

# Letter of Pope Nicholas I to King Charles the Bald, 25 Jan 867

Edition: Perels, no. 48 [https://www.dmgh.de/mgh\\_epp\\_6/index.htm#page/329/mode/1up](https://www.dmgh.de/mgh_epp_6/index.htm#page/329/mode/1up)

Manuscripts: Paris lat. 1557 fols. 44-46 (9<sup>th</sup>-C); Vallicelliana C 15, fol. 181v; Paris lat. 3859a

**WORKING TRANSLATION by CW, December 2020**

Bishop Nicholas, servant of the servants of God, to his beloved son the glorious King Charles.

Nothing brings pain as much as frustrated hope, and nothing injures the mind as much as bad news coming unexpectedly. Let me explain what I mean.

We recall that amongst the other religious guardians of the holy Church of God and strenuous defenders of the truth, there was no one more concerned by the suffering of the glorious queen Theutberga than you, and no one who has sympathised more with her problems. When her brother was alive, you brought his case to the apostolic see, and you maintained her with the generosity of your munificence for no little time, and you often strove to exhort us to come to her aid. So the apostolic see, observing that you held such love for her, and since it was not able to resolve her case quickly because of the stubborn obstruction of perversity, committed her to your protection and merciful defence, as God watched on and the holy St Peter, prince of the Apostles, assisted.

But now, according to what we have heard, King Lothar has again risen up armed against this Theutberga, and he is said to have entered into a pact with you, that he might be able to join your assent to his wicked intention. The rumour spreading far and wide claims that you have you have agreed to his destruction of Theutberga in exchange for a certain monastery in his kingdom. If this is true, as many claim, it is vehemently to be grieved at and bitterly to be deplored. That is, that instead of the pious advice of the past, you give advice of an inverted impiety, and that you who till now gave favour to justice now give assent to iniquity. O incomparable harm! O ineffable loss of the compassion of a pious king!

But may this not be the case with such a pious king, may it be far from the hearts of the faithful to believe these things of such a devotee of Christ. It should rather be believed that those people should be reprehended who imitated Baalam, who gave counsel against those he had asked to follow even in death, and when he found an opportunity for avarice, at once forgot whatever innocence he had aspired to. And since we cannot yet bear to believe in full that you offered agreement to wickedness, it remains that we should steer our pen to exhort you to finish the pious and incomplete work towards this queen. For behold what the Truth says: 'Whoever perseveres to the end will be saved' [Matthew 10:22]. Behold what is written about blessed Job, offering a continuing sacrifice: 'Thus Job did for all his days' [Job 1:5]. <p. 330> The blessed Gregory expounds on this, saying: 'His holy action was shown in sacrifice, his constancy of action in sacrifice was shown in all his days' [*Moralia in Job*].

With all these things having been set out, we wish your Excellency to know that King Lothar has subjected Theutberga his spouse to varied afflictions and innumerable pressure, against the oaths he offered, to such an extent that she is now forced to write to us, to say that she now wishes to be divested of the royal dignity or bond, and desires henceforth to be contented with a private life alone. We have written back to say that that this can only happen if her spouse Lothar chooses the same life.<sup>1</sup>

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<sup>1</sup> Letter 45.

In truth, as we have heard from many people, Lothar has decided to hold a council and is planning to submit Theutberga to an examination and judgement. Then if it can be shown through false trickery or riddling argumentation that she was not his legitimate wife, he will at once remove her from himself. If not, he wishes to accept her as if his legitimate wife, but will then pretend that she has committed adultery, and for this he will force one of her men to a duel, and if the queen's man falls, then he will kill her without delay.

The greatness of your Prudence will immediately understand how far removed these things are from all divine law and the law of the holy fathers. But we wish to illustrate this here in brief, first of all pointing out that Theutberga should not be called up again for another response to the previous controversy. What has been properly decided once and settled with oaths should not be repeated again, except perhaps before a greater authority. Moreover, whoever seeks the refuge of the church and requests an ecclesiastical judgement should not be submitted to the judgement of secular men. Finally, since we were called upon as the judge by both parties, that is by both Theutberga and Lothar, and we pursued each one's controversy, it is not fitting to seek other judges on this matter, since according to the holy canons it is not allowed to appeal from judges chosen by common consent. And when appeal is granted, it is only to possible to appeal to a greater authority. Since there is not any greater authority than the authority of the apostolic see, which has pursued the case of each, we do not understand that it is possible to anyone to appeal against its judgement or to retract its decision. Thus as church law and ancient custom carefully declare, we know that judgements have been taken to the apostolic see and that it has dissolved the judgements of others, but we do not know that there has ever been an appeal from the apostolic see, or that its decision has ever been violated.

Who cannot see that Lothar's allegation of Theutberga's adultery is full of deception and iniquity? For if she is not his wife, as he claims, why does it fall to him to draw up the accusation about her adultery, since she cannot commit adultery if she is no one's wife? But if she is accused of adultery by Lothar and punishment is prepared if she is convicted, then it follows that she should be declared to be his wife. Does he not work in vain, worry over and seek to prove in whatever ways and with whatever arguments that she is not his wife? It is necessary, I say, that she is declared his wife before this whole controversy, if he thinks that she can be attacked for adultery. She wished to clear herself of this accusation in the presence of our envoys, but he did not accept it.

<p. 331> In truth we do not find that the duel was ever commanded to be taken into the law. For although we read that some people took part, as the holy history says about David and Goliath, never does divine authority permit that it can be held to be a law, since it and those acting in this way seem only to be tempting God.

These things having been said, we earnestly beseech your Beloved that the care and solicitude and help and assistance that you have always warmly showed to this woman should not be chilled by any agreement nor cooled by any treaty. But rather, as much as the heavenly forces arrange, let your twin Charity permit no harm to her in any fashion, lest if any harm should befall her, you will be compelled to give account for it in the terrible judgement of God, since while God watched and on behalf of the prince of the Apostles, whose defence she has obtained, we commended her to your protection for safe-keeping. At the last moment and when no remedy for her safety and immunity can be found, and a most certain death looms over her, take her on yourself, and until whatever God will reveal about her is arranged, nourish her within your kingdom, and administer to her the accustomed beneficences of your Piety, and only then finally, if anything is charged to her, let her enemies prosecute her, provided we have given permission. But note that we permit this only because it is known to you and to those who understand with us that there is no hope remaining of Theutberga's safety.<sup>2</sup>

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<sup>2</sup> Nicholas's point here seems to be that he is permitting the separation of the spouses only in exceptional circumstances.

Moreover, whether the judgement is to be about the bond of marriage or the crime of adultery, it is clear that Theutberga cannot reasonably enter into a legal conflict with Lothar or undergo a legitimate challenge in the dispute unless she has been already returned for some time to her powers, and freely associated with her own kin. A place must be provided for in which there should be no fear of the crowd's might, and it is not difficult to gather witnesses and other people, who are required for such disputes by both the holy canons and the venerable Roman laws. We say this not to command that it happens, since we have taught above that it cannot happen without our decree or command, but to demonstrate the conflict of laws that Lothar asserts he can deal with, when he takes the person, who he every day in private wears out and beats down, to judgement whenever he likes and returns her to the cloister whenever he likes. And when she is brought out, who can tell to how many evils she has been subjected that she should say nothing except what has he has commanded to her? It is appropriate for her who wishes to show that she is free of the accusations to be returned to her full liberty and to be freed from all the oppression and power of him with whom there is a conflict, and to avail herself of her supporters and to be remote from untrusted people.

But now let us put an end to this letter, my dearest son, advising you always to remember what we noted above about the good works of the blessed Job, and always to have before your eyes the case of this oft-mentioned queen. For anything carried out praiseworthy is in vain if the person does not follow it through in all the days of his life. And he runs into the arena in vain if he falls before he reaches the designated point. For it is written, 'Woe to those who lose their persistence' [Eccl. 2:16]. 'You run so that you may be caught' [1 Cor. 9: 24].

What we have decreed about Waldrada, the excommunicated fornicator, is not hidden from you. What we wrote to the bishops of Lothar's kingdom about her return to live in Gaul without our permission, you can read in the letter we sent them, <p. 332> whose exemplar we ask your Glory to have copied and sent to the venerable bishops governing the church of the Lord in your kingdom.

Moreover we ask that your Highness will speed the letter addressed to the oft-mentioned king Lothar via some prudent and loyal man, whose exemplar we here have sent to your beloved self.<sup>3</sup> We ask you to do the same with the letter which we have sent to the bishops of his kingdom.<sup>4</sup> It should be known that some of them for the sake of fear or favour will disdain to accept our letter, and others will accept it, but will be afraid to do so openly, or wishing to please Lothar, will even wickedly remove it from the sight of others. So we earnestly beseech that your Wisdom sends our letter to these bishops through a man who will proceed cautiously and pass over none of the bishops to whom it is clear that it has not been given in some way. Once this has been cautiously carried out, we ask to be informed immediately who accepted the letter and who did not, through legates or a letter from your Charity. For although they should all be reprimanded for their too great sloth and laziness, those should be much more severely criticised and punished who as often as they are roused by us, remain sunk in the sleep of a pestiferous torpor, and flee. But before we truthfully know which these are, justice demands that nothing be done definitively on account of their absence or rather ignorance. We wish your Glory to fare well in Christ now and always, my dearest son.

Given on the 8 Kalends of February, 15<sup>th</sup> indiction.

#### **Additional note**

We encourage your Excellence to keep a copy of the letter sent to Lothar to hand, without anyone knowing, until you know that he has completely obeyed our instructions. If he does not cease from his obstinacy, and puts off carrying out what we have requested of him to do, or if he does not retain Theutberga with the honour that is owed to her, let your Highness bring to everyone's attention what

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<sup>3</sup> Letter 46. This letter, not yet available in translation, is similar to letter 45, sent to Theutberga (translated on the *Epistola* website).

<sup>4</sup> Letter 47. This letter is partially translated by David D'Avray in *Dissolving Royal Marriages*.

we decreed to him, and disseminate what we sent to Your Glory here and there, according to the degree of our censure.