156} If there is any ‘actual’ and serious problem for ecclesiastical matters in Norway in 1163/64, it is likely that Stephanus offered some answers for them, as William of Sabina did ca. 80 years later. Moreover, these responses would have been likely to be incorporated in \textit{Canones Nidrosiensis} that the majority of researchers today date back to 1163/64.
pastoral affairs in the province. Then, did Eystein actually summon his suffragans from various dioceses of his province, including the remote, oversea see of Garðar, Greenland? It is not so likely. At least, it is unlikely that the bishop of Greenland actually came to Norway just to take part in the church meeting. It often took longer time to sail for Greenland, transiting in Iceland, and their arrival in Iceland is usually noted in the Annals.\textsuperscript{157} Magerøy assumes that the Greenlander in the 12\textsuperscript{th} century did not have their own ship enough to sail across the North Atlantic, therefore their voyage between Greenland and Norway must have relied heavily on the ship owned by Norwegian merchants.\textsuperscript{158} His hypothesis itself seems not to exclude the possibility of the provincial council at a first glance, but the bishop of Greenland was not so likely to leave his pastoral office vacant for long without the beforehand notification from the archbishop, under such an unstable condition of the communication. The second bishop of Greenland, Jón kútr, who then occupied the see of Garðar, is somewhat mystical figure. Even compared with the first bishop, Arnaldr, who later became the first bishop of Hamar until his death, we know too little of him, just the date of his consecration, probably by the archbishop of Lund, his stay in Iceland a year before the year of his death, and his obituary notice in the Annals in 1187.\textsuperscript{159} We do not know why the archbishop of Lund consecrated him to the see of Greenland while his predecessor Arnaldr, consecrated also by the archbishop of Lund, was still alive and active as a prelate.\textsuperscript{160} Neither have we any source that tells the relationship between Jón and the archbishops of Nidaros at our disposal. What the ‘Greenlandic’ letter shows is solely the concern of the local clergy, possibly including the bishop himself, towards the prescription of the incest prohibition. Moreover, we cannot date this problem with any certainly. If the archbishop had gotten the information even before the delegation of Stephanus of Orvieto, it might well be excluded from \textit{Canones}, on the ground that the local difficulty was not so relevant to the mainland dioceses. It is also not so always easy to localize the other pastoral letters in the

\textsuperscript{157} IA IV, a. 1126; 1189; 1203; 1262 [Storm (utg.) 1888: 113, 120, 122, 135].

\textsuperscript{158} Magerøy 1993: 57-60.

\textsuperscript{159} IA IV a. 1150, 1187 [Storm (utg.) 1888: 114, 119].

\textsuperscript{160} Note the fact that the bishopric of Hamar, in which Arnaldr was consecrated again as a bishop, was first established in 1152/3, after the consecration of Jón. This double consecration of the bishop(s) of Garðar seems to suggest either 1) the expulsion of Arnaldr from the see of Greenland by 1150, 2) the conflict between the archbishop Eskil and Arnaldr, whose background was essentially of Norwegian origin, but this is not my concern in the thesis, hence omitted.
collection. While the question on the herring fishery was certainly from the diocese of Trondheim/ Nidaros, i.e. archbishop’s own diocese, another letter concerns the killing of the bishop of Oslo.\textsuperscript{161} Both two are clearly of Norwegian mainland origin. Except for the first, ‘Greenlandic’ letter, nothing in the collection that suggests that Eystein actually tried to put the pastoral matters in order out of Norwegian mainland and consult them with the pope. To take an example, Eystein attacked the concubinage in Iceland as well as the killing of the clergy in his letter, written in the middle of 1170s, few years after the date of the collection, but he failed to support his argument with the corresponding response from the pope.\textsuperscript{162} Although Eystein convokes the papal authority not to harm the clergy, he just points out the general stipulation in the Canon Law. The first papal letter concerned the bearing of the weapon by clergy, and the inviolability of the clergy against the violence was issued in the archiepiscopate of Eiríkr, more than 15 years after this first letter to Iceland.\textsuperscript{163} Certainly, the pope unequivocally gives a support for the archbishop under the ban. The primarily motive of this letter was, however, probably against the ongoing conflict between the archbishop and the king in the mainland Norway, not against the customs in Iceland.\textsuperscript{164} Taken the flourishing concubinage also among clergy in Iceland into account, it is natural to suppose that the archbishop could coordinate neither with the local church nor with the Papacy to press one goal of the church reform, or the discipline

\textsuperscript{161} \textit{LDNH}, nr. 17: 74.

\textsuperscript{162} \textit{DfI}, nr. 38: 222. According to Perron, the pope would have asked Eystein to reprimand the clergy for the concubinage in general (Perron 2006: 249sq.). The evidence cited by him, however, deals with a certain bishop, \textit{episcopum} (sg. acc.), not bishops in general. We do not know which bishop Eystein intended to rebuke. One of the contemporary Icelandic bishops, i.e. Klængr of Skálholt (r. 1152-1176), is certainly known to have a daughter with his second cousin, Yngvildr Þorgilsdóttir, probably after his consecration to the bishop. As for their daugther, see \textit{Íslendinga saga}, Ch. 3. [Jón Johannesson et al. (ug.) 1946: 230]. It is not rare, however, even in Norwegian mainland, for bishops to have a concubine as well as child with her. To take an example, Munan the landman, one of the prominent aristocrats in the reign of Hákon Hakonarson, was called ‘the son of bishop.’ Cf. \textit{HsH}, Ch. 185 et al. [Vigfusson (ed.) 1964 (1887): 165 et al.] Therefore, we cannot identify the bishop in question with any certainty.

\textsuperscript{163} \textit{LDNH}, nr. 24: 84-86.

\textsuperscript{164} Rather the statistics suggests the number of the murdered clergy was increasing still in the first decades of the 13\textsuperscript{th} century. Órri Vesteinsson 2000: 214. See also \textit{LDNH}, nr. 26: 88-90 [1191-1192], which treats the absolution of those who committed violence with priests together with the jurisdiction of the king over the clergy in the same letter. Clearly, the pope bears the current conflict between the king and the archbishop in Norway in mind.
of the clergy.

These accounts suggest that the archbishops in the 12th century was probably conscious of the difference between the canonical rules and the local customs in the oversea diocese, but he had neither enough channel of the communication to piece out the current situations from sporadic news from the oversea dioceses, nor anchorage to enforce his opinion upon the inhabitant out of the mainland.165 The pastoral letter from the popes ascribed not to the initiative of the reform-aspirant pope, but rather to the sensibility of the archbishop as well as the local church towards the difference between the law of the Canon law and the local necessities.166 In the first place, without the inquiry from the local church the archbishop in the 12th century would not consult the problem with the Pope, much less the pope is likely to answer from the viewpoint of the Canon law. Few of the topics in the 12th century correspondences directly concern the ecclesiastical administration in the church province. Such topics, ascribing primarily to the concern of the archbishop, were hardly heard from the province of Nidaros in the 12th century.

3.2.2. Papal Letters Addressed to Archbishop Sigurðr tafsi: Continuity or Change?

In course of the 13th century, we meet similar concentrations of the papal correspondences several times. Among them, a sequence of the papal letters, issued in 1237, are to be examined in detail here. As we saw earlier in 2.1., it is also quite common for the Norwegian archbishops to get and renew more than one privilege at his consecration in Rome.167 In such cases, the initiative of the papal letters and privileges without doubt comes from the newly consecrated archbishop who wanted to secure his position within his church province. Then, in other cases, can we also detect any initiative or motive of the archbishops as a background of the letters?

Pope Gregory IX dispatched nine letters to the archbishop Sigurðr tafsi within one week from 11 May in 1237.168 Since Gregory mentions the existence of the preceding

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166 Landau 2005: 35sq.
167 Cf. DN VII-5, 6 [11/02/1206], 7 [13/02/1206]; 8 [18/02/1206], also probably with DN VI-10, 11 [01/03/1206]. These papal letters addressed to Þórir were issued during his journey (and more, probably during his stay) in Rome to get the pallium from the pope. Similar multiple issue of the papal privileges can be discerned from February to March in 1253, during the journey of the archbishop Sörl for the pallium.
168 DN VI-16, 17, 18, VII-13, 14. [11/05/1237]; DN VI-21 [12/05/1237]; I-19, 20, 21
inquiries from the archbishops such as ‘ex parte tua’ and ‘tua pettio’ several times,\textsuperscript{169} it is no doubt that these letters/mandates were issued as a rescript in which the Roman pontiff answers the inquiries from the local church. At a first glance, they seem to reflect the initiative of archbishop Sigurðr of Nidaros. Then, the next problems arise: When and how the archbishop got to know the prevalent problems within the vast province, and informed the Pope in Rome of them? The first question is relatively easy to answer. We know that the last papal letter dispatched to Norway before them was written on 11 October in 1234.\textsuperscript{170} Therefore, we can exclude the possibility that the inquiries answered in the letters reflect the issues discussed also in the political assembly held in Bergen in autumn 1233, since the pontiff mentions the division of the kingdom between the king and jarl Skúli, the main topic in the assembly of Bergen, in his last letter. It is evident that the Pope did not get the pastoral problems of the province of Nidaros in his hand at that phase.\textsuperscript{171} Another passage from the letters illustrates the second question as well as the first one. Pope Gregory IX unequivocally states in his responses that he got informed of the inquiries on the resignation of the bishops from their office directly from the envoys of the bishops themselves, at least the cases of Magnús of Skálholt and Jofreyr of Orkney.\textsuperscript{172} The Roman Pontiffs, latest since Innocent III (d. 1215), have regarded the approval of the renunciation of the Episcopal office as one of their prerogatives, and had insisted on the necessity of their own sanction.\textsuperscript{173} The most probable hypothesis as for the case is that the representative of bishops visited Rome directly from the last provincial council in Norway, together with either the envoy or the letter of their superior, archbishop Sigurðr. Otherwise, it is unlikely that three appeals for the resignation from

\textsuperscript{169} DN I-17, 18, 19.

\textsuperscript{170} DN VI-20 [11/10/1234].

\textsuperscript{171} As for the assembly of Bergen itself, see HsH, Ch. 174 (the archbishop summoned ‘all’ the bishop to the assembly), 177 (the assembly). [Vigfusson 1964: 153-56]. Also in this year bishop Páll of Hamar himself visited Rome and made an appeal to intervene the quarrel between him and the king. Since he was also present at the assembly in Bergen, so he could have been an informant of the issued mentioned in the letters if they were really discussed in the assembly. Ia IV, a. 1234 [Storm 1888: 129].

\textsuperscript{172} DN VII-13 [11/05/1237], ‘familiatibus eius [Jofreyr’s] clericis’, VII-14 [11/05/1237], ‘per suas [his=Magnús] litteras et nuntium’. As for the case of bishop Guðmundr Arason of Hólav, however, the pontiff only refers to either the messenger or the letter of the archbishop as his informant. See I-17, 18 [11/05/1237], ‘ex parte tua’, ‘tua pettio’.

\textsuperscript{173} Cheney 1976: 78sq.
the office, one from the archbishop on behalf of the bishop Guðmundr himself, within one church province arrived in Rome at the same time. This also strongly suggests that the archbishop really summoned the suffragans, or their representatives all over his church province and presided over the council in the preceding years, i.e. in 1235 or 1236, as Gunnes assumes, in spite of the silence of *HsH*, the main contemporary source of that period. Since *HsH* concentrates more on the deeds of the rulers and political affairs in the realm, however, it is not unlikely that the saga dare not to mention the existence of the ecclesiastical meeting, not so directly relevant of the ongoing political disputes. Furthermore, we have good reason to surmise that at least one more bishop from the oversea bishopric in the North Atlantic was also present at this council. Although Nikulás of Greenland was consecrated by Siguðr in 1235, according to the Icelandic Annals, he witnessed on the contract between the archbishop and the bishop of Stavanger on the expenditure for the visit to Rome (*visitatio liminum*) of the former in 1236. So probably, he still stayed in Norway in that year.

What needs to be noted here is, however, the presence of the representative from the dioceses in the North Atlantic such as Orkney, Skálholt and Greenland (as for the last case, the presence of the bishop himself) came to Norway in response to the summon of the archbishop, with distinct problems on the ecclesiastical administration in the local diocese. Although neither the contemporary saga(s) nor the extant provincial statutes refer to the council, the archbishop Sígrúðr succeeded in summoning the wider participants from the more distant, oversea dioceses than his predecessors to the council. It is true that the frequency of the meeting itself might not meet the strict demand of the decree of Lateran IV. Nevertheless, we can discern the sign of the efforts of the archbishop Sígrúðr towards the more centralized organization and the more tight discipline within the whole province of Nidaros stretching over the North Atlantic, not only within the five dioceses in the mainland Norway. As we have discussed so far, the nine letters dispatched from the Pope Gregory IX reflect the initiative of the archbishop Sígrúðr to take care of the existing problems and divergences within the church province, among others by the consultation to the Pope, the supreme authority of the Church as well as Canon Law.

Archbishop Sígrúðr launched several enterprises to impose more strict control over

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175 *IA* IV, a. 1234 [Storm (utg.) 1888: 129]; *RN* I-656 [1236].
the bishops and the clergy in his province from that time on. Besides, at least part of the 
enterprises was newly introduced in the scale of whole province by the archbishop. The 
prohibition against the clerical marriage, mentioned in one of the letters is its clear 
example.\(^{176}\) As I mentioned earlier in this chapter,\(^{177}\) it is not so uncommon for the 
bishops in 12\(^{th}\) century province of Nidaros, both in Norwegian mainland and oversea 
dioceses alike, to get married and to sire a child with his wife. Certainly two famous 
Icelandic bishops, Þorlákr of Skálholt and Guðmundr of Hólar, remained unmarried 
throughout their lifetime, but they did not impose a vow of chastity also on their clerical 
followers.\(^{178}\) On the other hand, it is a well-known event that Icelandic-Norwegian 
bishops in Iceland after 1237/8 actively campaigned at the implementing clerical celibacy. 
Two Norwegian bishops, Sigvarðr of Skálholt (r. 1238-68) and Heinrekr of Hólar (r. 
1247-60) promoted this policy even for the lower clergy as sub-deacon, and successive 
bishops followed their foothold.\(^{179}\) In short, he did not merely extend the means of 
administering the mainland suffragans to the North Atlantic, and initiated the 
comprehensive reform program that covered both the mainland and the oversea dioceses 
as a whole at that phase.

In contrast to the 12\(^{th}\) century responses, issued in response to the special 
indulgence to local circumstances, the papal letters in the 13\(^{th}\) century ascribe more to the 
initiative of the archbishop who aimed at the church reform from above in the whole 
province. In either case the correspondences reflects the interest of the churchmen in the 
province, either the diocesan church or the archbishop, rather than the contemporary 
Papal policy that covered the whole Christendom, if any. It was not only the letters, 
however, that the Papacy could make use of, in order to intervene in local affairs in 
Norway. In the next chapter, this thesis will take up papal envoys, delegated from the 
papal curia, for discussion.

3.2. Activity of the Papal Legates and Other Representatives in Norway

\(^{176}\) *DN* I-19.
\(^{177}\) See note 179 above.
\(^{178}\) Örri Vesteadsson 2000: 235.
\(^{179}\) Árni saga, Ch. 6. [*IF* XVII: 10]; On the continuity of this policy from Sigvarðr to his 
successor Árni of Skálholt, see the episode of repudiation of Egill by the latter. Árni 
saga, Ch. 26 [*IF* XVII: 44].

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Medieval papacy employed several kinds of representatives who informed the parties concerned on his decision in remote areas, or who exercised the judicial rights on behalf of popes in the Middle Ages. In the High Middle Ages, mainly three kinds of such representatives were of much importance for the popes to extend their authority over the Latin Christendom: They consisted of the legate (legatus), nuncio or messenger (nuncius), and the judge-delegate (judex legatus). As for the latter two categories of the papal representatives, we cannot detect their activity in detail in the first half of the 13th century Norway.\footnote{In fact, no systematic research has been done concerning the activity of the papal judge-delegate in medieval Norway. The first instance of their activity in Norway comes from the end of the 13th century. Cf. \textit{DN} IV-10 [19/01/1296]; V-30 [21/02/1297].} So I will concentrate on the first category of the papal representative, i.e. the papal legate in this section.

From the late eleventh century onwards, the era that can be summarized as ‘age of the so-called Gregorian reform,’ the papacy began to evolve the more centralized, to some extent bureaucratic way of the papal government, especially out of the papal patrimony situated in Italy. In earlier collection of the Canon Law, compiled in the 12th century, however, legal terms and functions of the papal representatives were still not clearly defined.\footnote{Figueira 1980: 10-14.} To take an example, the term of ‘\textit{legatus’} was not exclusively employed to denote the special representative of the Papacy. A legate could be merely defined as a person who another person, not exclusively the pope, dispatch and commission to exercise a sort of jurisdiction on his behalf.

In course of the 12th and 13th centuries, however, Popes and decratalists developed much sophisticated classification of the papal representative. Especially the pope Gregory IX contributed the more precise legal definition of the first category, the papal legate, both in form of his famous Canon law compilation \textit{Liber Extra} (1234) and in his correspondences.\footnote{Figueira 1983: 214.} Scholars who have studied papal legation functionally classify the thirteenth-century papal legate into threefold subdivision. 1) \textit{Legati a latere} who sent directly from the side of pope, i.e. Papal Curia, and in most cases, chosen from cardinals; 2) \textit{legati missi}, appointed by the popes, but not consisted of cardinals; 3) \textit{legati nati} who claimed or was bestowed the legatine office allegedly attached to their church.\footnote{Ferguson 1987: 5. His threefold classification of the papal legate is largely based on the traditionalist approach, most recently developed by Schumutz 1972.}
At this juncture, I wish to emphasize the discrepancy between the first two (sub-)categories of the papal legate and the last, third one. Whereas the first two kinds of legates were not native archbishops, the latter class of the papal legate was solely comprised of them, i.e. the archbishops who hold their legatine office within their own metropolitan province. In other words, for the archbishop in medieval Scandinavia as well as other part in medieval Europe, the title of the native legate (*legatus natus*) was the only possible means of exercising the juridical authority as a papal legate. Figueira also underlines the fact that thirteenth-century decretalists discerned archbishop legate from the *legatus a latere*.\(^{184}\) Hence the dispatch of the first two categories of the papal legates without the request of the local archbishop can be regarded as a possible sign of the reduction of metropolitan authority, and incursion of metropolitan province into more centralized papal government.

3.2.1. Some ‘Norwegian’ Features of the Visit of Papal Legates

Skånsland counts 21 possible visits of the non-native papal legates in addition 4 native archbishops who also bore the title of the native legate (*legatus natus*) up to 1300 in his article in *KLN M*.\(^{185}\) At a first glance, the frequency of the dispatch of the legates from the Papal court, i.e. as for the first and second categories of the papal legate, itself seems to be not so low as the case of the other peripheral part of Latin Christendom. To take an example, Ferguson counts only 10 visits of the cardinal- and non-cardinal legates to Scotland from 1125 to 1286.\(^{186}\)

Once we turned our attention to each country, however, the uniqueness of Norway is striking. In fact, the majority of the visit of the legates concentrated on Denmark and the Baltic region. As for the period after ca. 1150, when the Norwegian archbishopric of Trondheim/Nidaros was established, whereas 13 papal legates visited Denmark, only 6 legates called at Norway, and 3 at Sweden. Besides, most of the legates who travelled to Norway also called at Sweden, and summoned the provincial council there to solve the local problem on church and Christianity. Therefore, it is not always so easy for researchers to identify the primary motive for the dispatch of each legate. For example, previous researches have not reached an agreement whether the primary cause of the

\(^{184}\) Figueira 1983: 224.
\(^{185}\) *KLN M*, col. 399-401, s.v. *Legat og nuntius* (av V. Skånsland).
\(^{186}\) Ferguson 1987: passim.
dispatch of Cencius (1191/1192) consisted in Norway or Sweden. While Crag asserts that
Norwegian causes was ranked mere as secondary importance for his dispatch, P Perron
makes a point of the ongoing conflicts between the Norwegian church and king Sverrir at
that time. In any case it is likely that popes in the twelfth and thirteenth centuries
dispatched their legates to Sweden and Norway, not only to cope with the problems in
individual kingdoms, but also to handle the circumstances in Scandinavia altogether.
Certainly it is a significant event in Norwegian history that William of Sabina visited
Norway and presided over the coronation of king Hákon Hákonarson in Bergen in August
1247 and his primary destination was Norway, but Sweden also belonged to his
legatine provinces. In the second half of the 13th century, however, this pattern changed to
some extent: Now the pope more often dispatched his papal legates to Sweden, as a part
of the legatine provinces of *legatus a latere*, comprising of Sweden, Denmark, and
Northern Germany such as Pommern. Only Norway remained largely out of the sphere
of activities of the papal legates.

Furthermore, we can detect the difference between Denmark and the other two
countries also in the duration of the legation. The career of William of Modena/ Sabina
illustrates this point. He had worked in the field of missionary as well as the crusade in
the Baltic region, and had stayed considerably long period in the North since the middle
of 1220s. Though the last three years of his careers in Denmark and Sweden was a
fateful event in both countries, he almost settled in Prussia and the Baltic region,
including Denmark, during 1230s and played a central role in mobilizing resources for the
missionary activity in Prussia on papal initiative. We can come across such parallel of
contrast as for duration of staying period of the papal legates also in the other part of
Latin Christendom. Whereas in England several cardinal *legati a latere* stayed there and
were active not a small amount of years since the pontificate of the Pope Honorius III
(1216-27), the dispatch of the papal legates to Scotland remained only sporadic and short
visits.

Then, how did this limited availability of the papal legates from the Roman Papacy

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188 Perron 2002: 104.
190 Inger 1960: 251-55.
affect the relationship between the Papal Curia and the local ecclesiastical dignities such as archbishop, bishops, and abbots in Norway? Ferguson suggests that, in Scottish case, the two other kinds of papal representatives and especially papal judges-delegates, instead of legates, played an important role in connecting the Scottish church to Rome. As for Norway, can we discern a similar pattern of the activity of other kinds of papal representative than legates that made up for the infrequent papal legation?

3.2.2. Eystein, ‘Archbishop Legate’

Before examining the activity of the non-native papal legates in the thirteenth century, it is useful to define the exact extant of the native/ archbishop legates in Norway and Scandinavia in the twelfth century. Whereas the archbishop of Lund from the time of Eskil (1138-77/ from ca. 1157/8 on), Absalon and Anders Sunesen bore the title of ‘papal legate (apostolic sedis legatus),’ it is only Eystein among the archbishops who bore the similar title in the church province of Nidaros up to 1300. He was titled with apostolic sedis legatus in six papal documents dated from 1161-72, and further, the king Magnús Erlingsson mentions him as the ‘papal legate’ in his famous privilege. Unfortunately, we do not have the papal document from the later half of his pontificate, so it is difficult to draw any conclusion about the possible change of the title during that phase. At least two successors of Alexander III, Clement III and Innocent III did not employ the title of the papal legate for Eystein’s successor(s) from Eiríkr and so on.

Comparison with Danish and other parallels in Latin Christendom will give some interesting insights into the emergence and disappearance of this title also for the Norwegian archbishop. Robinson traces the development of the three categories of papal legates, especially the first and third one. At first, Gregory VII employed his favorite supporters in France as permanent ‘native’ legates within a certain province, and gave them a power of the papal vicar in order to implement the reform program from Rome.

Ferguson 1987: 288.
Here I follow RN concerning the dating of the papal responses in the decretal collection. RN I, nr. 127 [10/12/(1169)](LDNM, nr. 20: 78), 128 [10/12/(1169)](LDNM, nr. 21: 80), 130 [18/12/(1169)](LDNM, nr. 19: 78), 140 [1161-72] (LDNM, nr. 12: 66), 142 [1161-72] (LDNM, nr. 14: 68), 146 [20/01/(1172/73)] (DN XVII-5), 145 (LDNM, nr. 9: 58).
LDNM, nr. 29: 96 [15/06/1194], 37: Robinson 1990: 146-78.
Later such native legates were no longer favored by successive popes, and gradually cardinal legates, dispatched directly from the Papal curia, *a latere*, displaced them and acquired its distinctive term and importance as a papal envoy in course of the 12th century.\(^{198}\) It is noteworthy that Robinson distinguishes the twelfth-century native legate as an ‘archbishop-legate’ from his native legates in the 11th century Gregorian reform as well as *legatus nati* in the 13th century. The 12th century Papacy, first and foremost headed by the pope, Alexander III, set up the system of archbishop legates in order to complement their judicial businesses in the local church before they made fuller use of the ‘judges delegate (*judices delegate*)’, the third category of papal representatives.\(^{199}\) The authority committed to an archbishop legate was presumably greater in the peripheral part of Latin Christendom, including Norway: Papal legates *a latere* seldom visited there, and further, Robinson points out one general papal policy of refraining from the delegation of legates *a latere* to where the native legates were active.

Certainly the papal correspondences from the twelfth century, dealt in the previous section, show that Eystein seemed to enjoy the papal favor and execute some of judicial activity within the church province on papal behalf. We know much neither about the organization of his time, nor about the foundation of his judicial activity, however. As for the metropolitans of Lund, Perron clarifies that the legatine titles both of Absalon and of Anders Sunesen were largely honorific, and that the use of such honorific title itself could go together with the reduction of the metropolitan power also in judicial matters.\(^{200}\) In sum, we should be careful to draw any conclusion from the avoidance of such legatine title for the archbishops of Nidaros in the 13th century. Probably the change of the title did not reflect any serious change of the papal attitude towards them, although it might well be of importance to some extent for the archbishop to enhance the prestige of their office in the church province, as the privilege of Magnús Erlingsson suggests.

Furthermore, I would like to underline the international-/ political aspect of the

\(^{198}\) The latest account on the two categories of papal legates, written by Gunnes, is unfortunately somewhat misleading (Gunnes 1996: 93). Although he claims the ascendancy of the native legate over the cardinal, but other researchers in general point out that the authority and judgment of a legate *a latere* preceded that of a native legate. Robinson 1990: 171. Further, Figueira cites the discussion by the decretalists to testify the priority of legates *a latere*. Figueira 1980: 270.

\(^{199}\) Robinson: 172-75, esp., 172sq.

\(^{200}\) Perron 2002: 151-59, 260sq.
legatine title of Eystein. The legation of Stephanus of Orvieto to Norway (1163/64) is not only a response to the request from Eystein to enthrone the infant king Magnús. Helle and Seegrün suppose that the purpose of the legation was to secure the loyalty of Norwegian archbishop and crown with the Alexandrine Papacy.\footnote{Helle 1974: 58; Seegrün 1967: 183-87.} The pontificate of Alexander III, who dispatched Stephanus as his envoy to Scandinavia and conferred the legatine title on Eystein, was featured with the bitter eighteen-year papal schism as well as the development of the administrative and judicial apparatus. After the death of the pope Hadrian IV in 1159, the differences of attitudes towards Frederick I of Germany split cardinals into two factions: Whereas the nine pro-German cardinals preferred Octavian of S. Cecilia as Anti-pope Victor IV, anti-German or pro-Sicilian faction elected the papal chancellor Roland of S. Marco as the pope Alexander III, successor of Hadrian IV. It is important for the new pope to get the backing of Norway and Sweden in Scandinavia, since king Valdemar I of Denmark mad his anti-Alexandrine position clear in the first year of the schism. Despite of his un-canonical election, Eystein owed much to ‘Gregorian,’ or, more exactly speaking, anti-German, Pope Alexander III. For Alexander who had consecrated him to the metropolitan of Nidaros. As I mentioned earlier in this section, Alexander III is known to employ a network of archbishop legates within the empire in order to get strongholds of his party in the schism. To take an example, he appointed Eberhard of Salzburg and Conrad of Wittelsbach to the archbishop legate for such purpose.\footnote{Robinson 1990: 170.} If we consider the legatine title of Eystein from similar point of view, his legatine title must owe to his personal loyalty to the pope, Alexander III, and such schismatic European politics in the later 12th century to considerable extent.

3.2.3. Absence of Papal Legates in Norway in the First Half in the 13th Century

Virtually no papal legate was active in Norway, regardless of curial or native origin, from 1190s to the dispatch of William of Sabina. It was not until in the year 1246 that Pope Innocent IV notified the king Hákon of the coming dispatch of the cardinal legate. It was a gap of more than fifty years. This absence can mean that the pope commissioned the archbishop of Nidaros to act as sole authority on his behalf within the province. As we will discuss later in the next chapter, Pope Gregory IX delegated the archbishop and the
provincial council, summoned by the archbishop, to judge the conflict between the
cloister of Hovedøya and the bishop of Oslo, albeit the source was only extant in form of
the register from the 17th century register.\textsuperscript{203} While the Cistercian allegedly convent
succeeded in the direct contact with the Papal curia in Italy, Gregory did not interfere in
the case through the appointment of the judge-delegates, and just left it to the hand of the
archbishop.

Nevertheless, we should bear in mind the following point: the pope since Innocent
III didn’t give any special title other than ordinary archbishop/metropolitan to the
successors of Eystein in Nidaros. The foundation of their authority was none other than
the archiepiscopal title. Once other papal representatives with the special commission
arrived in the country, the archbishop of Nidaros was to obey their decision. It is true that
the metropolitan power was almost a sole papal foothold in the church province at that
time, their position as an administrative and judicial authority were neither not so well
defined nor secured.

Under such circumstances, the direct appeal of Páll of Hamar to the Papacy in 1234
was an almost sole exception and a somewhat memorial event in Norwegian history in the
13th century.\textsuperscript{204} As long as we know from the sources, it is extremely rare for bishops in
medieval Scandinavia up to this period to visit the Papal curia in person except for the
purpose of receiving the pallium. Certainly, it was highly expensive to conduct a lawsuit
in Rome,\textsuperscript{205} so that only a few wealthy and strongly motivated litigants could afford to
resort to the direct appeal to Rome. Nevertheless, Páll committed the direct appeal, and
the advantage of the direct appeal deserved to make up for its cost. The first commission
of the appeal was based on the description of the case by the petitioner himself, and the
petitioner also had a voice in the selection of the judges.\textsuperscript{206} These two aspects definitely
worked in favor of the petitioner. In fact, Páll succeeded in mobilizing not only the jarl
Skúli, but also, Danish authorities, both secular and ecclesiastical one, to intervene the
conflict over the property between himself and the king.\textsuperscript{207} The limited access of the
communication between the Papacy and the church province of Norway enabled Páll to

\textsuperscript{203} DN XVII-864 [1229].
\textsuperscript{204} The Icelandic Annals notes his visit to Rome. IA IV, a. 1234 [Storm (utg.) 1888: 129].
\textsuperscript{205} Cheney 1976: 109sq.
\textsuperscript{206} Morris 1989: 574sq.
\textsuperscript{207} DN VI-18; 19 [11/10/1234].
make full advantage of this opportunity to secure his position in Norway.

3.2.4. Legation of William of Sabina

Now we turn our attention to the delegation of William of Sabina, the fourth visit of the cardinal legate in Norway. Norwegian researchers have analyzed this memorial event from both domestic and international point of view, and I essentially agree with their analysis. The domestic background was no doubt the end of the Norwegian Civil War in 1240, which resulted in the fall of duke Skúli. The contact of Hákon with the Papal curia certainly dates back to the late 1220s when Pope Gregory IX renewed the commission on the archbishop Þórir of Nidaros and bishop Árni of Bergen, to investigate the case of the coronation of Hákon. The Pope had formerly commissioned the late archbishop of Lund, in medieval Denmark, and the bishop of Skara in Sweden on the investigation, but he shifted examiner(s) of the commission from foreign bishops to the Norwegian ecclesiastics. This change of the inspectors was in response both to the death of the former examiners, and to the complaint from Hákon who did not like the possibility of foreign intervention. Nevertheless, the investigation and negotiation had not marches on at the beginning of the 1240s. Firstly, the elimination of the opposing (and legitimate) candidate of the throne enabled the crown and the church in Norway to cooperate more tightly to realize the coronation and the invitation of papal legate for it. On the other hand, Pope Innocent IV actively sought the support for the war over Europe against Emperor Frederick II. In addition to the long excommunication since 1239, Innocent sentenced the ‘deposition’ of the emperor, in other words, stripped him of all his titles in Germany, Italy and Sicily, in the council of Lyon (1245). Although the emperor still sought to make a term with him, Innocent himself now abandoned the last possibility of reconciliation. Paravicini Bagliani compares the significance of the council to ‘the end of the epoch in which both the pope and the emperor were dominant figures,’ and, ‘now Latin Christendom was solely unified under the authority of the pope, at a first glance, whereas regional kingdoms with their own legislations rose.’

This long-term negotiation for the coronation with the Papacy itself reveals the

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209 DN I-11 [13/02/1229].
difficulty of the communication between the Papacy and Norway during the first half of the 13th century. The king was indeed one of few dignities in Norway except for the archbishop that can dispatch envoys with satisfactory skill, but the relationship between the king and the pope was far from firm-established, mainly on the following two grounds.

Firstly, duke Skúli, his opponent of the throne, also took part in the diplomatic network of rulers over Latin Christendom, including the direct communication with the Papacy, at well as king Hákon himself. When Páll, bishop of Hamar, disputed on the property right in Helgøya in the lake Mjøsa with the king Hákon in 1234, Pope Gregory IX sent a letter to Skúli. In this letter, the pope asked him to defend the interest of the church of Hamar on behalf of the bishop against the king, and to help three Danish prelates in this behalf. Johnsen even assumes the possibility of the intentional conspiracy of both Skúli and Páll from the beginning. Regardless of the probability of his hypothesis, it is difficult to deny that duke Skúli succeeded in envisage the king as an enemy of the liberty of church, as his grandfather Sverrir did, and in propagating this image of the king in the Papal curia in Italy, far away from Norway.

The second factor is the abbot ‘Ríta-’Björn of Nidarholm. He took sides with Skúli during the last phase of the Norwegian Civil War in the 1230s, and it resulted in the excommunication of Björn by Archbishop Sigurðr and his exile. Nevertheless, he restored and enjoyed the favor both of the Papacy and of king Hákon until the very last time of his life. *HsH* explicitly states that the papal letters and messages the abbot brought to the king reconciled the king and the abbot, and that the letters were beautiful and scarcely seen in Norway. In fact, Björn succeeded in obtaining the privilege from pope Innocent IV during his excommunication and exile, which permitted the abbot to absolve the clergy and laymen alike those who committed the violence against the clergy. Such kind of crime was usually to be absolved only on condition that the culprit took a pilgrimage to Rome in person and got a dispensation directly from the Papal curia. Furthermore, Innocent allowed the abbot to collect the fee for such absolution and to

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212 DN VI-18 [10/10/1234].
213 Johnsen 1955: 213.
215 *HsH*, Ch. 246 [Vigfusson (ed.) 1964 (1887): 239].
216 DN VII-15 [19/09/1243].
deposit it in the monastery in Norway, on condition that the money should be dispatched to the Papacy later. This grant of the privilege was possibly a violation of the right of the archbishop, since the archbishops of Nidaros had obtained similar privilege to excommunicate and to absolve the people those who committed the violence many times.\(^{217}\) Later in 1253, the archbishop Sørlí renewed the privilege, but with a certain limitation: The privilege of Sørlí specifies the term of validity (three years), and the pope reserved the right of absolving the felonious.\(^{218}\) The act of granting such a privilege with little limitation to Björn itself clarifies the difficulty of the communication between the center and periphery of Latin Christendom. In the first place, it is very doubtful that the pope Innocent IV, and possibly further, his predecessor Gregory IX, knew the political and ecclesiastical situation in Norway to a certain extent. Unless he had a very biased picture of them, he would not give such an extensive privilege to the exiled abbot Björn, out of favor with both the king and the archbishop. On the other time, the privilege and the episode of Björn shows his rare talent to conduct diplomatic affairs even in the Papal curia as well as his sharpness. He must have been conscious of the Icelandic feuds in which the clergy often got into trouble during the age of the Sturlings.\(^{219}\) Guðrún Ása Grimsdóttir asserts that the archbishops of Nidaros in the 12\(^\text{th}\) and 13\(^\text{th}\) centuries were conscious of the inviolability of the clergy, and that the offence of the Icelandic chieftains against this clause was one of the important motive for them to summon the chieftains to Norway.\(^{220}\) Regardless of the probability of her hypothesis, the privilege certainly gives Björn and his patron an extra pretext to summon disobedient chieftains to Norway, and to establish more close relationship with them.\(^{221}\) It is not difficult to suppose that Hákon

\(^{217}\) DN XVII-7 [1191]; VII-8 [18/02/1206]; I-10 [04/11/1226], although with certain restriction; also see RN I, nr. 379 [1215-16]. As for the dating of the first one, I follow RN I, nr. 218.

\(^{218}\) DN VI-26 [04/02/1253].

\(^{219}\) Orri Vésteinsson charts the number of killed clergy from the notices in the Annals. His analysis, based on both the Annals and other narrative sources, presents the period between 1240-1250 as a watershed about ‘un-peaceful’ involvement of priests with the conflict and the warfare. Orri Vésteinsson 2000: 213sq.


\(^{221}\) The archbishop repeatedly tried to summon the opponents of the bishop Guðmundr of Hólar to Norway in the second decade of the 13\(^\text{th}\) century, but most of them ignored the summon. This result shows that the privilege can give mere a pretext, not with the full authority of enforcement. Jón Viðar Sigurðsson 2003a: 126. On the transformation of the kingship ideology of Norway as a supreme judicial authority also in Iceland, Id. 2007:
willingly reconciled with Björn, as HsH notes. The Papacy was still a very distant figure in that phase in Norway, and Björn was, so to speak, a key figure to the ‘well of the grace and the justice’,\textsuperscript{222} with very limited availability.

In the end of October and November of 1246, Innocent sent a series of letters to the bishops in Norway and Sweden as well as the legate William himself to notify the delegation of William.\textsuperscript{223} The last letter specifies Norway and Sweden as his legatine provinces. The pope ordered him to summon the dignities, the ecclesiastical as well as the secular, in the province, and to enthrone the king. William seemed to continue on staying in Lyon, where he had been together with the pop, for a while, but he travelled via the British Isles to Norway, and arrived in Norway on 17 June in 1247.\textsuperscript{224} The cardinal legate presided over the coronation on 29 July in Bergen, and he also subsequently held an assembly, or a legatine council, in August, probably from eighth to 17\textsuperscript{th}.\textsuperscript{225} Therefore, William fulfilled both of his primary businesses as the papal mandate instructed.

The visit of papal legate was one of rare opportunities for the local churchmen as well as ecclesiastical institutions to establish the direct contact with the Papal curia in Rome, bypassing the metropolitan authority in Nidaros. At this juncture, it is also worth noting that papal legates, dispatched directly from the Papal curia, often judged cases without any reference to the metropolitan authority that in turn resulted in a disadvantage for the archbishop. Donner points out that the relationship between the cardinal legate and the archbishop was not so friendly, rather somewhat strained.\textsuperscript{226} First of all, the legate took side with the king Håkon, not the archbishop Sigurðr and his suffragans, in regard with the renewal of the coronation oath of Magnús Erlingsson.\textsuperscript{227} After all, William was delegated to Norway in response to the request of the king, not the archbishop of Norway.

The famous episode of Matthew Paris on the conflict between the archbishop and the impoverished Benedictine monastery Nidarholm illustrates this point. According to the account of Matthew Paris, the legate sided with the monastery, and cooperated with the convent of the monastery in defeating the ‘ambition’ of the archbishop of Nidaros. As

\textsuperscript{94sq.}
\textsuperscript{222} Ingesman 2001: 138sq.
\textsuperscript{223} \textit{DN} I-30, 31, 32 [30/10/1246-03/11/1246].
\textsuperscript{224} \textit{HsH}, Ch. 249 [Vigfusson (ed.) 1964 (1887): 242].
\textsuperscript{225} Donner 1929: 335.
\textsuperscript{226} Donner 1929: 320.
\textsuperscript{227} \textit{HsH}, Ch. 251 [Vigfusson (ed.) 1964 (1887): 244].
I mentioned earlier, the excommunicated and fugitive abbot Björn were expelled from Norway in 1240, but then he took the seal of the monastery. Furthermore, the late Björn mortgaged the monastery into the Chaorsin usurers in London. Although the new abbot and the prior solved the temporary problem of the mortgage, the convent was still suffered from the spiritual impoverishment. Therefore, they consulted the legate William on the case, and the legate counseled them to contact directly with the pope himself. As a result of this direct negotiation with the pope, the convent was authorized to invite Matthew as a special agent. 228 Of course we should bear in mind that this narrative is written by Matthew Paris, and it is not unnatural to assume that he embellished his story. We know virtually neither any other sources about his visit in Norway, nor any source about his activity at Nidarholm. 229

It is important to remark here that papal legate William instructed the convent on the direct appeal to the Pope, and the abbot contacted with the Papacy as a result of his consultation, although the prior seemed to have visited Italy before. The account of Matthew specifies that they took letters of recommendation both from the king Hákon and the cardinal William (litteras domini regis et legati) with them. 230 The convent could apparently handle the business with the usurers in England, but they were probably not accustomed to the negotiation in the Papal curia. It is the abbot, not only the prior, who went to the Papal curia in person. The journey of the abbot himself shows its extraordinary importance as well as for the monastery.

A further point to note is that the monastery of Nidarholm was not the sole beneficiary among ecclesiastical foundations that made advantage of this delegation of the cardinal legate. He also mediated the conflict between the Dominicans and the cathedral chapter of Bergen. 231 The house of the Dominican brothers stood near the cathedral, and the canons paid them back for the preference of the bishop to them by building the house used for the toilet near the cloister. Both houses were located in the slope, the house of the canons in the higher and that of the Dominicans in the lower place, the cloister was suffered from sewages. Although both parties had to make a concession over the matter, it is important to remark that the cardinal paid regard to the claim of the

229 Binski and Sauerberg 2006: 241sq.
230 Chronica majora, v: 44. [Luard (ed.) 1880: 44].
231 DN II-7 [13/08/1247].
plaintiff, the Dominicans, and that he also asked the king to supervise the observation of the settlement. The dispute between the secular clergy (bishop, secular canons, and priests) and the mendicants became popular also in Norway from the middle of the 13th century onwards. The mendicants in medieval Scandinavia belonged to the wider network of the order over Europe. Four Dominican houses in Norway did not have their own province, but belonged to the province of Dacia. Absalon of Aarhus, Dominican provincial prior of Dacia, epitomized the papal use of the mendicants in 13th century Scandinavia. He was one of the recipients of the papal mandate in which pope Gregory IX commanded to investigate the illegitimate birth (natalius defectum) of Hákon Hákonarsson in 1241. On the other hand, Freibergs presents his possible connections with Norway, and its royal court especially. Citing the 13th century account of the Polish Dominican Friar, he identifies Absalon with the informant of the ‘northern light’, i.e. aurora, in Northern Norway ‘who had stayed there in two years and now lives in the kingdom of Denmark’. This Danish connection of the Dominicans, however, could work both in positive and in negative ways: Later in 1257, Christopher, the king of Denmark, employed Absalon as a diplomat for inviting the king of Norway to the settlement. While Hákon accepted the offer to the meeting, he was very skeptical about the word of the Danish side in spite of the mediation of provincial prior Absalon who had also in charge of Dominican affairs in Norway. After all, Absalon was recognized as a foreign figure, and possible political threat against the Norwegian authority, both in political and in ecclesiastical affairs. Both the favor of the Papal curia, in addition to the papal legate, and the solidarity of the friar beyond the border of the medieval kingdoms could make them stubborn opponent of the metropolitan authority. However, it was simply matter of possibility. As a matter of fact, what this episode shows

232 DN II-8 [13/08/1247]. 
233 Helle 1974: 240sq. In fact, the tension between the friars and the secular clergy was a pan-European phenomenon in the late 13th century. Morris 1989: 461. 
234 DN1-25 [08/07/1241]. 
235 Freibergs 1998: 75sq.; Latin text of the Polish friar Jacek, with the posthumous byname St. Hyacinth, De ortu Tartarorum, has not been published in form of the book. The text is extant in Dublin, Trinity College, MS 347, fols.3r-4v, and printed in Colker 1979: 712-26. In the page 724, the relevant phrases (in Ch. 19) are found. 
236 HsH, Ch. 291 [Vigfusson (ed.) 1964 (1887): 292]. 
237 In fact, Stula Þórðarson, the author of HsH, notes the authority of Absalon as s provincial prior of the mendicants as following: “...er provincialis var af Ólum Predica-klastrum i norræni tungu.” HsH, Ch. 291 [Vigfusson (ed.) 1964 (1887): 292].
is that Norwegian mendicants in ca. 1250 did not have a clear voice in the communication with the international network, as supposed, and relied on the benignancy of the papal legate.

The Cistercian cloister of Hovedøya, in the diocese of Oslo, was the third ecclesiastical foundation that explicitly made advantage of the legation of William. The Cistercians in Medieval West is famous for its centralized organization, represented by the principle of the filiation and headed by the general chapter. Their daughter house is subject to the mother convent, which ultimately goes back the Cîteaux. Each abbots of the cloister was also obliged to meet together at Cîteaux every year, and they consists the general chapter, the yearly meeting of the Cistercian abbots over Latin Christendom.\textsuperscript{238} The Cistercian monks residing in Norway seemed to observe this rule and have a contact with the European mainland in its early history. Although the general statute of the year 1999 imposes the abbot from ‘Denmark (Dacia) and its adjacent regions’ who were absent from the general chapter in this year, on the penalty of abstinence (only the bread and the water were permitted) every Saturday,\textsuperscript{239} the content of the statute of the next year (1200) presupposes that the presence of the abbot from Hovedøya in the chapter.\textsuperscript{240} This statute strictly forbids the monks to celebrate mass for the ‘excommunicated king of Norway’, that is to say, the king Sverrir of Norway, who opposed to the Norwegian church as well as the papal authority then. In the course of the 13\textsuperscript{th} century, however, the tie of the monastery with the general chapter certainly became weak: In 1217, the general chapter stipulated that the Cistercian cloister in Norway should undergo an inspection only every third year, and that the abbot should visit Cîteaux only every fifth year.\textsuperscript{241} According to the 17\textsuperscript{th} century register from Akershus, the cloister assumedly resorted to the direct appeal to the Papal court in Rome in the end of 1220s, due to the conflict over the land ownership of Hoff, in Hurum.\textsuperscript{242} The Papacy, however, allegedly remitted the cause to

\textsuperscript{238} Schmidt 1999: 349sq.
\textsuperscript{239} Annual Statuta 1999/26 [Waddell (ed.) 2002: 430]. It should be noted, however, that the abbots who participated in the general chapter were exempted from the penalty. Therefore the statute merely shows the absence of some, not all, abbots from Dacia and so on. In turn it implies the fairly regular attendance of the abbots from these areas up to this year. Compare the case with the incessant absence of the abbot of Nydala, in Sweden. Annual Statuta 1992/37 [Waddell 2002 (ed.): 250].
\textsuperscript{240} Annual Statuta 1200/37 [Waddell (ed.) 2002: 462].
\textsuperscript{241} RN I, nr. 405 [ca. 1217].
\textsuperscript{242} DN XVII-864 [1229].
the provincial council, and especially the archbishop Þórir (II) who presided over the council. This event seems to show the reluctance of the Papacy to deal with local affairs directly at that time, although we cannot know the course of events in detail. On the other hand, William made the two bishops, respectively of Oslo and of Hamar, to grant the privilege to protect the monks against trespasses with the ban.\textsuperscript{243} In contrast to the earlier popes, the cardinal legate did not hesitate in acting as the papal representative in the province, and his interventions were more often favorable to the plaintiff as the direct appeal to the Papal court in Rome were.

These accounts on the privileges, granted by the papal legate, demonstrate the significance of the delegation of the papal legate, William of Sabina, as a direct deputy of the papal authority instead of the archbishop in the province of Nidaros. Instead of the costly travel to Rome and troublesome legal procedures, which hinder most of the local ecclesiastical institutions from resorting to the direct appeal, his presence, in short, the embodiment of the papal authority, in Norway as well as Sweden must have offered the local church institutions an accessible window to ‘the well of grace and justice.’ Whereas the papacy in Italy still remained distant figure, the idea of the Papacy as a supreme judicial authority was first widely recognized on this occasion in Norway. Local ecclesiastical institutions would gradually realize the value of the Papal authority, and resort to the direct authority if the resource permitted it. To take an example, Svein, the abbot of Hovedøya, seemed to try the direct contact with the Papacy to obtain the papal privilege in ca. 1250, and he succeeded.\textsuperscript{244}

Then, next problem arises: Was the 13\textsuperscript{th} century Papacy conscious of such development within the province of Nidaros? In other words, did the popes initiative in the increasing direct relationship between the local church and themselves?

\textbf{3.3. Impact of the Delegation of William on the Communication with the Papacy}

As we saw in the previous section, before the arrival of the cardinal William of Sabina in Norway, the relationship between the pope and the local church in Norway is fairly limited. How did this pattern of the communication between the Papacy and the local

\textsuperscript{243} \textit{DN I}-39 [29/09/1247].

\textsuperscript{244} \textit{DN XVII}-868 [1249-50].
church in the province of Nidaros?

3.3.1. Lingering Old Connection: The Papacy and Páll of Hamar

Even after this delegation of the cardinal legate, the once established direct tie from Norwegian province to the Papacy was still prevailing.

In November and December 1247, Pope Innocent IV issued two privileges in addition to a mandate, which were addressed to King Hákon of Norway and Páll of Hamar. Whereas the first privilege granted the twentieth of the income of all the ecclesiastical income in three years for the crusade, the pope exempted the bishopric of Hamar from the payment of the twentieth.\footnote{DN I-40 [19/11/1247]; 41 [24/11/1247].} It was not the first time the pope granted such sort of the income tax for the crusade to the lay ruler also in Scandinavia. The origin of the income tax dates back to the last two decades of the twelfth century, on the eve of the third crusade, but the decree of the fourth Lateran confirmed that the twentieth of the income of clergy should be allotted to \textit{subsidiwm Sanctae terrae}.\footnote{Lunt 1965 (1934), i: 71-73.} In 1226, Pope Honorius III granted the jarl Skúli similar privilege concerning all the income within the province of Nidaros, including some part of the oversea diocese.\footnote{DN I-9 [03/11/1226].} What was unprecedented is that Innocent IV exempted the bishopric of Hamar from the assessment. Certainly this exemption of the bishopric from the first privilege can be explained from a point of view that the bishop Páll himself also planned to depart for the crusade. In fact, the second privilege to the bishop Páll allows him to make use of the income from the bishopric in not three, but five, years for the expenditure on his coming crusade.\footnote{DN I-41 [24/11/1247].} Moreover, the third mandate, addressed to Páll, explicitly orders him to act for the papal deputy concerning this income tax all over the church province. In other words, it was not the archbishop Sigurðr, but the Páll of Hamar, who was responsible for the fulfillment of the collection in regard with this tax in Norway.\footnote{DN VII-19 [08/12/1247].} It is no doubt that the pope Innocent was in exceptional favor of the bishop of Hamar concerning this case.

Probably this appointment of him to the papal deputy reflects the fact that the
bishop of Hamar was one of the few ecclesiastical dignities who could conduct negotiations in the Papal curia without relying on the personnel or the connection of Nidaros, in the first half of the 13th century. In spite of general views of the researchers that presupposes the lack of the economic resources in the cathedral chapter of Hamar, fragmentary evidences suggest that the chapter of Hamar had had at least two prominent canons with the title of ‘magister’ who probably had enough legal knowledge to fulfill the diplomatic mission also to the Papal curia, since the third decade of the 13th century. HsH mentions “meistari” (magister) Þorleifr and provost Bárðr from Uppland among participants of the national assembly in Bergen in 1223. Furthermore, the notary document from St. Sabina in Rome names the membership of the envoys from the church province of Nidaros in 1241/42. Among three Norwegians listed, we can come across the name of Ívar, clergy of Páll of Hamar. Without doubt, the connection with the Papacy, established by the direct appeal of Páll, contributed to the prominence of the bishopric/cathedral chapter of Hamar in diplomatic as well as church-politic affairs. Since the popes had neither enough knowledge about local affairs nor connection in Norway, they often almost wholly depended on the few existent connections or the information from the petitioner themselves, even after the delegation of William of Sabina to Norway.

This papal preference to Páll also clarifies the importance of the diplomatic skills of the personnel to conduct affairs in the Papal curia. Although the delegation of William facilitated the direct communication between the Papacy and the local church in the province of Nidaros, it is evident that not the all local institutions could made advantage of this impact.

3.3.2. Direct Contact and Negotiation with the Roman Pontiff

The transferral of Pétr of the Faeroes to the vacant see of Bergen in 1256 also marked the new development within the Norwegian Church in the later half of the 13th century. According to the documentary source from the beginning of the 14th century, he had been a chaplain of Árni of Bergen, his predecessor and consecrated to the see of the Faeroes in 1246. Although chosen by the cathedral chapter, he was to be postulated and consulted with the Papacy before the canonical election because his assumption of the bishop of

\[250\] HsH, Ch. 86 [Vigfusson (ed.) 1964 (1887): 74sq.].
\[251\] RN I, nr. 727 [18/04/1242].
\[252\] DN VI-71 [04/03/1309]; IA IV a. 1246 [Storm 1888: 137].
Bergen inevitably meant his translation of the see. The translation of the see had exclusively been a papal prerogative for long, so his candidacy for the new see itself was not so problematic. We could not find any error also in the course of the procedure of postulation, but Pope Alexander IV must have discerned some problems: Formally, he had once dismissed the postulation. Nevertheless, Alexander finally provided Pétr to the see of Bergen in response to the appeal of the cathedral chapter.

At this juncture, I wish to note that the whole negotiation of the postulation of Pétr proceeded without any reference to archbishop Einar. The cathedral chapter directly sent three canons, magister Johannes Anglicus, the namesake magister Franco, and magister Thomas, as envos to the Papacy. Compared this postulation of Pétr with the case of the postulation of Hávaðr in 1216-7, the difference is striking. In both cases, the cathedral chapter of Bergen was consciously oriented to the canonical election. In the latter case, the chapter first requested the archbishop of Nidaros, Guthormr, to postulate Hávaðr and to get dispensation from the illegitimate birth (*defectus natalium*) for him on their behalf. In turn, Pope Honorius III, who had received the letter of supplication, acknowledged the archbishop to dispense postulated Hávaðr to be a new bishop of Bergen. The chapter did not ask the archbishop to act for them as for the postulation of Pétr, however, 40 years later. It is true that the king sometimes employed a member of the chapter of Bergen as a diplomatic envoy, but it was this case of Pétr in 1256 that the cathedral chapter of Bergen directly got in touch with the Papal Curia at the first time, bypassing the archbishop. No doubt the chapter of Bergen had enough talents to accomplish this diplomatic mission at that time, although they allegedly fumbled in course of the process. It was the first time that we can find more than one *magister* in the Norwegian cathedral chapter almost at the same time except for Nidaros, as long as the sources permit us. At least two of the three-mentioned *magistri* were foreigners, and probably specialists in Canon Law and its procedures.

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253 On the theoretical background of the papal authority in the transfer of the see, see Pennington 1984: 75-101; also see Benson 1968: 380.
254 *DN* VI–31 [19/08/1257].
255 *RN* I, nr. 388.
256 *DN* I–5 [01/04/1217].
257 Hákon Hákonarson twice employed the archdeacon Askjell, who later became the bishop of Stavanger in 1226, and Andreas as diplomats to Henry III of England during 1220s. Bagge 1976: 69, 71.
258 See the list of *magistri* in Bagge 1981: 143.
I do not agree to Bagge that the predominance of Nidaros’ canons in the extant sources is merely due to the bias of the extant sources, and that foreigners began to intrude the chapter in other bishopric in Norway as well as Nidaros and Bergen in the middle of the 13th century. In 1253, Pope Innocent IV granted the privilege in the investment of benefices in the cathedral chapter of Nidaros. According to this privilege, Sörli could repel any applicant for pension, prebends, or benefices in the cathedral chapter of Nidaros without the special mention of this privilege. The editor of DN also points out the last sentence of the privilege, “Episcopus Bergensis datus est ei super hoc Conseruator.” Hence, it is natural to suppose that bishop of Bergen, Árni, also got the similar privilege in the investment of benefice of his cathedral chapter. These privileges presuppose the existence of applicants to the office in the chapter of Nidaros and Bergen with possibly spurious papal letter. In the middle of the 13th century the problem of the papal provision and flood of providees, that is to say, those who the pope or other authorities guaranteed to confer the benefice, became increasingly serious, and convoked severe criticism against the papal policy as well as foreign clergy from the local ecclesiastical dignities such as Robert Grosseteste. Probably other cathedral chapters than Nidaros and Bergen within the church province had escaped this development until ca. 1250. At least the privilege shows the concern of both church leaders of Nidaros and Bergen about this problem and the importance of their cathedral chapter within the church province. This picture deduced from the privilege corresponds fairly well with the preeminence of magisteri from Nidaros and Bergen in the sources.

The above analysis of the postulation of Pétr indicates the importance of the cathedral chapter and canons with enough legal education to conduct affairs and to push their cause in the Papal curia. After the occasional delegation of William of Sabina, Norway didn’t saw another papal legate from the Papal curia in the 13th century. If they recognize the utility value of the Papacy as a supreme authority in the fringe of Latin Christendom, they could not get in touch with the authority in its center without their own representative. The establishment of the cathedral chapter was merely a minimum requirement.

259 Bagge 1981: 149.
260 DN VI-24 [04/02/1253].
From this point of view, overseas dioceses in the North Atlantic Isles except for the see of the Orkneys did not even meet this minimum requirement of establishing the direct contact with the Papacy, since they did not have their own cathedral chapter in overseas dioceses. Not only in case of election, but also in this problem of communication, the overseas dioceses got more closely dependent on the archbishop and cathedral chapter of Nidaros. Therefore, we can conclude that the dissemination of the legal culture as well as of the notion of the papal authority in the northernmost part of Latin Christendom certainly contributed towards increasing the difference between the mainland dioceses in Norway (Bergen, Oslo, Stavanger, Hamar), and the other overseas dioceses in the North Atlantic, possibly except for the Orkney and the Sudreyar.

Concerning the last two overseas dioceses, especially the case of the Sudreyar, the situations could be somewhat different again. Before the incorporation of the isles into the church province of Nidaros and the Norwegian dominion, the connection with the outer authorities than the metropolitan of Nidaros had been already established, and such ties were persistent and sometimes even stronger than Norwegian connection. To take an example, bishop Nicholaus of Sudreyar participated in the Fourth Council of Lateran, held in Rome, probably without any reference to the archbishop of Nidaros. It is important to remark here that the Cistercian abbey of Furness functioned as an electoral body of the bishop of the Sudreyar from the middle of the 12th century. The abbey Furness was founded by Olaf, ‘king of the Isles,’ and they kept the contact with outer authorities in both papal and Cistercian links. Already in 1194, Pope Celestin III confirmed the privilege to the monastery of Furness, including their rights of electing the bishop for the see of the Isles and Man (Sudreyar). Later in 1244, Innocent IV conferred the convent of Furness to let the newly elected bishop consecrated by the archbishop of York with the assent of the archbishop of Nidaros, person in charge in a canonical sense, on the ground that ‘the church of Nidaros is far away from the aforementioned church [of Man], and

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262 Both witness of the privileges of the cathedral chapter and the settlement of Tautra (1297) specify that the canons of the cathedral chapter of Nidaros have a voice in the election of the bishop of Iceland, Greenland, the Faeroes and the Sudreyar, so we can assume that the involvement of the chapter at least dated back to the archiepiscopate of Jón Raude. DN III-34 [ca. 1293–4], III-39 [23/06/1297]; also see Lars Hamre 2003: 198.
263 RN I, m.384 [1216]. Unfortunately, I cannot refer to the original text in Monumenta de Insula Manniae, ii: 38sq.
264 RN I, nr. A20 [23/05 (or22/06)/1194]. Cf. see the previous note.
separated by the periculous ocean…”265. This papal mandate was without doubt issued in response to the plea directly from the cloister of Furness, not mediated by the personnel of Nidaros. Even during the ongoing struggle of the Norwegian crown to incorporate of the Isles into the order of developing ‘Norwegian dominion’ since the first decades of the 13th century,266 the church of the Sudreyar remained its autonomy to some extent, through the existent privileges and contact out of the province of Nidaros.

3.3.3. How to make advantage of Canonical Regulations? Two Disputed Episcopal Elections of Hamar

Two disputed elections of the see of Hamar, happened in the middle of the 13th century, also illustrate the nature of the papal authority of the period as well as the changing nature of Norwegian kingship in the 13th century. In both cases, the original candidates Tord and Lodin were rejected by the Pope, and the chapter betrayed its weakness in supporting their ‘canonical’ candidate to the episcopate.

We have four papal letters as direct references to the first event. On 11 March 1253, Pope Innocent IV confirmed the nomination of Pétr by Archbishop Sörlí of Nidaros who visited in Italy and in the Papal curia to receive the pallium at that time.267 The second letter was written in response to the inquiry from bishop and the cathedral chapter of Oslo.268 In this letter, Innocent acknowledges the customary right of them to the election of the bishop of Hamar, and grants that the course of this event will not infringe their right in the future. In the beginning of the next year, Innocent issued the third letter to the new bishop of Hamar, in which he mentions the king’s and others argued against the election. According to them, the chapter bleached the customary regalia because they had not asked the king to give an assent to the election. Consequently, the pope allowed the new bishop, Pétr, to impose the ecclesiastical penalty on all those who infringe the chapter of Hamar, except for the king himself.269 The third letter is somewhat mysterious: On 11 March, in the same year 1254, the pope ordered the bishop of Skara to appoint the canon of Hamar, Tord, to the vicariate of a certain church in the diocese of Hamar, since he

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265 DN I-28 [15/02/1244].
266 Beuermann 2006: 294sq., 325-332.
267 DN VI-28 [11/03/1253].
268 DN I-49 [23/10/1253].
269 DN I-50 [02/01/1254].
committed much money to travelling to the Papal curia.²⁷⁰ According to this letter, Tord had been postulated by the chapter, but the pope himself preferred the other person, who must be no other than the new bishop, Pétr, as a bishop. From the account of these letters, we can raise mainly four questions about the background of the event: Firstly, which one, that is to say, the archbishop Sörli or the pope Innocent, or both two, preferred Pétr to Tord? Secondly, why they rejected the postulation? The third one concerns the legitimacy of the claim of Oslo. The fourth and final question concerns the opponent(s) of the election. Who was/ were the chief opponent? Did King Hákon himself get involved deeply with the case?

Joys interprets this event mainly from the point of view of the long-term conflict between the chapters of Hamar and that of Oslo.²⁷¹ He regards the claim of the chapter of Oslo as probable, and appeals from both chapters induced the Pope to reject the postulate candidate Tord. I am rather inclined to approach the problem from a different angle, however. First of all, we have to pay more attention to the fact that Tord was postulated, not elected to the episcopate. The postulation without papal “reservation”, in other words, the see that the pope gets hold of the right of its appointment, presupposes either, 1) internal strife among the electoral body, the cathedral chapter, or 2) “not canonical” choice of the candidate, for example, those who born in illegitimate birth (defectus natalium).²⁷² Since the sources don’t mention any breach of Canon Law concerning postulated Tord himself, the postulation must have been due to the first possibility, the disagreement within the chapter of Hamar. The reason of the discord was not so difficult to assume: The late bishop of Hamar, Páll, was well-known figure in the 13th century Norwegian church due to his conflict with the king in the early 1230s, although he apparently reconciled with the king at least after the end of the Civil War in 1240.²⁷³ The alleged intervention from the king and his party, mentioned in the third papal letter, suggest that some of the electoral body were ‘royalist’ and Tord was not their favorite. Furthermore it is doubtful, in contrary to the assertion of Joys, that the pope (and further, new archbishop Sörli) had heard anything from the chapter of Oslo, since the second

²⁷⁰ DN VI-29 [11/02/1254].
²⁷² KLMN XIII, s.v. provisioner, pavelige (af Herluf Nielsen).
²⁷³ Páll of Hamar, among other bishops in the mainland Norway, participated in the coronation of Hákon in 1247. HsH, Ch. 253 [Vigfusson 1964 (1887): 245].
letter was addressed to the chapter of Oslo well after the consecration of Pétr, and even after the his return to Norway in June.\textsuperscript{274} It is rather natural to assume that the cathedral chapter of Oslo directly sent their envoy to the Papal curia first after the return of Pétr from the South.

In spite of his rejection of Tord as an eligible candidate of the see, Innocent treated him with extraordinary warmth, shown in the last letter. So without procedural failures (it is not unlikely) it is natural to presume that archbishop Sörli, rather than the pope Innocent IV, didn’t wish to appoint Tord as the successor of the see of Hamar. It is worth noting that the preferred candidate, Pétr, acted together with the archbishop at least during the latter phase of Sörli’s journey to the Papal curia. He is likely to be one of followers who travelled together with Sörli from Norway, and to be postulated as a second candidate of the vacant see of Hamar from the beginning, as Joys assumes.\textsuperscript{275} From a retrospective point of view, he was generally on good terms with the king: Håkon chose him as a leader of retinues of the princess Kristín who was to marry with the prince Phillip, son of Alfonso X of Castile in 1257.\textsuperscript{276}

The preference of the archbishop for Richard as a new bishop of the Sudreyar, consecrated probably together with Pétr in front of the pope, is suggestive in regard with the case. After the death of Simon, who was consecrated by the archbishop of Nidaros in 1226,\textsuperscript{277} the convent of Furness, canonical electoral body, had elected Laurence, but Haraldr, king of the Isles then in Norway, refused the election of the candidate.\textsuperscript{278} Instead Sörli consecrated Richard, who was then in Italy, as a new bishop, following the papal order.\textsuperscript{279} Although the pope probably provided Richard, it is not easy to identify on whose initiative the pope chose him. The provided Richard who was of English origin,\textsuperscript{280} had been a canon of St. Andrews in Scotland, and he was then a chaplain of the cardinal Johannes, St. Laurence in Lucina.\textsuperscript{281} Woolf interprets his postulation as a reflection of the

\textsuperscript{274} \textit{HsH}, Ch. 279 [Vigfusson 1964 (1887): 275].
\textsuperscript{275} Joys 1948: 227.
\textsuperscript{276} \textit{HsH}, Ch. 290 [Vigfusson 1964 (1887): 291].
\textsuperscript{277} \textit{IA} IV a. 1226 [Storm (utg.) 1888: 127].
\textsuperscript{278} Woolf 2003: 178.
\textsuperscript{279} \textit{DN} VII-20 [14/03/1253].
\textsuperscript{280} Munch (utg.) 1860: 30.
\textsuperscript{281} \textit{DN} VII-20 [14/03/1253].
Scottish royal interest that expanded their influences into the Western Isles at that time.\textsuperscript{282} It is of worth considering, however, he was present in Norway in 1260 and mediated the quarrel between king Hákon and archbishop Einar over the candidate of the bishop of Hamar, together with prince Magnús.\textsuperscript{283} Taken into consideration the fact that At that time the tension between the king Hákon and Alexander III of Scotland (r. 1249-86) was under the way not to be reversed,\textsuperscript{284} Richard’s stance on the critical period of the political history of the Sudreyar shows that he essentially acted for ‘Norwegian’ sake, either of the king or of the archbishop.

It is important to note that the archbishop postulated candidates for both dioceses of Hamar and the Sudreyar while he was still in Perugia, Italy, in front of the pope Innocent. Both candidates were not canonically elected by the due electoral body. The pope confirmed both provided candidates as a successor of the episcopate, and it was he who informed the ‘canonical’ electoral body of the new bishops, instead of the archbishop.

The cathedral chapter of Oslo lastly competed in this power game. While refusing to annul his earlier confirmation of Pétur, the pope committed himself to concede the ‘customary privilege’ of the chapter. Although it is true that some customary rights and privileges enable other clergy than the cathedral chapter in the diocese to take part in the election,\textsuperscript{285} it is not likely that the cathedral chapter in Oslo had had any voice in the episcopal election of Hamar, contrary to the assumption of Joys.\textsuperscript{286} Whether their claim was based on the historical fact or not, however, it is worth mentioning that either/both the bishop of Oslo, Hákon, or/and, the cathedral chapter appreciated the potential of the Papacy as a supreme judicial authority over Latin Christendom. Later in 1278 and in 1305, the bishop and cathedral chapter in Oslo again attempted to meddle in the election of the bishop of Hamar, but the archbishop of Nidaros dismissed their assertion as ungrounded in both cases.\textsuperscript{287} Probably the bishop and the chapter themselves knew the weakness of their argument for the voice. If they merely appealed to the archbishop about this case, they were dismissed by the archbishop as they were in 1278 and in 1305.\textsuperscript{288}

\textsuperscript{282} Woolf 2003: 178sq.
\textsuperscript{283} HsH, Ch. 302 [Vigfusson 1964 (1887): 291].
\textsuperscript{284} Bjørgo 1995: 72sq.
\textsuperscript{285} Ganzer 1971: 82.
\textsuperscript{286} Joys 1948: 227.
\textsuperscript{287} DN I-105 [21/10/1305]; Cf. RN II, nr. 199 [winter, 1278]; RN III, nr. 294.
\textsuperscript{288} Especially for the latter case, the archbishop was then Jörundr who had previously
Although the direct path to the Papacy in Rome was more accessible for the local church institution than before, the link between the Papal curia and the province of Nidaros remained still unstable. In 1265, Pope Clement III commissioned four abbots to examine the postulation of Byrge, abbot of Tautra, to the archbishop because he did not have information about the personnel in this part.\textsuperscript{289} It is not sure that we can take this account literally, as Perron does,\textsuperscript{290} or it should be considered as an excuse to shift the decision onto the locality. In either interpretation, the account shows the general negligence of the pope in the 13\textsuperscript{th} century about local affairs in the province of Nidaros. Therefore, there was still room for them to ‘manipulate’ the papal judgment.

Four parties, that is to say, two factions of the cathedral chapter of Hamar, the archbishop, and the cathedral chapter of Oslo involved in this disputed election of the successor of troublesome Páll. The division within the canonical electoral body, the chapter of Hamar gave the other two parties to intervene the election from the viewpoint of the Canon Law. Neither of factions in the chapter of Hamar indeed won the disputed election. Whereas the non-royalist faction in the chapter postulated their candidate Tord who was rejected by the pope, the other tried to resort to the secular authority. Pétr, a favorite of the archbishop and consecrated in front of the pope, defeated the latter attempt with the authority of the papal mandate in the end. The direct access with the Papal curia was a key factor.

Pétr of Hamar was dead in the winter in 1260. In contrast to his election, we have to rely entirely on the account of \textit{HsH} concerning the election of his successor. Although Stula, the author of \textit{HsH} seems to be familiar both with course of the events and with the procedure of Canon Law, we have to bear in mind that this sole account of the case was written from one-sided point of view, in the source of polemic nature which was dedicated to the son of the winner party in question. We have no way of finding the exact content of the papal mandate. It was only the decision of the pope Clement, without his intention and reasoning, we can know from the account of Stula.

According to the saga, his death was mourned by all as a great loss.\textsuperscript{291} The

\textsuperscript{289} \textit{DN} VI-33 [18/03/1265].
\textsuperscript{290} Perron 2006: 254.
\textsuperscript{291} \textit{HsH}, Ch. 299 [Vigfusson 1964 (1887): 308].
cathedral chapter was again divided, and they sought advice from the archbishop. They elected the candidate, Lodin, former canon of Hamar, with the consent of archbishop. The saga, problem was that ‘Lodin was not on friendly terms with the king.’ The king resorted to the direct appeal to Rome, however, and he finally succeeded in get his favorite royal clerk, Gillibert, then the archdeacon of Shetland, consecrated to the see of Hamar in the end. Joys draws a conclusion from both disputed election of Hamar that suggests the persistence of the customary prerogative of the king to have a voice in the episcopal election in the 13th century Norway.

The real significance of this dispute is ascribed to the fact, however, that the appeal of the king to Rome was based on a principle of the Canon Law, the right of devolution in the process of episcopal election. If the canonical electoral body cannot reach an agreement on the candidacy, they lost their right of election within the certain period, and the residence of the right to designate the episcopate is to devolve upon the ‘immediate superior.’ If the metropolitan also failed in exerting the devolved right of election in three month, the final residence of the devolution right will fall upon a superior of the metropolitan, the pope. The description in the saga suggests that Sturla explicitly knows this concept of devolution.

It is the strict application of this concept that enabled the pope to meddle in most of the episcopal elections conducted in the province of Nidaros, especially for the oversea dioceses without the cathedral chapter. It would be very difficult for the archbishop of Nidaros to elect the successor of the oversea diocese within three months after the predecessor’s death because of the traffic problem. In its early history of the archbishopric, it had been not so rare to leave the see in the oversea dioceses vacant for more than a few years. Certainly, in course of the 13th century, the situation seemed to get improved, especially after the middle of the third decade, although we know only the date of the predecessor’s death and the consecration in most cases. Except for the diocese of Garðar, most of the bishops in the mainland Norway got consecrated within a year, whereas bishops in the oversea dioceses got a consecration to the see within two years after 1227

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292 *HsH*, Ch. 299 [Vigfusson 1964 (1887): 308].
293 Joys 1948: 231-33; Id. 1955: 277sqa few years, especially in the oversea dioceses in the North Atlantic.
294 Can. 23 of Lateran IV [Tanner (ed.) 1990: 246]; ‘qui proximo praeesse dignoscitur’
296 *HsH*, Ch. 299 [Vigfusson 1964 (1887): 308].
unless the election got into any kind of trouble.\textsuperscript{297} Nevertheless, it should be emphasized here that the archbishop would have paid more attention to this problem after the dispute. In fact, Jón Raude, successor of archbishop Einar, got the privilege from the pope that grants him to designate the clergy to vacant ecclesiastical offices (including the bishop) in the province, even if the right of election is devolved from him upon the pope in principle, in 1279.\textsuperscript{298} In other words, the archbishop of Nidaros was not immune to such kind of criticism until that time.

Pétr of Hamar was probably dead in the winter in the beginning of the year, and he have just elected and come to see the archbishop.\textsuperscript{299} At best, the given time for the archbishop to exert the right of devolution was almost expiring. Probably the election of Lodin was in a strict sense ‘un-canonical’ not because of the antagonism between him and the king, as Joys assumes, but because of the offense of the archbishop to the right of devolution. In short, king Hákón took advantage of a loophole in the difference between the principle of the Canon Law and the local custom in the province of Nidaros. Moreover, he or the brains of him behind the case knew well that the pope had a final voice in such a devolved election.

Throughout the period in question, the popes generally showed not so much interest in the ecclesiastical affairs current in the church province of the Nidaros. In this sense, the discussion of this chapter confirms one of the main premises of the argument of Perron, i.e. the continuity of the church province of Nidaros as a fringe of Latin Christendom in the Papal policy. Except for the 1230s and 1240s, when the Papacy attempted to rally the league of anti-imperial network over Latin Christendom, they seldom engaged in the local matters. In other words, the papal interventions to the province of Nidaros presupposed advance inquiries, in most cases. Until the middle of the 13\textsuperscript{th} century, the direct contact

\textsuperscript{297} IA IV, V, a. 1150-1300 [Storm (utg.) 1888: 114-46, 178-99]. Exception of this general rule is cases of Pétr of the Faeroes (3 years), Brandr of Hólar (2/3years), this Gillibert, Hákón archbishop of Nidaros (4 years: disputed).
\textsuperscript{298} DN VI-42 [31/01]
\textsuperscript{299} HsH, Ch. 299-300 [Vigfusson 1964 (1887): 308sq]. The chapter 300 of HsH still deals with the activity of Hákón in the wintertime 1259/60, whereas the previous chapter notes the death of Pétr. Kolsrud dates his death in January or February, but his calculation is almost solely based on this course of event in HsH, in addition to the obituary in the Icelandic Annals which date the year 1260 as a year of his death. Kolsrud 1913: 252.
between the local church in the province of Nidaros and the Papal curia was fairly limited. The archbishop of Nidaros was almost only one figure who could control the access of the papal authority in Rome. The delegation of William of Sabina changed this situation. The legate, a direct representative of the Papal authority in front of the Norwegian people and ecclesiastical institutions, took trouble to establish a direct contact between the Norwegian local ecclesiastical institutions and the Papal curia. Metropolitan monopoly of the papal authority in the province was over, but not so many ecclesiastical institutions could afford to conduct their affairs in Rome.

Now it became more important for the archbishop to make advantage of the papal authority to defend their position in the province. However, did the metropolitan attempt to secure their authority against whom? Researchers have often presupposed the dichotomy between the papal central authority and the metropolitan authority as a local, hitherto independent, man of influence. The real threat to the archiepiscopal authority, clarified by the analysis in the chapter, was rather the local church, which began to assert their own jurisdiction and strived for the privilege directly from the supreme authority within the Latin Christendom, i.e. the Roman Pontiff. Were the archbishops of Nidaros conscious of this development in their province?
4. Changing Relationship between the Archbishop of Nidaros and His Suffragans
As we discussed in the chapter 3, it was increasingly important also for the archbishop to make advantage of the papal authority, in response primarily to the changing relationship between the local church and the Papacy, then to the changing nature of the papal government. Were the archbishops of Nidaros conscious of this development in the province? If so, how did he receive different ideas and machinery, originated from the Papal curia, and make use of them in order to secure his position in his province?

4.1. Reception of the Decrees and Ideals about the Ecclesiastical Re-Organization
4.1.1. Possible Direct Participation of the Norwegian Prelates in the Ecumenical Council
Few researchers have dared to underestimate the significance of Fourth Council of Lateran in 1215 not only for the church but also for the whole Latin Christendom in the course of thirteenth century. The council was held in November 1215, but the Pope Innocent III took quite an amount of time to prepare the council. Already in spring 1213, more than one and a half year ago, he called both lay and the ecclesiastics over the Latin Christendom for the council by the circular, and the aged archbishop of Nidaros, Þórir, was listed among the addresses.\textsuperscript{300} The official record of the council lists the participants from 80 church provinces and 402 ecclesiastical dignities, such as archbishops, bishops, and abbots.\textsuperscript{301}

We knew little about the comings and goings of Guthormr, the newly elected archbishop of Nidaros during the very year 1215. Precisely it is not evident from the extant sources that Guthormr himself was present at this important council. Certainly, it is true that the author of the Icelandic annals inserts his return to Norway in the entry of the year 1216,\textsuperscript{302} but we cannot associate this account with his presence at Lateran IV with any certainty. Even the annals lack the entry of Lateran IV itself, contrary to its preceding Third Council of Lateran, held in 1179, in which no Scandinavian prelates took part.\textsuperscript{303} On the other hand, Guthormr seemed to travel back to Norway once during the first half

\textsuperscript{300} RV I, Nr. 355 [19/04/1213]. Cf. DD 1-5, Nr. 32.
\textsuperscript{301} Foreville 1970: 298. For the list itself, see \textit{ibid.:} 456-62.
\textsuperscript{302} IA IV, a. 1216. [Storm (utg.) 1888: 124.]
\textsuperscript{303} IA IV, a. 1179, a. 1215. [Storm (utg.) 1888: 118, 124.]
of the year 1215.\textsuperscript{304} If we take both of these accounts at face value, Guthormr dared to return home, or at least bound for Norway and got to England, after his consecration despite of papal convocation to the imminent council. These two alleged round-trip of Guthormr between Norway and Rome within short interval was highly unusual in the light of contemporary practice: Inger points out that Norwegian archbishops discharged his duty of \textit{visitations liminum}, i.e. regular visit to the Papacy either in person or by deputy only every three year even in the first half of the 14\textsuperscript{th} century.\textsuperscript{305}

What needs to be remarked at this juncture is that only one Scandinavian participant, i.e. one unnamed Danish bishop was listed in the official register.\textsuperscript{306} It is true that lack of mentioning the person in the register itself not necessarily means his absence to the council. First several versions of the list of the participants are extant, and they are not necessarily complete. In fact we would not expect to find the presence of Nicolaus of Sudreyar at the council without his accidental receipt to the abbot of Furness which he issued on his way home from Rome.\textsuperscript{307} Perron also argues the possibility of the scribal error in course of the transmission of the source.\textsuperscript{308} Moreover, the register and chroniclers do not entry all the names of the lesser clergy, which amounted to ca. 800, in their works. Some of them could have been representatives of the absent prelates as well as of Scandinavian origin.\textsuperscript{309}

Nevertheless, it is important to note that neither the archbishop Guthormr nor his suffragans were enrolled as assembly on the list. Foreville regards this absence of Norwegian clergy from the council as a common attitude of three Scandinavian provinces, in contrast with the active presence of Polish and Hungarian bishops.\textsuperscript{310}

In sum, it is not so likely that the prelates within the metropolitan of Nidaros as a whole paid much attention to this European-scale church council, although Guthormr, newly consecrated archbishop of Nidaros, himself could be present at the council in person. If he could take part in the council, however, he failed to make most of his

\textsuperscript{304} King John of England issued the patent letter which guaranteed the safe transport of Guthormr (together with his entourage) on his way home (\textit{ad partes suas}) on May 12 in 1215. \textit{DN XIX-107} [12/05/1215].
\textsuperscript{305} Inger 1960: 294sq.
\textsuperscript{306} Foreville 1970: 458.
\textsuperscript{307} \textit{RV I}, Nr. 384 [1216].
\textsuperscript{308} Perron 2002: 237.
\textsuperscript{309} Cf. Perron 2002: 305. “Many more Danes were likely present than is often assumed.” Foreville 1970: 300, 458sq.
suffragans present at the council together with him, as many metropolitan from Northern and Eastern parts of Latin Christendom did. Only possible exception in regard with this sole presence of the metropolitan at the Fourth Council of Lateran is the alleged case of Anders Sunesen of Lund, as most Danish scholars assume. As for the case of Anders, however, the evidences of his attendance at Lateran IV are not beyond all questions. Besides Perron, advocate for the Danish metropolitan commitment with the council, himself points out that some Danish lesser clergies could attend indeed without any assistance, or intervention, from his metropolitan Anders, and regards this council as a watershed of the closer and more direct relationship between the lower local ecclesiastical institutions and the Papacy.\footnote{Perron 2002: 237-42.} In contrast with Danish ones, we come across neither Norwegian nor North-Atlantic, under the metropolitan authority of Nidaros, ecclesiastical institutions that were successful in establishing closer contact with the Papacy in Rome, and in obtaining the new privileges immediately after the Council.

The alleged presence of Nicolaus of Sudreyar may appear as a concerted action with his superior Guthormr who consecrated him at a first glance.\footnote{IA IV, a. 1210. [Storm 1888: 124.]} Alternatively, the presence of Nicolaus at the council corresponds rather well with the pattern of the attendance of the bishops from the other church province in the British Isles, which amounted to 32 (including 6 archbishops). Indeed, there was a close relationship between the bishop of the Isles and the adjacent, especially Irish bishoprics at the very period. The Pope Honorius III, successor of Innocent, mentioned the king of the Isles together with the kings of Ulster, Cork, Limerick, Connaught, i.e. the kings of Ireland in his papal letter addressed to ‘the venerable archbishops, bishops, dear sons (abbits, priors and other prelates), and all the good Christians in Ireland.’ Moreover, he once approved the consecration of Nicolaus’ successor to the see of the Isles by the metropolitan of Dublin in 1219.\footnote{DN XIX-128 [09/11/1219]; DN XIX-130 [31/07/1220].} Neither this curious relationship between the Isles and the Irish church nor the direct relationship between the Isles and Rome derived from their participation in Lateran IV. As Beuermann clarifies in his both master and doctoral dissertation, the ecclesiastical history of the Isles had been interweaved with the adjacent English/Irish polities and churches since the latter half of the 11th century.\footnote{Beuermann 2002: 202-32; Beuermann 2006: esp. 160-91.} Consequently, it is more appropriate
to suppose that the participation of the bishop of the Isles/ Sudreyar was an exception within whole the church province of Nidaros, due to the unique geographical and historical background of the bishopric.

4.1.2. The Immediate Reception of the Decrees and Ideas promulgated in Lateran IV

We come across the earliest evidence of the reception of the decrees of Lateran IV within the metropolitan of Nidaros in the Icelandic Sources: In the entry of year 1217, Annales regii tells us the introduction of the new clause on marriage and incest into the laws. According to Codex Regius of Grágás, this introduction of the new marriage law, which loosened the limit of the incest from the former seventh to the fourth degree with certain condition (i.e. payment of the fee), was due to the installation of Magnús Gizurarson to the see of Skálholt (1216), together with the enforcement of eight new feast days.  

This new clause reflects the canon 50 of the decree of Lateran IV, ‘De restricta prohibitione matrimonii,’ hence it took only less than two years for (at least a part of) the ideas and decrees promulgated in Lateran IV, Rome in Italy, to reach to Iceland. Probably this case of the new marriage law was counted among one of the earliest examples of the reception of the decree over Latin Christendom. It is well known that Denmark was immediately receptive to the idea in Lateran IV, especially concerning the abolition of ordeal, but Iceland and Norway could be no less.

Further we can trace the process of the transmission more closely: It is the new archbishop Guthormr who consecrated Magnús to the see of Skálholt together with Sörkvir to the see of Faeroes immediately after his return to Norway. The case study of England shows that the sources of the decrees issued in Lateran IV, and promulgated during 1220s in England, solely derived from the English prelates who were present in person at the council. They made their copies of the decrees, and brought them back. Although we cannot specify the way of transmission to the other countries in Europe than England due to the loss of the papal register of the correspondences during the last pontificates of Innocent III, it is plausible that similar pattern is also applicable to the case

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315 Vilhjálmur Finsen 1852: 36sq.
316 Tanner (ed.) 1990: 257sq.
318 However, see Gelting 1999: 111sq., esp. note 86.
319 IA IV, a. 1216. [Storm 1888: 124.]
of the archbishopric of Nidaros. In other words, Either Guthormr himself or his representative(s) who were present at the council were responsible for the swift transmission of the decrees from the Continent to Norway. It cannot plausibly be argued that the news and decrees of the council could be transmitted by way of some correspondent of the archbishop within such a short interval. The famous statutes of Oxford (1222), one of the earliest examples of the reception of the decree of Lateran IV in Europe, were issued well after this Icelandic case. Even the earliest provincial council of Dublin was held about contemporaneous with the Icelandic general assembly in 1217.\footnote{Gibbs and Lang 1934: 107-11.} This Guthormr’s effort to transmit the decree from the ecumenical council to his local metropolitan deserves more attention of the researchers without doubt.

This active engagement of Guthormr with the transmission of Lateran decrees fits well with the ideal behind the new provision on the ecclesiastical administration, which itself was prescribed in can. 6 of the Lateran IV decree, ‘de conciliis provincialibus.’\footnote{Tanner (ed.) 1990: 236.} The decree prescribe the purpose of holding the provincial as twofold: First is to remedy the excesses and correct the morals, and second one is to spread the correct canons, especially decreed at this general council Lateran IV. Although we cannot know the exact situations of the consecration of the two bishops in the North Atlantic with any certainty, it is likely that Guthormr informed the bishops at present of the recent church council and its decrees either orally or in written memorandum on the consecration. If we compare the active church policy of the archbishop Guthormr with other provinces in medieval Europe, the differences are striking. In other part of Europe, Researchers tend to emphasize the role of the papal legate in disseminating the idea promulgated in the council, and to contrast the effort of the papal legate with the general reluctance of the local clergy. To take an example, Pixton supposes that the legation of Gregory of Crescentio to Denmark and Sweden (1222) played a decisive role in the implementation of the Lateran decrees also in the Northern and Eastern Germany, in addition to Bohemia.\footnote{Pixton 1995: 295-302; on his legation to Scandinavia, see Inger 1960: 239sq.} In contrast to his southern colleagues, no papal legate visited Norway to make the decrees known. Thus, the dissemination and the implementation of the Lateran decrees rested entirely on the shoulders of the archbishop.

It is important to recognize, however, the limit of the metropolitan authority of
Guthormr, shown by this instance. It is self-evident that not the all Lateran decree was received in the province under the authority of Guthormr. The marriage within the prohibited degree was one of the central topics in which the theory of the Canon Law concerned the daily life of people, as the special indulgence of Alexander III towards the Greenlanders reveals. Comparative analysis by Agnes Arnórsdóttir and Nors shows the parallel between the prescriptions and the changing perception of the Canon Law as well as the discrepancy between the legal norm and the real matrimonial life.\(^{324}\) In short, the reception of the new marriage regulation in the oversea dioceses can be used as an indicator of the receptiveness of the local church, towards this special problem not as an indicator of the enforcement of the decrees in general from above by the archbishop.

Twenty years later, however, this situation had changed a bit. We can discern some indication of this development in the disputed election of two Icelandic bishops in 1238.

4.1.3. Episcopal Election of Two Icelandic bishops in 1238, in the Light of the Problem with *Defectus Natalium*, and the Participation of the Laymen

In 1238, Sigurðr tafsi, archbishop of Nidaros, repelled the consecration of the two ‘elected’ candidates, Magnús Guðmundarson and Kygri-Björn Hjaltason, chosen in the Althing, as their predecessors were and his predecessors approved. In stead of them, Sigurðr installed two Norwegian monks as new bishops to two bishoprics of Iceland, and at least one of them, Sigvarðr of Skálholt, former abbot of the Benedictine monastery of Selja, occupied the episcopate during the next 30 years (1238-68), the crucial period in which Iceland underwent the incorporation into *Norwegian dominion*. Many researchers have discussed the significance of this event for the Icelandic church. Whereas the older generation of the scholars, such as Jón Jóhannesson, see these two appointments of the Norwegians to the bishoprics in Iceland as an end of the golden age for the Icelandic national church,\(^{325}\) newer researches tend to emphasize latent aim of the archbishop as well as the cathedral chapter of Nidaros at reforming the church, i.e. disconnecting the control of the Icelandic church from the control of a few powerful chieftains.\(^{326}\) Furthermore, mainly Norwegian researchers often point out the political motive, or the alliance between the king and the archbishop, and further, the cathedral chapter, to extend

\(^{324}\) Agnes Arnórsdóttir and Nors 1999: 27-52.

\(^{325}\) Jón Jóhannesson 1974: 214-16.

their influence over Iceland.\textsuperscript{327} We would rather concentrate on the simple problem here, however: On what ground did Sigurðr reject two already chosen Icelandic candidates?

Firstly, I take up the candidacy of one of the electus, Kygri-Björn for discussion. According to the description of the abbot Arngrím, 14\textsuperscript{th} century author of the version D of Guðmundar saga Arasonar, he was born from illegitimate relation, and therefore to be postulated by the Northerner. As I discussed in 3.3.2, it was not so rare phenomenon for the clergy born from the clerical father (\textit{defectus natalium}) as a next candidate of the episcopal office, here in medieval Scandinavia as well as other parts in Europe.

The concept of ‘illegitimate birth (\textit{defectus natalium})’ in the Middle Ages embraces a wider spectrum of the birth status, and child of clergy is, so to speak, only the tip of the whole iceberg. Even ‘child of clergy’ comprises can be classified into two categories: ‘legitimate’ and ‘illegitimate’. Whereas the first category applied to those who born from the father before he takes an oath of celibacy, the second one is used extensively for children from more problematic unions concerning the breach of the celibacy or informal marriage after the consecration.\textsuperscript{328}

One of the agendas that church reformers in the later eleventh century sought to realize is to impose celibacy among the secular clergy. Council of Poitiers in 1078 forbade the children of priest and others born of fornication from the ordination to the ecclesiastical office except for monk and regular canons. Consequently, in the beginning of the twelfth century, during the pontificate of the pope Urban II, three basis principles for the illegitimate birth, later incorporated in the decretal collection, were established: 1) the son of priest and other kind of illegitimate son are to be excluded from the higher order of the ecclesiastical office. 2) It is tolerated for them, however, to enter the monastery and cathedral chapter. 3) Finally, the pope can offer a sort of dispensation, which can permit them to be consecrated to the higher ecclesiastical office.\textsuperscript{329} Canon 3 of the 3\textsuperscript{rd} Lateran Council (1179) also prescribes that bishop should be chosen as a bishop neither under the age of 30 nor of legitimate birth.\textsuperscript{330}

Although the provisions do not specify the possible exception of the law, authorities were actually prepared to give some illegitimate candidates special dispensations

\textsuperscript{328} Schimmelpfennig 1978: 20.
\textsuperscript{329} Landau 1994: 45.
\textsuperscript{330} Tanner 1990: 212.
concerning the consecration to the high ecclesiastical offices that included the episcopate. Wertheimer defines the term ‘dispensation’ as following: ‘Dispensation was a legal mechanism by which an individual obtained an exemption from some aspect of canon law.\(^{331}\)

Popes in the 13\(^{th}\) century, such as Innocent III, regarded such kind of dispensation as a papal prerogative, although contemporary decretalists do not always reach an agreement to the extent of permissible dispensation as well as on which authority can grant it: pope, metropolitan, and bishop.\(^{332}\) The claim of the popes derived from the theological foundation of the papal power, and they also made use of this occasion to put an emphasis on their authority. According to Innocent III, his/their foundation of power for giving such dispensation is the fullness of power (plentitude potestatis) of the pope. The establishment of the procedure of postulation (postulatio) in ca. 1200 certainly contributed to the papal monopoly of dispensation.

In short, the due procedure, dispensation or postulation of the candidate, enable the illegitimate candidate to overcome natalius defectum and to win the office of the ecclesiastical dignity as well as the benefice, despite of the apparent strict prohibition, as is the case with Hávaðr of Bergen in 1217. Hence it seems that the illegitimate birth of the candidate itself was not an issue. We should make notice of the following point, however: Whereas Hávaðr of Bergen had been a member of the cathedral chapter of Bergen, Kygri-Björn had enjoyed the status of priest for decades. Although he had already entered the priesthood, there was no evidence that the latter Icelandic candidate had sought such procedure of dispensation, or paid any attention to his birth, as long as the source narrates. It is unlikely that the canonical regulations about the ordination of the priest, including the prohibition of the candidate with defectus natalium, were strictly observed in the North Atlantic Isles as well as Iceland.\(^{333}\) As for defectus natalium, the bishop Páll Jónsson of Skálholt was evidently born from ex-marital relationship between Jón Loptsson and his concubine Ragnheiðr Pórhallsdóttir, but no one, including the rigorous Eiríkr of Nidaros, made the issue about his birth as well as his marriage at his consecration.\(^{334}\) In other words, there had been, so to speak, double standard of this canonical regulation between

\(^{331}\) Wertheimer 2005: 214.

\(^{332}\) Cheney 1976: 60-63.

\(^{333}\) Johnsen 1980: 24-30.

\(^{334}\) Pálls saga, Ch.1, 3 [ÍF XVI: 297, 301-03].
the mainland and the oversea dioceses in the late 12th and early 13th century.

From this point of view, we can regard this case, i.e. the rejection of Kygri-Björn by the archbishop Sigurðr on ground of defectus natalium in 1238, as one of the first attempt to control his suffragan more tightly than before, or, to impose the stricter discipline in accordance with the canonical rules on the bishops in the North Atlantic. A further point to note is that the archbishop Sigurðr exclusively kept the application for the papal dispensation to himself in place of the candidate at that time. Without his consent, it was virtually impossible for Kygri-Björn to get consecrated with the special indulgence. Therefore, the change of the archbishop’s attitude towards the observance of the canonical stipulations was of critical importance concerning this event.

As for the second candidate, Magnús Guðmundarson, the matter seems to be apparently simpler at a first glance: He had a chieftaincy latest in ca. 1216, and was even listed among the chieftains who took part in the expedition to the see of Hólar against Guðmundr Arason earlier. Örri Vésteinsson interprets his election (kosinn) to the see of Skálholt as a compromise between the traditional Haukdælir and the rising Sturlungar. Then, what made it fatal for Magnús Guðmundarson not to be accepted as a legitimate candidate, unlike his namesake predecessor? In spite of canon 25 of Lateran IV, invalidating the election made by the secular authority, Magnús Gizurarson, the direct predecessor of the aforementioned Magnús, was consecrated to the see of Skálholt by the archbishop in 1216, without any serious objection. As I illustrated above, it is appropriate to suppose that Magnús Gizurarson himself transmitted at least part of the ideas discussed in the ecumenical council to Iceland, and played an important role in the introduction of the incest clause into nýmæli of Grágás in 1217. If so, what enabled the archbishop Sigurðr to press his claim in regard with the Icelandic matters further in the case of 1238, in contrast to the previous approval to the Icelandic candidate?

As I mentioned above, both Icelandic and Norwegian researches have shared the opinion that the political alliance between the king Hákon Hákonarson and the archbishop Sigurðr, as well as the political support from the former to the latte, was of importance from this time on. Whereas I recognize the validity of this schema in course of the

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335 Íslendinga saga, ch. 28 (33), 34 (39). [Sturlunga saga, i, 250, 267].
336 Örri Vésteinsson 2000: 159sq.
events, especially after 1240 such as the enthronement of the king, I find it rather precarious to date the schema back to the consecration in 1238, on the following two reasons. The first difficulty in assuming the stable and strong alliance during that period can be found in the actual political circumstances in Norway, or in short, the existence of Jarl (Duke) Skúli as a joker both for the ‘domestic’ and ‘international’ politics. It is true that the king, the jarl, and the archbishop summoned the Icelandic chieftains in their joint name in 1237, but it is also clear from HsH that some Icelanders such as Snorri preferred following the jarl to the order of the king. Therefore, it is not so self-evident that the summon in the joint-name of the king, the jarl, and the archbishop can be regarded as a sign of the uniform ‘Norwegian diplomacy’ towards the Icelanders, in the light of the tension between the king and jarl. The second, although relevant to the first one, is the close relationship between jarl Skúli and some of the Norwegian clergies who had a voice in the matter of Icelandic church canonically. Skúli could win the support from some canons of the cathedral chapter of Nidaros even on his final ‘rebellion’ against the king, despite of the effort of the archbishop’s effort to avoid the fatal rupture between the king and the jarl. The empirical research by Ganzer as for the episcopal election in Trier and in Cologne shows that the secular aristocracy tried to retain their influence on the election through their incursion into the canonical electoral body, i.e. the cathedral chapter. Then, it is not impossible to assume that Skúli could undermine the alliance between the crown and the archbishop as for the promotion of the episcopate by supporting the opponent-candidate through his liegemen in the chapter. It is not appropriate to regard the two newly consecrated bishops as mere puppets for promoting the political sake for the Norwegian monarch in Iceland, at least at the very earliest phase. I agree with the view of Sverrir Jakobsson to some extent regarding this point. Skúli is also remembered as a benevolent donator to the cathedral church, St. Olav, and even Pope Gregory IX himself asked him to stand for the church in the conflict between King

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339 IA IV, a. 1237 [Storm (utg.) 1888: 130]; Cf. HsH, Ch. 188 [Vigfusson (ed.) 1964 (1887): 167], although the latter only tells us the reconciliatory meeting in Bergen.
340 HsH, Ch. 194 [Vigfusson (ed.) 1964 (1887): 171sq].
341 HsH, Ch. 198 [Vigfusson (ed.) 1964 (1887): 176sq.].
344 DN1-8 [29/09/1225].
Hákon and Pétr, the bishop of Hamar in 1234.\textsuperscript{345} Furthermore, ‘Rita’-Björn, abbot of Nidarholm and once employed as a messenger of the archbishop to Iceland in 1226,\textsuperscript{346} was active among the foremost diplomats for Skúli throughout the 4\textsuperscript{th} decade of 13\textsuperscript{th} century.\textsuperscript{347} It follows from these points that the political influence and support of King Hákon on the matter of Icelandic church may have been not so decisive before the fall of his rival, Duke Skúli. To be sure that the archbishop Sigurðr would not dare to install his candidates to the sees in Iceland without tacit support/approval from the king in 1238, but the latter’s voice with regard to the circumstances was not without limit, restricted both by his ‘physical absence’ in Iceland and the political rival in Norway.

Alternatively, I would like to propose the development of the legal theory on the lay involvement with the episcopal election in Europe and the legal consciousness of the metropolitan of Nidaros as a supplementary reason to change the attitude of the archbishop and to reject the Icelandic candidates. In fact, despite of the Lateran IV decree that exclude lay people from the episcopal election, some contemporary canonists, such as Johannes Teutonicus and Raymond of Penafort, accepted the possible intervention of the prince, in certain exceptional circumstances such as the customary right of the patron.\textsuperscript{348} It is Pope Gregory IX who finally refuted any form of secular intervention with regard to the election just a few years before 1238. Whereas Gregory reserved some possibility in the decretal “Cumana ecclesia (1228)”, issued in his early pontificate, he published the decretal “Massana ecclesia (1234)” later in which the complete exclusion of the laymen from episcopal election was prescribed. Furthermore, the latter prescription was soon incorporated into the famous decretal collection \textit{Liber Extra} (1234), also codified by the order of the Pope, Gregory IX.\textsuperscript{349} As Peltzer clarifies in his article dealing with the 13\textsuperscript{th} century Normandy,\textsuperscript{350} any secular and ecclesiastical authority could had to face with such changing attitude towards the ecclesiastical politics in course of time when the communication between the local church and the Roman Papacy became more

\textsuperscript{345} DNVI-18 [18/10/1234].
\textsuperscript{346} IA IV, a. 1226 [Storm (utg.) 1888: 127].
\textsuperscript{347} HsH, Ch. 184sq., 195, 205, 215 [Vigfusson (ed.) 1964 (1887): 162sq., 174, 187]. Finally, he was excommunicated by the archbishop Sigurðr because of his alliance with the duke.
\textsuperscript{348} Müller 1977: 185, 199.
\textsuperscript{349} Ibid.: 200-03.
\textsuperscript{350} Peltzer 2005.
frequent and routinely. Although we do not know how and when the legal knowledge, including the decretal collection itself, reached to 13th century Nidaros,\(^{351}\) it is not inappropriate to suppose that the increasing correspondences between the pope between the archbishop of Nidaros began to promote the development of the more legal-minded approach towards the ecclesiastical administration within the latter’s church province at that phase. Between the year 1216, in which Magnús Gizurarson was consecrated to the see of Skálholt, and the middle of the 1230s, the theory of Canon Law on the lay involvement on the election of the bishops saw its completion, both in content and in form. This rapid development of the Canon Law in 13th century Europe should call more attention from the researchers in Scandinavia.

In sum, the rejection of these two candidates by the archbishop Sigurðr tafði in 1238 was perfectly in accordance with the contemporary development of the legal procedure as well as the canonical discourse. Regardless of the ‘real-politic’ intention, it should be taken into consideration that the rejection itself must have satisfied the formality. Even if the political influence of the collaborator, the king Hákon Hákonarsson was not absolute at that time, it was no choice for the Icelanders to accept alternative candidate, at least on the surface. This event must reflect the changing attitude of the archbishop towards the canonical regulations. In other words, the archbishop Sigurðr must have been conscious of the merit of the canonical regulations in order to establish his authority in the oversea dioceses in the North Atlantic at that time.

4.1.4. Control of the Episcopal Election through the Privileges

The discussion in the previous chapter clarified the importance for the archbishop to keep the voice, in accordance with the formality of Canon Law, to himself in order to retain his control over the suffragans. Even after the establishment of the direct contact between the local church and the Papal curia, the archbishop can interfere in ecclesiastical affairs in the oversea dioceses indirectly, through the control of the episcopal candidacy.

In this context, the papal grant of the privileges for the dispensation of the

\(^{351}\) From the later in the 13th century on (ca. 1270?), the Icelandic bishops sometimes received the decreets/ the work on the Canon Law from the archbishop of Nidaros, according to the bishops’ sagas. Besides, it is well-known episode that Lárentius of Hólar learned the law in the cathedral shool in Nidaros. *Arna saga biskups*, ch. 8; *Lárentius saga biskups*, Ch. B11ssq., A54 [ÍF XVII: 13, 238ssq., 423.].
candidate for the clerical, especially episcopal, office was of great importance, since the
person who obtained the privilege of dispensation inevitably had a voice in the choice of
the candidate in case of the person with \textit{defectus natalium}. Therefore, generally speaking,
popes in the 13\textsuperscript{th} century were not so generous of granting such extensive privilege to
dispense the person with \textit{defectus natalium} to the higher clerical office as bishop.
Certainly pope Innocent IV granted cardinal legate William of Sabina to dispense the
person with minor \textit{defectus natalium}, but only to the fairly limited extent.\textsuperscript{352} As
mentioned in the previous chapter, the concept of \textit{defectus natalium} in the middle age was
so wide that the cardinal could dispense only a part of them. First of all, the pope didn’t
grant him to dispense the person for the episcopal office. Furthermore, the most common
categories of this concept, born from incest, adultery and clerical marriage, were all
excluded from the object of this dispensation. In fact, Heinrekr of Orkney, former canon
of the same bishopric with major \textit{defectus natalium}, was required to get the dispensation
directly from the pope, not from the legate, William of Sabina, in order to be consecrated
to the episcopal office.\textsuperscript{353}

Despite of this general reluctance of the popes, however, archbishop Sörli was a
granted the privilege of dispensing 100 illegitimate candidates, to all the degree of the
ecclesiastical office, including the episcopal office, and benefice in 1253.\textsuperscript{354} Moreover, it
was not only Sörli among the archbishops of Nidaros who was interested in the privilege
of dispensation. Pope Nicolas III also granted the privilege of dispensation archbishop Jón
Raude of Nidaros again, with no limit of the ordained clerical degree, although the
maximum number of the person to be dispensed was reduced to 30.\textsuperscript{355} Since it is unlikely
that the popes were so generous of granting such a extensive privilege of dispensation
without reserve, the issuing of these two privilege must reflect the interest of the
archbishops of Nidaros in the late 13\textsuperscript{th} century.

The archbishops of Nidaros during the latter half of the 13\textsuperscript{th} century also intended
upon reducing the opportunity of being interfered from the ‘uncanonical’ authority such
as the king, as they experienced in 1260, with the case of the disputed election of the see

\textsuperscript{352} \textit{DN VII}-26 [07/11/1246].
\textsuperscript{353} \textit{DN I}-42 [09/12/1247]. He was born from the ex-marital relation between a clergy and
a woman, therefore evidently out of scope of the dispensation privilege granted to the
cardinal legate, even if he was to be ordained the clerical office lower than the bishop.
\textsuperscript{354} \textit{DN VI}-27 [04/02/1253].
\textsuperscript{355} \textit{DN VI}-43 [31/01/1279].
of Hamar. Therefore archbishop Jón was also granted the distinct privilege from pope Nicholas, which guarantees the archbishop to secure his right of devolution concerning almost all the sacerdotal office, albeit excluding the exempted monastery, even in case that the right of devolution was to be transferred to the pope himself. This privilege is of particular value for the archbishop to prevent someone from committing the direct appeal to the Papacy, which led to the possible papal intervention upon the episcopal election in the province, especially in the oversea dioceses in the North Atlantic.

This rise of the interest of the archbishop of Nidaros in obtaining and renewing certain privileges, corresponds fairly well with the period when some local church institutions in the province began to get in touch with the Papal curia without any reference to the archbishop, in the sixth decade of the 13th century, during the archiepiscopate of Sörli. He and his predecessor Sigurðr are also known to take trouble to make a transcription of the older privileges, now worn by age, in consent with the cathedral chapter of Nidaros. Whereas Sigurðr appealed to the pope for a permission to make the older privileges transcribed, as well as translated from Old Norse, if necessarily, in Latin in some monasteries in Nidaros, it is archbishop Sörli himself who got the confirmation of the older privileges, including the foundation privilege, from the pope. Perron considers the anxiety of archbishops as ‘seems wholly unjustified,’ but I cannot give my assent to his interpretation here. Their motive for the anxiety can be explained in both ways, from expansionist point of the view and from defensive point of view. Now the archbishop was conscious of the Canon Law as a foundation of his authority, as it were, double-edged sword also for him.

Latest by the fourth decade of the 13th century, the archbishops of Nidaros must have been conscious of the potential of the canonical regulations on the episcopal office. The disputed election for Icelandic bishops in 1238 suggests that the archbishop now consciously attempted to apply similar standard of them to the suffragan in the oversea dioceses so that they could get more tight control over the suffragans. On the other hand,

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356 See above, chapter 3.3.3.
357 _DN VI-42_ [31/01/1279].
358 _DN I-44_ [03/12/1250]; 45 [21/12/1250].
359 _DN III-3_ [25/02/1253].
360 Perron 2006: 257.
as their status as a sole direct representative of the papal authority in the province was shaken after the middle of the century, they got increasingly worry about the reduction of their authority through the ‘legitimate’ interference. Therefore, they often sought special privileges from the Papacy that secured them so tight control over the province as ever.

4.2. Intensified Communication between the Archbishop and his Suffragans
The Discussion in the previous sub-chapter shows that the archbishop was conscious of the changing foundation of his authority in course of the 13th century. Then, the problem of transmission of the message comes. As we saw above in 3.1, the more regular communication is a prerequisite to introduce the tighter control within the province. Hence this sub chapter focuses on the problem of the communication between the archbishop and his suffragans. How did the change of the communication modes in the church in the 13th century affect the metropolitan authority in the province of Nidaros? As shown in 3.1, did the archbishop make advantage of the change to strengthen their control over the suffragans also in this field?

Anne-Marit Hamre lists three main features for the archbishop to get hold of the whole church province: 1) to visit the province out of his own diocese (as the ordinary visitation of the bishop over the diocese), 2) to hold the provincial council, 3) to oblige suffragans to pay a visit to the archbishop himself.\footnote{Anne Marit Hamre 2003: 225.} Whereas her classification into three categories are based on the Canonical discussion about the right and duty of the metropolitan, I will employ the two functional division of the communication, mainly 1) from Nidaros, the administrative as well as cultural center within the province, to each diocese of the suffragans, and, 2) from each diocese of the suffragans to Nidaros, or the archbishop. According to this division, the second and third categories of Anne-Marit Hamre falls into the second classification of mine together, while her first category corresponds with my first one. The following two sections in this sub chapter is divided in accordance with this functional principle.

4.2.1. From Nidaros down to the Dioceses in the North Atlantic
This section mainly concerns the dispatch of information as well as the personnel to get hold of the ecclesiastical in the province of Nidaros.
**A) Letters as a Means of Communication between the Archbishop and Suffragan(s)**

As I note above in 3.1, the oldest letter of the Norwegian archbishop to his suffragan in Iceland dates back to the late 12th century, the year 1173-74. There are mainly two problems of interpreting letters as a source for the communication within the church province. Although we can reconstruct the correspondences between the archbishop and the overseas dioceses, from the mention in the primary sources to some extent, especially in case of Iceland, the original text of the letter have often been lost. Furthermore, we do not always have information about the route of transmission of the letter from Norway to Iceland as well as other dioceses in the North Atlantic at our disposal.

The episode of the collection of the sextennial tenth in *Árna saga* illustrates the situation of the correspondence between the archbishop and the bishops in Iceland at that period. The letter of Archbishop Jón Raude came to Iceland a year after the council of Lyon II (1274), that is to say, in the summer of 1275. This delay of the transmission can be also confirmed from the correspondence from the archbishop to Pope. According to his letter, Jón barely returned to Nidaros in the winter of 1274 so that he could not notify the decree of the council to the clergy in the kingdom of Norway in this year. At least *Árna saga* shows that Jón could consider his business of the collection, and probably dispatch the first mandate to his overseas suffragans in general, except for Greenland, in a year. *Árna saga* also mentions the arrival of the letter from the archbishop in the summer of 1277 and 1279, in addition to 1276. These accounts strongly suggest that the archbishop could extensively employ letters, or mandates, as means of written communication to transmit his order, if necessarily, at the end of the period in question.

On the other hand, we can still discern a distinctively ‘Icelandic’ feature, which we cannot generalize as usual circumstances all over the overseas dioceses without reservation. The point is that the bishop of Iceland who had been in Norway, not always to conduct

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362 DI I, nr. 38, Jfr. RN I, nr. 149 [1173-74].
363 To take an example, *Íslendinga saga*, Ch. 76 [*Sturlunga saga*, i: 337]; IA IV, a. 1232 [Storm (utg.) 1888: 129].
364 DN VI-41 [04/12/1276].
365 DN I-66 [31/01/1279]. Before this response, archbishop Jón apparently asked the pope to grant special indulgence only for this bishopric of Garðar, Greenland.
366 *Árna saga*, Ch. 39, 46, 53 [IF XVII: 57sq., 66, 76]. Actually the saga employs the term *boðskapr* instead of *bréf*.
ecclesiastical affairs with his superior, archbishop, played a role of letter-bearer for his colleague. To take an example, Árni of Skálholt brought the letter of archbishop Jón to bishop Jórunn of Hólar, with him to Iceland.\textsuperscript{367} Iceland was certainly exceptional among oversea dioceses in the province of Nidaros, since the island had two bishoprics in one land. In other words, other oversea suffragans did not have their colleague who took trouble to bring the letter or the mandate from Norway. As we will see later in the next section, Icelandic bishops more often travelled to Norway than before since the middle of the 13\textsuperscript{th} century. Then, does this situation mean that other suffragans in the North Atlantic did not so often receive the letter from the archbishop? It is unlikely. On the contrary, Jón Viðar Sigurðsson supposes that the Icelandic bishops relied less on the letter because it took almost same time to get the reply from the archbishop.\textsuperscript{368} The fact that the archbishop preferred the written instruction to the oral transmission of the message though another bishop, even if he could, suggests that the regular mode of the communication between the archbishop and his suffragans basically relied on written media, rather than employment of the messenger.

To be sure, the letter had its limit: the archbishop could not send a letter to a recipient in the diocese where the Norwegians did not have a regular route of contact. But, under such an unstable state of the contact, there must have been little difference between the modes of communication. It is probably only applicable to the bishopric of Garðar, the remotest and the most isolated of all the oversea dioceses.

\textbf{B) Direct/ Indirect Visitation of the Archbishop within the Province}

As Anne-Marit Hamre have already noted,\textsuperscript{369} it is not so easy for the archbishop of Nidaros to visit peripheral parts of the province in person as his colleagues, due to the vast geographical extension of the archbishopric over oversea dioceses in the North Atlantic. As a matter of fact, we don’t have any record of the archbishop from the Middle Ages who visited the oversea dioceses in person in order to inspect deeds of his suffragans. Therefore, we don’t have to consider the direct visitation of the archbishop.

\textsuperscript{367} Árna saga, Ch. 9 [ÍF XVII: 15]. Note also that Magnús of Skálholt came back Iceland in 1232 with the mandate to Guðmundr of Hólar, which suspended him from the episcopal office. This custom seemed to originate in ca. 1230, when the Icelandic bishop began to visit Norway in a shorter interval. \textit{LA} IV, a. 1232 [Storm (utg.) 1888: 130].

\textsuperscript{368} Jón Viðar Sigurðsson 2003a: 136.

\textsuperscript{369} Anne Marit Hamre 2003: 225sq.
over the province in detail.

B-1) Metropolitan Visitation over the Province in Person
The oldest record of the provincial visitation by the archbishop dates back to the year 1221. Together with other privileges, the Pope permits archbishop Guthormr to claim the welcome and due expenditure during his visitation in the province.\(^{370}\) This privilege was addressed to the suffragans in the church province of Nidaros, and consequently we can assume that the archbishop himself intended to put his visitation over the mainland dioceses into practice at that time. The itinerant of the archbishops in the first half of the 13\(^{th}\) century, reconstructed from the accounts of \textit{HsH}, however, does not support this hypothesis. Except for on his way from the consecration in Rome to Nidaros,\(^{371}\) the archbishop seemed to stay in his hometown, Trondheim/Nidaros,\(^{372}\) at large, but often visit Bergen in order to attend the national assembly.\(^{373}\) Of course this reconstructed picture of the itinerant was fragmentary as well as politically-biased, since the hero of the saga was king Håkon, and the archbishops are usually mentioned only if they have a contact with the king, or in case of the news of their death. The frequency of the mention of Bergen, as a destination or the place where the bishop was staying, can be partly attributed to this bias of the source. At any rate, however, it is sure that the archbishop of Nidaros seldom visited the Eastern part of Norway, at least until the end of the reign of Håkon Håkonarson.\(^{374}\) As for the Later Middle Ages, Hildonen attempts to list information on the archiepiscopal visitation over the whole province, but the extant record almost solely concerns the dioceses in Western Norway such as Trondheim, Bergen and Stavanger.\(^{375}\) The only possible exception is the visit of Archbishop Árni in Eastern Norway in 1349-51, but it might be not directly relevant to the metropolitan visitation. In

\(^{370}\) \textit{DN} VI-15 [03/02/1221].
\(^{371}\) Pétr dropped in at Tunsberg on his way from Rome, and Þórir (II) also visited Oslo on his way from Rome to Trondheim in 1228. \textit{HsH}, Ch. 131, 160 [Vigfusson (ed.) 1964 (1887): 112sq., 141].
\(^{372}\) \textit{HsH}, Ch. 12, 77, 168, 177, 184sq., 214sq., 222sq., 281, 299 and so on. [Vigfusson (ed.) 1964 (1887): passim].
\(^{373}\) \textit{HsH}, Ch. 40, 86-100, 147, 187, 247, 253-76, 284.[Vigfusson (ed.) 1964 (1887): passim].
\(^{374}\) One exception is to be noted: Archbishop Einar took part in the expedition of Håkon to Denmark, from Tunsberg to Copenhagen in Denmark in 1257. \textit{HsH}, Ch. 291-93 [Vigfusson (ed.) 1964 (1887): 293-97].
\(^{375}\) Hildonen 1977: 85sq.
short, the archbishop of Nidaros seemed not to observe the canonical regulation on the metropolitan visitation, at least in case of the visitation in person.

The most evident problem with the metropolitan visitation is the division between the metropolitan visitation, fulfilled by the archbishop over the province, and the ordinary diocesan visitation by the bishop over his diocese. Árna saga narrates the visitation of the archbishop Jörundr in 1289.\textsuperscript{376} Unfortunately, in this description the archbishop went around ‘all his diocese’ (\textit{i öll byskupsriki sin}), therefore we cannot identify this event either as the metropolitan visitation or as the diocesan one, with any certainty. Similar interpretive problem also applies to the text in the donation charter of archbishop Hákon, issued in 1267. This charter confirms the donation of St. Andrews in Haug, now Verdal, in central Trøndelag, with its properties, to \textit{mensa communis} of the cathedral chapter, except for the right of the archbishop to be provided during his visitation.\textsuperscript{377}

In sum, the sources give us the impression that the system of direct visitation of the archbishop hardly played an important role in establishing the more intensive control over the church province of Nidaros in course of the 13\textsuperscript{th} century, even in the mainland dioceses.

\textbf{B-2) Visitations by Inspectors (\textit{Visitatores})}

Instead of visiting on person, archbishop could also employ his deputy to make a circuit of the archbishop on his behalf. As late as in 1276, Pope Gregory X granted the archbishop Jón Raude special permission to employ the deputy to collect the sexennial tenth for the Holy Land from the oversea dioceses, instead of visiting this remote oversea diocese and collecting the imposed tax in person, in response to the archbishop’s report that appealed to the Pope for the moderation.\textsuperscript{378}

In this context, again the members of the cathedral chapter of Nidaros appear as a key figure in the ecclesiastical administration of the church province. Lárentíus Kálfsisson, later bishop of Hólar, was once employed by the archbishop Jórundr of Nidaros as one of \textit{visitatores} to investigate and to discipline the clergy in Iceland, in the beginning of the

\textsuperscript{376} Árna saga, Ch. 136 [ÍF XVII: 190]

\textsuperscript{377} DN I-61 [16/08/1267]; ‘excepta episcopalis procuracionis debita porciione’

\textsuperscript{378} DN VI-36, 37 [04/12/1276]; Cf. RN II, Nr. 154-56. Exactly speaking, whereas the first papal letter (VI-36) specifies Garðar in Greenland as an exceptional case, the second one does not specify any diocese as an example.
14th century (from 1307). His saga describes the course of visitations in detail: The archbishop conferred the letter of credence with his authorization on two deputies, Lárentíus and the mendicant brother Björn (Ch. 17), and Lárentíus inquired the shortage of the enough education among priest, first from the Southern and Western Quarters (Ch. 19).\footnote{Lárentíus saga, Ch. A17-23 [ÍF XVII: 264-92].} Whereas Árni (Helgason) of Skálholt welcomed them and offer accommodations to them as long as they would, the relationship between the ‘inspector’ Lárentíus and Jórundr of Hólar became more tensed, according to the account of saga. The author of the saga explicitly describes the anxiety of the bishop as following: ‘…..he [Jórundr] thought that he [Lárentíus] had a greater authority than him [Jórundr] so that he [Lárentíus] could deprive him [Jórundr] of episcopal authority by the order of the archbishop.\footnote{Lárentíus saga, Ch. A18, 20 [ÍF XVII: 268, 276].}

This account in the saga clarifies the function of the visitation by deputies as a means of disciplining the bishop as well as the ordinary clergy. Furthermore, it is evident from the description of the saga that it was probably not the first time to delegate the \textit{visitator} in oversea diocese, and that the cathedral chapter promoted the visitation as well as the candidacy of Lárentíus.\footnote{Lárentíus saga, Ch. A17 [ÍF XVII: 264].} The account suggests that both the dispatch of the \textit{visitator} in oversea dioceses as two Icelandic bishoprics and the involvement of the chapter with the visitation became well-established customs by ca. 1300. How far can we trace the development of the institution back to the precedent century, and how effectively did the system function?

Researchers have generally been skeptical of the effectiveness of the archiepiscopal visitation as well as the fulfillment of the requirement in the first half of the 14th century as stipulated. To take an example, both Hildonen and Jón Viðar Sigurðsson emphasize irregular characteristics of the visitation over the province.\footnote{Hildonen 1977: 95sq.; Jón Viðar Sigurðsson 2003a: 132.} They, however, don’t reach an agreement about the regional difference in the frequency of the visitation in the province. Whereas Anne-Marit Hamre makes much of notices in the Icelandic sources and concludes that the Icelandic dioceses were more frequently visited than other oversea dioceses,\footnote{Anne-Marit Hamre 2003: 226.} Jón Viðar Sigurðsson regards the visitation to the Iceland remained as only exceptional events.
Alternatively, Magnús Stefánsson instead suggests an interesting hypothesis: the visitatores were dispatched as a result of the provincial council held in Oslo in 1306, in which both Icelandic bishops had been absent.\footnote{Magnús Stefánsson 1973b: 182.} His hypothesis was very stimulating, since we can see here the evidence that the archbishop made use of different system of communication to get hold of the situation in the oversea diocese. One possible consequence of the visitation that he notes is the appointment of Koðran of Grenjaðarstöðum to the office of coadjutor by the successive archbishop Eilífr. According to Lárentíus saga, Koðran had a real jurisdiction over the whole ecclesiastical affairs in the bishopric of Hólar, and ‘the most of people said and did as he want,’ despite of the presence of officialis.\footnote{\textit{Lárentíus saga}, Ch. A28 [\textit{IF XVII: 314sq.}]; Magnús Stefánsson 1973b: 183.} At least the account of the saga illustrates that the envoys of the metropolitan was delegated with a very extensive authority from the archbishop to get control over affairs even in the remote, oversea dioceses.

All the events concerning metropolitan visitations here, however, date back to the beginning of the 14\textsuperscript{th} century. We must be careful of applying this picture of the visitation to the 13\textsuperscript{th} century metropolitan administration.

\textbf{4.2.2. From Dioceses in the North Atlantic up to Nidaros}

\textbf{A) Direct/Indirect Visit of Suffragans to Nidaros}

The suffragan had been originally required to visit the metropolitan in his church province in order to take an oath of fidelity since at least 8\textsuperscript{th} century, by which the metropolitan confirmed his position and his ascendency over his suffragans.\footnote{Inger 1960: 99.} The formula of such sort of the oath in the province of Nidaros was only extant in MS from ca. 1400, but the practice of the oath itself can date back at least to the first decades of the 14\textsuperscript{th} century.\footnote{\textit{DI II}, nr. 350: 504sq. [28/06/1321]; nr. 352: 506-10 [1321-1400].} It is not sure, however, whether Norwegian archbishop claimed similar oath in the 13\textsuperscript{th} century, as his colleagues did. On the other hand, as the analogy of visitations liminum, the obligation of the archbishop to visit the Papacy in person or to delegate someone as his deputy every three years, the archbishop began to oblige his suffragans to visit him at regular interval.\footnote{The pope Clement V also stipulated in 1308 that the regular visit of the suffragan to}
supposition that the archbishop of Nidaros was also conscious of this institutional visit by
the end of the period dealt in this thesis.\textsuperscript{389}

Jón Viðar Sigurðsson emphasizes the significance of the direct visit of Icelandic
bishops to Nidaros as a means of communication between the oversea diocese and the
archbishop. According to him, the direct visit played a central role among others, since
the bishop could directly meet the archbishop in Nidaros and discuss the ongoing
problem.\textsuperscript{390} Before examining the probability of applying his hypothesis onto other
oversea dioceses in the North Atlantic, we should keep the following three points in mind.
The first point to note is that the bishop in the oversea diocese did not necessarily come to
and visit Norway in order to discuss the situation of the local church with the archbishop.
 Their mission from homeland cannot always ascribe to the ecclesiastical cause, as we
discussed the case of Bjarni Kolbeinsson, bishop of Orkney, in Cap. 2.2. The second one
concerned the ecclesiastical administration in the oversea diocese during the absence of
the bishop. The primarily concern of the bishop is, at least in principle, the spiritual care
of the flock. The third, last point is relevant to the situation of the extant sources for the
oversea bishops. Both the contemporary biography, or saga of the bishop, and the
Icelandic Annals offer us the most complete picture of the comings and goings of the
bishops, but we have neither of them at our disposal for the other dioceses in the North
Atlantic. Inevitably, the reconstructed picture of the journey of bishop from these sources
will remain a mere fragmentary one.

Nevertheless, we can find some common characteristics between the Icelandic and
other oversea dioceses in the North Atlantic, with a certain time lag. Whereas Bjarni of
Orkney frequently attended both ecclesiastical and political assembly held in Norway
from 1210s, the first visit of the Icelandic bishop to Norway except for the occasion of the
consecration dates back to about the same time. Guðmundr Arason, bishop of Hólar
travelled third times during his episcopate, including his consecration, although he had
not been abroad before his consecration. It is difficult, however, to regard the case of
Guðmundr of Hólar, as typical career of the Icelandic bishop. Both his second (1214-18)
and third journey (1222-26) took place in response to the summoning of the archbishop.

\textsuperscript{389} DN VI-44 [31/01/1279].
\textsuperscript{390} Jón Viðar Sigurðsson 2003a: 136.
In fact, as Magnús Stefánsson and Jón Viðar Sigurðsson note, his second journey is the first time that the archbishop summoned the Icelandic chieftains and bishop(s) to his court in Norway, although the most of the chieftains neglected the summoning.\(^{391}\)

If we exclude his case from the comparison, the oldest example of the visit of the Icelandic bishop to the mainland Norway except for the consecration dates back to 1229, when Magnús Gizurarson of Skálholt, rival as well as contemporary colleague of bishop Guðmundr of Hólar, travelled to Norway (to 1232) together with two chieftains, Gizurr Þollvaldsson and Jón Snorrvason.\(^{392}\) It was about the period that King Hákon of Norway also began to interfere in political affairs in Iceland, and among others, summoned the chieftains to his court.\(^{393}\) During his stay in Norway, Magnús probably confronted there with some innovations in the ecclesiastical administration in the province, including the payment of *subsidiun pallii*;\(^{394}\) although he seemed to have not felt any reluctance to introduce some liturgical reform, current in Norway, during the 1220s.\(^{395}\) At least the original purpose of his visit must have derived mainly from the ecclesiastical concern, since it is the archbishop, Þórir, not King Hákon, who called him alone.

During his stay in Norway, however, the cathedral chapter of Nidaros and king Hákon first allied themselves in order to implement the church reform in Iceland in accordance with the Norwegian standard.\(^{396}\) In 1230, the chapter called bishop Guðmundr of Hólar, and the king and jarl Skúli summoned the chieftains to Norway in joint names.\(^{397}\) Therefore, it is difficult to exclude the political background from this journey of Magnús from 1229 to 1232. Similar to the case of the Orkney Isles, it is reasonable to assume that the political incorporation of the ‘Norwegian dominion’ and the more tight control of the archbishop came hand in hand also in Iceland.

It should be noted here, however, that even the royal support was not always enough to press the claim of the Norwegian church or archbishop, especially in the first phase of the incorporation of Iceland into the ‘Norwegian dominion.’ In fact, this first

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\(^{392}\) *IÆ* IV, a. 1229, 1232 [Storm (utg.) 1888: 128sq.]

\(^{393}\) Waerdahl 2006: 95sq.

\(^{394}\) Bugge (utg.) 1899: 191sq.

\(^{395}\) *DFI*, nr. 117: 423-63 [1224]; See *RN* I, nr. 511: 171 concerning the identification of the text.

\(^{396}\) Johnsen 1955: 220. The archbishop Þórir (II) died in 1230, therefore the archbishop of Nidaros was vacant at that time.

\(^{397}\) *IÆ* IV, a. 1230 [Storm (utg.) 1888: 128].
royal as well as ecclesiastical intervention to Icelandic affairs in 1230 got any positive reply neither from the secular chieftains nor from bishop Guðmundr.\footnote{Jón Jóhannesson 2006 (1974): 210sq.} After the Norwegians took over the Icelandic see and episcopal election after 1238, at least one of them, Bóttólfur of Hölar, was almost expelled from his see in 1243, only a few years after his consecration and arrival in Iceland. As a countermeasure, archbishop Sigurðr inflicted the excommunication upon the whole northerner in Iceland.\footnote{\textit{IA} IV, a. 1245 [Storm (utg.) 1888: 131].} The situations of Guðmundr and Bóttólfur remind us of the German missionary bishops, consecrated to the see in the missionary field in the 10\textsuperscript{th} and 11\textsuperscript{th} century Scandinavia. The primary motive of their consecration was to increase prestige of the archbishop of Hamburg-Bremen, including whole Scandinavia in its missionary archbishopric until 1103/04. Few of them could administer their pastoral duties in the missionary field for long, or even would go to his place to work, without the solid support from secular rulers in the field, i.e. Scandinavia.\footnote{Compare the account of Adam of Bremen, concerning the deeds of Adalwalthus the senior with that of Achilinus, his predecessor as well as a former canon of Cologne. Adam IV-23. [Trillmich und Buchner (hrsg.) 1978: 466].} Iceland in the 1230s and 1240s was still on the way to the first stage of the political incorporation into the ‘Norwegian dominion’.\footnote{Krag 2000: 134-37.}

The attendance of bishops from the oversea dioceses to the events in 1247 also epitomizes such complexity of the ‘diplomacy’ and the church policy from the fourth decades of the 13\textsuperscript{th} century. As we have seen in the Chapter 3.2, the coronation of king Håkon and successive events in the summer of the year 1247 can be first of all characterized as a corporation between the king, Håkon Hákonarson, and the papal legate, William of Sabina, not primarily the victory of the authority of the archbishop. Both Heinrekr of Hölar and Óláf of Greenland, two oversea bishops probably present at the council, did not travel to Bergen in response to the summoning from the archbishop. At least the former was of Norwegian origin, and both of them had stayed in Norway for a while after their consecration.\footnote{\textit{IA} IV, a. 1246, 1247 [Storm (utg.) 1888: 137sq.].} Moreover, it should be emphasized that Óláf’s alleged presence in the coronation and successive events is probably not solely due to the ecclesiastical concerns. The Icelandic Annals notices that it is not only Óláf who was consecrated the year 1246. Pétur, another bishop consecrated in the same year and former
chaplain of the bishop of Bergen,\textsuperscript{403} was presumably consecrated in the same occasion as Óláfr, but no source tells us that he was present at the council. \textit{HsH} specifies that Óláfr was delegated to Greenland with the same business as Bórr kakali and Heinrek of Hólar, to persuade the folk of the land to bow to the authority of the king and to carry out the obligation of the tax.\textsuperscript{404} Three ambassadors to the North Atlantic Isles comprised both of laymen and of clergy, and their mission were directly given by the king Hákon Hákonarson, supported by the sanction of papal legate William of Sabina.\textsuperscript{405} Thus, it is likely that Óláfr stayed in Norway because of either pragmatic reason or above mentioned political purpose,\textsuperscript{406} or both two, which is the most likely interpretation of the course of the events.

From 1250 to 1252, both Sigvarðr of Skálholt and Heinrek of Hólar went out from Iceland to Norway. It was the first time that both of Icelandic bishops came to Norway, absent from their see in Iceland at the same time. According to Jón Jóhannesson, primary purpose of their journey was to discuss the amendment of the Church Law with the archbishop.\textsuperscript{407} In course of the latter half of the 13\textsuperscript{th} century, the Icelandic bishops increasingly paid a regular visit to Norway. During 1250-1300, whereas bishop of Skálholt was absent from Iceland in ca. 20\% of his episcopate (10/50 years), about once in every eight year, his colleague of Hólar stayed in Norway a bit longer than him (15/50 years), about once in every five years. In addition to the year 1250-52, both bishops were absent from Iceland in 1279-80, and probably also in 1290-91.\textsuperscript{408}

The primary motive of their journey to Norway, especially to Nidaros is not always to decide single matter. It is hard to deny, however, that their ecclesiastical concern played an important role at least to the same extent as the political necessity. Concerning the absence of both bishops from Iceland, discussed above, the archbishop held provincial councils in Bergen (1280) and Nidaros (1290) respectively.

\textsuperscript{403} \textit{DN} VI-71. [1309]; He was transferred to the see of Bergen in 1257. Kolusrud 1913: 221, 288.
\textsuperscript{404} \textit{HsH}, Ch. 257. [Vigfusson 1964 (1887): 252].
\textsuperscript{405} It is the papal legate William of Sabina himself who consecrated Heinrek in 1247, not the archbishop Sigurðr as he usually did. \textit{Arons saga}, Ch. 22. [\textit{Sturlunga saga}, ii, 277].
\textsuperscript{406} Not Nidaros, but Bergen in the summer was a departure point and time to the route to Iceland and further. Mageroy also notes that the king owned his own ship to sail to Greenland. Mageroy 1993: 60-62
\textsuperscript{408} \textit{IA} IV a. 1279, 1280, 1288, 1290, 1291 [Storm (utg.) 1888: 141-43].
We do not have enough sources to reconstruct the direct visit of the other suffragans in the province of Nidaros at our disposal, but fragmentary accounts suggests that they paid a visit to Norway primarily based on the political necessity. As I mentioned earlier in 3.3.3, Richard of the Sudreyar mediated between king Håkon and archbishop Einar together with Mágnus Håkonarson in 1260, although the source tells us nothing about the background of his stay in Norway then.\textsuperscript{409} Similarly \textit{HsH} lists Heinrekr of Orkney as one of the people who stayed besides the death-bed of king Håkon,\textsuperscript{410} but it is not sure whether he took part in the expedition to Scotland from beginning, or joined the fleets in the middle of expedition in the Orkney Isles (which is more likely).

B) Provincial Council as a Means of Communication between the Archbishop and his Suffragans

Summoning suffragans in whole the church province to the meeting is one of the oldest businesses of the archbishop. We come across the oldest example of holding the regular meeting of churchmen from one church province at least from fifth century on.\textsuperscript{411}

It is natural that council meeting in medieval Scandinavia presupposes the establishment of the Scandinavian or each country’s church province. The oldest provincial council in medieval Scandinavia dates back to 1139, circa 30 years after the elevation of Lund to the archbishopric. This provincial council of Lund in 1139 is actually the sole provincial council cover whole Scandinavia: In addition to five Danish bishops, two Swedish bishops and two bishops from the later province of Nidaros, namely Sigurðr of Bergen and Ormr of the Faeroes, and also, the papal legates Theodignus, were present at the council.\textsuperscript{412} After the establishment of the church province in three Scandinavian kingdoms, however, provincial councils in medieval Scandinavia were often almost identical with the national political assembly.\textsuperscript{413} As for Denmark and Sweden, it is justifiable to accept this observation of Dahlerup without much modification, since territories of these two medieval kingdoms in Scandinavia roughly corresponds with the church provinces of Lund and Uppsala. It was only the case of Norwegian church

\textsuperscript{409} \textit{HsH}, Ch. 302 [Vigfusson 1964 (1887): 310].
\textsuperscript{410} \textit{HsH}, Ch. 329 [Vigfusson 1964 (1887): 354].
\textsuperscript{411} Hinshius 1959 (1869): 3-5.
\textsuperscript{412} \textit{DD} 1-2, nr. 77, s. 148 [August 1139]
\textsuperscript{413} \textit{KLN M XIII}, s.v. Proviszialkonsil (Af Troels Dahlerup), col. 530.
province of Nidaros that stretched out of Scandinavian Peninsula over the North Atlantic and therefore it could be problematic to apply such observation.

The origin of *Canones Nidrosiensis*, the oldest evidence of Norwegian provincial council in the Middle Ages, has been much disputed. Whereas the older scholars such as Johnsen have attempted to date this statute back to the alleged oldest provincial council as well as national assembly, held in 1152/53 when the cardinal bishop of Albano Nicholas Breakspear visited in Norway,\(^\text{414}\) some scholars prefer the younger date, i.e. 1170s or even later.\(^\text{415}\) Lately Bagge inclines to argue for the oldest redactor of the statute, Holtzmann, about the dating. According to their opinion, the statute dates from the time of Eystein, second archbishop of Nidaros (1161-88), and more precisely, probably from the year 1163/64, when the second oldest national assembly was held at Bergen to enthrone the infant king Magnúss Erlingsson.\(^\text{416}\) Five bishops within the church province, in addition to the archbishop Eystein and the papal legate Stephanus of Orvieto, took part in the ceremony.\(^\text{417}\)

Regardless of the dating of *Canones*, however, it is unlikely that bishop from the oversea dioceses from the North Atlantic in the twelfth century visited the mainland Norway to turn up at the provincial council unless they had other businesses there. To take an example, the coronation of Magnúss Erlingsson and the allegedly subsidiary provincial council in 1163/64 were one of the most important political as well as ecclesiastical events in the late twelfth century. The text of *Heimskringla* specifies, however, that the number of the bishops who were present at the national assembly were only five, and there was only one bishop, Brandr of Hólar, who held his bishopric outside the political and geographical border of twelfth-century Norway.\(^\text{418}\) Furthermore, it should be pointed out that Brandr did not travel out from Iceland only for the council. He was consecrated in September 1163,\(^\text{419}\) so it was no wonder that he also attended the ceremony, since four two of the four other suffragans of Eystein in Norway who had come to Bergen must have played a role of coadjutor in consecration of Brandr.

As shown in the Chapter 2, bishops not only from the mainland Norway, but also

\(^{414}\) Johnsen 1945: 139sq., 195-230; *LDNH*, ss. 140-42 (Commentary for nr. 7).
\(^{417}\) *IF* XXVIII: 397sq.
\(^{418}\) *IF* XXVIII: 395.
\(^{419}\) *Hungrvaka*, Ch. 10 [*IF* XVI: 39].
sometimes from Orkney and the Faeroes took part in political assemblies held in Norway from ca. 1215 onward. Their participation to the assemblies presupposes a political importance of the bishop in the twelfth and thirteenth century Norway. According to Helle, bishops at that time were counted as regular members of such political assembly.\(^420\) We can surmise that such assemblies would function also as a meeting forum for the church dignities within the church province in which the archbishop could consecrate a new bishop with his suffragans, and communicate some important notices to them. In other words, it is not easy to distinguish the establishment of ‘proper’ church meeting from the other kind of political assemblies in thirteenth century Norway.

As we discussed in the Chapter 2, it is not so easy to separate the provincial council from the other sort of national assemblies in the 12\(^{th}\) and 13\(^{th}\) century. So far, no comprehensive study has been done as for the development of medieval ecclesiastical council in Norway, especially for the 13\(^{th}\) century.\(^421\) We can mainly list two reasons for this state of historiography. One main reason is the dearth of the relevant sources. As Nilsson pointed out, the direct evidence of the Norwegian provincial council is currently only extant in form of the later copies, translated into Old Norse and inserted into the 14\(^{th}\) and 15\(^{th}\) century MSS.\(^422\) Moreover it is difficult to distinguish the ecclesiastical convention from the other political assembly in Norway at that time. As Helle illustrates in his work, many political assemblies were held from the middle of the 12\(^{th}\) century, and the archbishop and his suffragans were regular participants, i.e. ‘good men’ in these assemblies in the 13\(^{th}\) century.\(^423\) Among others either the king or the archbishop himself frequently summoned both the secular and ecclesiastical dignities to the assemblies in the 3\(^{rd}\) and 4\(^{th}\) decades of the 13\(^{th}\) century, owing to the political tension between the king and jarl Skúli, his father-in-law as well as the most prominent and powerful aristocracy in the country.\(^424\) The archbishop could make use of such political assemblies as a substitute for the ecclesiastical council in a sense that the assembly offered the archbishop an occasion to communicate with his suffragans. Furthermore, the archbishop also could use the

\(^{420}\) Helle 1972: 215.  
\(^{421}\) *KLM* XIII, col. 528, s.v. Prosinsialkonsil (av V. Skånsland); Nilsson 2000: 32-38.  
Liltvedt 1991 contains the translation of the provincial statutes from 1280 onwards, but it doesn’t concern much with the council itself.  
\(^{422}\) Nilsson 2000: 34.  
occasion of consecrating a new bishop as a meeting with them, since he required at least
two of them as assists in case of consecration. The entries of the Icelandic Annals from
the year 1220 to 1240 show that the four, although in fact three, archbishops consecrated
10 new bishops, and that they celebrated consecrations for them at least five times.\textsuperscript{425} Hence it seems to be not so easy to discern the activity of the archbishop in distinctly
ecclesiastical sphere.

Nevertheless, it is important to put more emphasis on that we can detect some
indirect indications of the more intensified communication between the archbishop and
his suffragans, i.e. the ecclesiastical/ provincial council, from about 1230 onwards, as
both Nilsson and Helle suggest the possibility that the councils were held more often than
the sources explicitly mention.

The first case I wish to illustrate here as an example of the more ‘genuine’ church
council is somewhat puzzling complex of the events in year 1226. On the one hand, the
archbishop Pétr cancelled the meeting with king Hákon and jarl Skúli in Bergen in 1226.
\textit{HsH} tells us the course of events, which resulted in the departure of the archbishop before
the arrival of the king.\textsuperscript{426} According to the saga, it was the jarl and archbishop who
invited the king to the meeting. In spite of his cancel of meeting with the king, on the
other hand, the archbishop consecrated four new bishops, Simon to the Sudreyar, Árni to
Bergen, Askell to Stavanger, and Ormr to Oslo, in that year before his death (on 9\textsuperscript{th}
of October, in the same year).\textsuperscript{427} Joys argues that Hallvaldr of Hamar and Guðmundr Arason
of Hólar, expelled from his diocese in Iceland and stayed in Norway at that time, were
required to present their consecration as assistants of the archbishop.\textsuperscript{428} In other words,
these seven ecclesiastics, including the archbishop Pétr and two oversea bishops, i.e.
Guðmundr and newly consecrated Simon of Suðreyer, gathered together for the
Norwegian church’s sake in the year. Helle further points out the possibility that the
archbishop originally intended to meet the king and celebrate the consecration of the
suffragans at once in Bergen.\textsuperscript{429} According to his hypothesis, it is likely that the bishops

\textsuperscript{425} \textit{IA} IV, a. 1220-1240 [Storm 1888: 125-30]. Of four archbishops of Nidaros at that time,
Þórir (II) from Trøndelag (r. 1227/8-30) consecrated no new suffragan to his church
province.

\textsuperscript{426} \textit{HsH}, Ch. 142, 147. [Vigfusson 1964: 122sq., 128].

\textsuperscript{427} \textit{IA} IV, a. 1226 [Storm (utg.) 1888: 127].

\textsuperscript{428} Joys 1948: 211sq.

\textsuperscript{429} Helle 1972: 139.
were also expected to take part in the political meeting, which concerned a significant political issue at that time, i.e. reconciliation and the division of the kingdom with the Ribbungs.\footnote{Helle 1974: 110.} Nevertheless only Simon of Sudreyar, of the six bishops summoned to the consecration, stayed in Bergen and waited the king. It was clear that Simon was also delegated as a political envoy from the ruler of the Western Isles who sought the political backing of the king of Norway against his rival.\footnote{Beuermann 2006: 330sq.} For the rest of them, however, it is more important to comply with the request of their superior, the archbishop, than to involve in the ongoing political issues in the kingdom.

As we looked closely at the chapter 3.1, the sequence of the papal letters dispatched in the year 1237 reflects the preceding provincial council, or, at least some sort of the church meeting comprising of the archbishop and representatives of his suffragans. Similar kind of approach to reconstruct the provincial council is also valid from the year 1229, in which the archbishop Þórir allegedly held a provincial council and mediated the conflict between the monastery Hovedøya and the bishop of Oslo according to the 17\textsuperscript{th} century register.\footnote{\textit{DN XVII-864} [1229].} In both cases, we cannot confirm the existence of the council from other sources, especially the account of contemporary saga, \textit{HsH}. In other words, the absence of the mention about the ecclesiastical meeting in \textit{HsH}, generally oriented in the political history, means that the meeting probably did not so directly concerned ongoing political affairs in the kingdom. Hence we can surmise that the first step towards separation of the church meeting as a provincial council from the secular assembly took part in 1230s, at least from the perspective of the archbishop.

About 40 years later, in the summer 1277, Árni of Skálholt heard from the archbishop that he would hold a provincial council in two years, and that he therefore summoned both bishops from Iceland.\footnote{\textit{Árna saga}, Ch. 46 [\textit{IF XvII}: 66].} Certainly, Árni first met king Magnús in Norway, but it is worthy of remarking that the bishops in the oversea dioceses went abroad to Norway not primarily in response to the king, but to the calling from the archbishop to the council. In this council of Bergen, the archbishop and his suffragans protested together against the violation of the ecclesiastical jurisdiction and the new tenth
law under the regency of the infant king Eiríkr.\textsuperscript{434} In short, the primary purpose of the journey of two Icelandic bishops was ecclesiastical cause, in response to the calling from Archbishop Jón. Now the archbishop settled the division between the ecclesiastical and the secular authority with the concordat of Tunsberg (1277), and attempted to exhibit his position of the highest authority in the former sphere by presiding over the provincial council, with the suffragans, summoned from overseas dioceses.

As Hildonen remarks, this provincial council of Bergen is a turning point in different ways, for the history of the provincial council in Norway.\textsuperscript{435} Among others, the primary significance of the council for this thesis is that the suffragans from the overseas dioceses at large visited Norway on ground of ecclesiastical concerns. In addition to the four suffragans in the mainland and two bishops, Árni and Jörundr from Iceland, two bishops from the North Atlantic, i.e. Erlendr of the Faeroes and Marcus of the Sudreyar were also present at this Council of Bergen in 1280.\textsuperscript{436} In fact, the Council of the Bergen records the maximum participant of the suffragans of all the church meeting held in Norway during the Middle Ages. Despite of the absence of Óláfr of Greenland and Pétr of Orkney, this provincial council of Bergen can be characterized as a climax of the metropolitan authority over the ‘Norwegian dominion.’

The background of the last two participants of the council, i.e. Erlendr of the Faeroes and Markús of Sudreyar, also illustrates interesting features of the council. If we believe the statement in the appeal in 1309, Erlendr and two of his predecessors, Pétr and Gauti were canon of the cathedral chapter of Bergen.\textsuperscript{437} In addition to the consecration by the archbishop of Nidaros, the bishops of the Faeroes were also bound by this social background with the Norwegian mainland. In fact, Erlendr was the most active bishop of all the suffragans in overseas dioceses who took part in ecclesiastical affairs in Norway at a turn of the 13\textsuperscript{th} and 14\textsuperscript{th} century. During 39 years of his episcopate, he participated in three provincial councils in 1280, 1290, and 1306 respectively.\textsuperscript{438}

On the other hand, the presence of Markús of Sudreyar shows the establishment of

\textsuperscript{434} Haug 2003: 99.
\textsuperscript{435} Hildonen 1977: 102.
\textsuperscript{436} Árna saga, Ch. 56 [IF XVII: 79sq.]; NgL, iii (1849): 229 (langre bearbeidelse), 238 (kortere bearbeidelse).
\textsuperscript{437} DN VI-71 [04/03/1309].
\textsuperscript{438} NgL, iii (1849): 229 [1280/ longer reduction]; 238 [1280; shorter reduction], 241 [1290], 243 [1306]
the metropolitan authority in another way than his colleague Erlendr. Markús was from Galloway, Scotland,439 and Woolf argues that his appointment to the see of Sudreyar was one of the expansionist policy of king Alexander III of Scotland.440 Although the bishopric of Sudreyar belonged to the church province of Nidaros, the political dominance of the Norwegian king over the Isles of Man and Western Isles had been lost by the treaty of Perth. Notwithstanding, Markús took part in the provincial council, far away from his diocese in the Irish Sea. Whereas his predecessor Richard the Englander visited Norway mainly on political ground, he did not have an incentive to visit Norway and to take part in the council other than the ecclesiastical concern.441

Once the Norse colonies had been incorporated in the political order of ‘Norwegian dominion’ and the relationship between these land and Norway had been established, the archbishops of Nidaros in the 13th century could interfere in ecclesiastical affairs in the oversea dioceses, independent of the king to some extent. The presence of oversea bishops, at least in the last decade of the period treated in thesis, did not owe entirely to the political relationship between Norway and skattland, under the political dominance of the king of Norway. Along with two concordats between the crown and the church, the distinct metropolitan authority, independent of the secular one, gradually emerged in church province of Nidaros over the North Atlantic from the middle of the 13th century.

439 Munch (ed.) 1860: 30.
441 According to the Manx Chronicle, he was thrown out from the see and the interdict was imposed on the inhabitants for three years. Possibly this expulsion can explain his presence at the council of Bergen. In this case, however, it should be noted that Marcus preferred Nidaros, the place of his consecration, to Scotland, the foothold of his political patron, King Alexander III. Munch (ed.) 1860: loc.cit.
5. Concluding Remarks

5.1. Summary of the Discussion

After the serious rupture between the secular and sacerdotal authorities in Norway, ended with the death of King Sverrir in 1202, the urgent task for the archbishop of Trondheim/Nidaros was to establish the peace and the accord in the mainland. It was not until the settlement of Kvitsøy in 1208 that archbishop Þórir did not actively promote his ‘expansionist’ church policy over the North Atlantic. In the end of his archiepiscopate, Þórir was again entangled with the conflict between the political factions in Norway. At that period, the principle of metropolitan authority, based mainly on the Canon Law, was still underdeveloped, or not well-observed in Norway.

The process of incorporation of the Orkney Isles from ca. 1190 to 1220 illustrates this characteristic of the metropolitan authority at that period. Before ca. 1200, the bishop of Orkney seldom got in touch with the archbishop of Nidaros except for the consecration. This situation was more or less applicable to all the oversea dioceses in the province of Nidaros. Contrary to the accepted theory, the political subjugation of the secular ruler, the jarl of Orkney in 1195 and 1210 came first, then the incorporation of the Orcadian church and bishop into the metropolitan network of Nidaros took place. Hence, the establishment of the more regular communication between the metropolitan of Nidaros and his suffragan, bishop Bjarni of Orkney, presupposes the political incorporation of the bishopric under the political influence of the king of Norway.

Up to the middle of the 13th century, on the other hand, the contact between the Papacy and the Norwegian church was fairly limited. It was the archbishop who represented the papal authority, and initiated the extensive church reform in name of popes. Hence the papacy remained distant figure for most church institutions in Norway. The foundation of the metropolitan authority might be not so defined in detail and lacks the power of enforcement, but no one dare to challenge his authority as a top of the church organization in the province, at least after the death of Sverrir.

The visit of William of Sabina in Norway in 1247, to enthrone King Hákon of Norway, changed this situation. Whereas the papal concern with Norway, a peripheral country in the northernmost part of Latin Christendom, was transient one, due to the ongoing antagonism between Emperor Frederick II and popes, it was certainly a monumental occasion for the Norwegian side. Now local churchmen and church
institutions alike recognized the Papacy as a source of the ecclesiastical authority.

In the latter half of 13th century, some church institutions competed in the race of establishing the direct contact with the Papacy, bypassing the metropolitan authority, to strengthen their position in the province. This trend could work both in positive and negative way for the archbishop. It is evident that not the all local church persons and institution could afford to get in contact with the Papacy. First of all, they had to be familiar with the Canon Law, and the modes of procedure in the Papal curia. Members of the cathedral chapter now emerged as a key figure for the direct contact with the Papacy. This would be in favor of the archbishop to strengthen their control over the oversea suffragans, since most of the oversea dioceses did not have the cathedral chapter and still relied on the archbishop as an intermediary. In sum, however, the wind blew against the metropolitan authority, despite of the papal negligence in general. Now the archbishop of Nidaros had to be conscious of these developments within his province and defend their position.

From 1230s onwards, just before the legation of the cardinal legate in Norway, the archbishop of Nidaros showed a considerable interest in the contemporary development of the Canonical discourses on the church authority in Europe. He was not only interested in their theoretical side, but actively made advantage of them. In other words, the archbishop put them into practice, on ground of a series of the papal privileges, newly sought from the Papacy. The Canonical discourses such as on the electoral body of the episcopacy, the illegitimacy of the candidate, the right of devolution, offered the archbishop more excuses to interfere in the election of suffragan than before, in order to get tighter control over the province. This ‘armament’ of the metropolitan authority with the privileges and new discourses lead also to the change of the nature of the metropolitan authority in course of the 13th century. Now the metropolitan authority relied less on the favor of the secular authority, or, the king of Norway, than the beginning of the century.

It was not only the regulation on the ordination, however, but also the regulation on the communication within the province, that the archbishops of Nidaros made use of this new development, firstly proposed in Lateran IV. They began to introduce various means of communication, such as the obligation of visiting the archbishop in a regular interval and the provincial council, to connect their suffragans more closely with them, although we have to wait for the completion of these institutions until the next century.
As a result of this transformation in course of the 13th century, the metropolitan of Nidaros now emerged as a stronger ecclesiastical authority within the church province of Nidaros, founded on the canonical discourses and more independent of the political influence of the king, latest since 1270s. This transformation of the metropolitan authority synchronized with the recurring conflict between the secular and the ecclesiastical authority, resulted in the Concordat of Tunsberg. Then, the Norwegian church, headed by the archbishop of Nidaros, firmly established her position within the ‘Norwegian dominion’ as well as the church province of Nidaros.

5.2. Further Perspectives

In 1294, the members of the cathedral chapter of Nidaros published the testimony of their right against the archbishop, in six joint names. Although the testimony itself is written in Latin, the important point to note, as Lars Hamre already remarks, is that the document was composed in accordance with the canonical, or Roman civil law principle. Now the archbishop and the cathedral chapter, two-pillars of the ecclesiastical authority over the church province of Nidaros, began contending each other. Hence, the importance of the cathedral chapter for the ecclesiastical administration of the province was expected to increase even more, after the period concerned in this thesis.

On the other hand, the more regular contact of the oversea bishops with the metropolitan of Nidaros was likely to lead to some innovations of the local ecclesiastical administration under the bishop in the oversea dioceses. To take an example, Icelandic bishops in the 14th century are known to have employed a certain clergy as officialis, his deputy during his absence in Norway, although few researches have done concerning the nature, and especially, transformation of the office and comparison with other ecclesiastical ‘officials’ in and out of the province of Nidaros.

Neither aspect of these ecclesiastical administration, central-provincial nor regional-local, have attracted attention from Norwegian as well as foreign historians. A foreseeable extension of this thesis would be to examine such transformation of the ecclesiastical institution, both of central and local, and especially, the correlation between them, from long-ranging point of view well into the 14th century.

442 DN III-34 [1293-94].
443 Lars Hamre 2003: 192sq.
**Abbreviations**

*APS: Acta pontificum Svecica*

*CM: Chronica regum Manniae & Insularum*

*DD: Diplomatarium Danicum*

*DI: Diplomatarium Islandicum*

*DN: Diplomatarium Norvegicum*

*HsH: Hákon's saga Hákunarsonar*

*IA: Islandiske Annaler indtil 1578*

*ÍF: Íslensk fornrit*

*KLNM: Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*

*LDNH: Latinske document til norsk historie fram til år 1204*

*LMa: Lexikon des Mittelalters*

*OS: Orkneyinga saga*

*PNRD: Pavelige nuntiers regnskabs- og dagbøger, førteunder tiende-opkrævningen i Norden 1282-1334*

*RN: Regesta Norvegica*

*Sturlunga saga: Jón Jóhannesson, Magnús Finnbogason og Kristján Eldjárn (utg) 1946, 2bd.*
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