

# The First Papal Legatine Mission in Livonia: William of Modena and the City of Riga, 1225-6<sup>1</sup>

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The aim of this article is to assess the involvement of William of Modena (c. 1184-1251) as a papal legate in major matters pertaining to the city of Riga during his first legatine mission to Livonia in 1225-6.<sup>2</sup> In the first part of the paper, the context of legatine missions and that of the office of a legate will be briefly considered in order to better understand the prerogatives of such undertakings. It will be shown that in the case of William of Modena, he was invested with the highest authority a legate could wield, and that the circumstances in which he was commissioned on the mission to Livonia did not explicitly foresee his extensive involvement with the city of Riga. This leaves room for the interpretation that William must have personally perceived certain matters pertaining to Riga highly important, further exemplifying his influence on the early development of the city. In the second part of the article, three specific cases in which William was deeply involved will be analysed. As a result, more can be said not only about the struggles that the young city was facing, but also about its power relations with other authorities in Livonia and the importance of William as a legate in solving these conflicts amicably.

Representation through legation was a device employed by the papacy already in the Early Middle Ages.<sup>3</sup> The frequency of such legations started to rise with the eleventh century Gregorian reform and with the growing importance of papal decision-making, when an increasing number of litigants started to appeal straight to Rome, bypassing the courts of bishops and archbishops that would have

traditionally examined the claims.<sup>4</sup> Partly as a counter-measure, a number of legates with extensive powers and authority were sent out from the papal curia.<sup>5</sup> Essentially, papal legates assumed the political and diplomatic duties necessitated by the papacy.<sup>6</sup> At the same time, crusading movements of the twelfth and thirteenth centuries also required legatine missions to be deployed with increasing frequency, as the popes did not accompany the crusades personally, and therefore needed a representative for the holy affair.<sup>7</sup> Yet, as has been pointed out by James Brundage, the Livonian mission which had begun at the end of the twelfth century, and in many respects resembled a crusade, did not get its own legate until the appointment of William of Modena on 31 December 1224.<sup>8</sup> There had been a number of legates sent to the Baltic rim more generally before William, but none of them were specifically named as legates to Livonia.<sup>9</sup> Pope Innocent III, while emphasising the work of preachers in the conversion of Livonia, had not seen it necessary to deploy a legatine mission there.<sup>10</sup> A refinement to this approach came with the pontificate of Honorius III (1216-1227) who seemed to have planned for a major missionary venture, not only to Livonia but elsewhere outside of Christendom as well.<sup>11</sup> As the framework of this idea remained ambiguous, it cannot be said with certainty to what extent the vision of the pope was utilised. Nevertheless, with his pontificate came a crucial change for Livonia in the form of legatine office.

Not all legates were perceived as equal. While Gratian's *Decretum*, the influential collection of canon law from the twelfth century, did not specify the distinction between individual types of legates, thirteenth-century popes and canon lawyers started to develop a sophisticated classification system for legatine missions. For instance, the *Liber extra*, which became the first officially promulgated canon law collection in 1234, defines the categories of papal legates through their capacity to absolve persons excommunicated for violent crimes against clerics.<sup>12</sup> While the specifics of such divisions of legatine missions differed from canon lawyer to canon lawyer, making the whole classification system during the first half of the thirteenth century ambiguous and confusing, the concept of a papal legate with the highest authority within the legatine office system – *legatus a latere* – had nevertheless taken root by the thirteenth century.<sup>13</sup>

William of Modena was assigned as a papal legate to Livonia on three occasions: in 1224, in 1234, and in 1244.<sup>14</sup> In the letter from 31 December 1224, Pope Honorius III states that '*commissio sibi plenae legationis officio*' [I commission him (William of Modena) with the office of full legation].<sup>15</sup> The same exact phrase can be found in the letters appointing him to his second legatine mission in 1234, and to his third legatine mission in 1244.<sup>16</sup> This seems to indicate that William was invested with the fullest powers that a legate could possibly hold. Indeed, the letters that were sent to William by Honorius III regarding his mission in Livonia did not seem to include limitations to his power but rather the opposite – they included special mandates that many legal commentators would have seen as powers reserved exclusively to the pope.<sup>17</sup> Thus, it seems that in the case of the legatine missions of William of Modena, he could be most closely identified with what was known as *legatus a latere*, a legate with the highest authority.

It is difficult to ascertain what exactly prompted the pope to send William to Livonia but circumstantial evidence can shed more light on this. In 1224, an envoy was sent to Rome from Livonia.<sup>18</sup> The chronicle of Henry of Livonia, finished in the late 1220s, states that '*miserat venerabilis Rigensis episcopus Mauritium, sacerdotum suum, in curiam Romanam, petere sedis apostolice legatum in Lyvoniam*' [the venerable bishop of Riga sent his priest Maurice to the Roman court to ask the apostolic see for a legate to Livonia].<sup>19</sup> The highest spiritual authority in Livonia at that time was the bishop of Riga, who in 1213/14 had obtained a papal dispensation from being subjected to any archiepiscopal jurisdiction.<sup>20</sup> During the first legatine mission of William, the bishop of Riga was Albert of Buxhövdén who held the bishopric from 1199 until his death in 1229.<sup>21</sup> Increasingly over time, the bishop of Riga was faced with competition for authority by the military order of the Swordbrothers (*Fratres Milicie Christi de Livonia*), founded at the turn of the thirteenth century.<sup>22</sup> Different royal powers were also getting involved in the power struggles in Livonia, of whom the most relevant to the legation of William were the Danes who were laying claim to northern Estonia.<sup>23</sup>

Although not confirmed by the papal letters that commissioned William of Modena on his missions, the report by Henry of Livonia claiming that Bishop Albert of Riga had asked for a legate has been seen

as legitimate.<sup>24</sup> There have been various suggestions as to why the bishop requested a papal representative to be sent to Livonia, but the prevailing reason has been that he wished for the conflict between the Church of Riga and the Danes to be solved.<sup>25</sup> This, indeed, seems to be the case; in 1223, Honorius III had given Albert the right – a special privilege – to decide all questions and disputes ‘que ad sedem essent apostolicam referende’ [which ought to be referred to the apostolic see].<sup>26</sup> As the jurisdiction of regions in northern Estonia was contested, the bishop could not claim his universal spiritual lordship there, and required an intervention from the papacy. It was also likely that the bishop of Riga wished to be elevated to the position of a metropolitan, which would have required further investigation of the local circumstances by a papal representative.<sup>27</sup>

At the same time, the intents of Bishop Albert of Riga to request a papal legate do not necessarily have to correspond with the objectives that the papacy perceived for this mission. The letter of 31 December 1224 that invested William with legatine powers complicates things further, as it was ambiguous and did not contain any specific instructions for his mission.<sup>28</sup> Claims that Honorius III intended the legate to set up some kind of papal state in Livonia, have been rebuked in recent scholarship.<sup>29</sup> A major part of William’s mission was probably intended to be preaching and missionary activity.<sup>30</sup> Ernst Pitz has claimed that, in fact, preaching was the only device that William had at his disposal: ‘[n]ur fromme Ermahnungen standen ihm zu Gebote’ [only pious exhortations were at his command].<sup>31</sup> This article will show that William’s authority as a legate was certainly not as limited in practice.

Indeed, when Honorius III commissioned the legatine mission, he must have had in mind not only preaching but also administrative duties, such as the general organisation of the recently Christianised Livonian society and settling disputes relating to the division of contested regions.<sup>32</sup> As such, there were many issues in Livonia requiring the presence of a legate that were most likely brought to William’s attention already before he embarked on his mission. Yet, there is no direct evidence that William was specifically tasked to intervene in the quarrels of Riga. That he chose to do so on multiple occasions, while relying on his authority as *legatus a latere*, not only indicates the discretion afforded to William as a legate to choose the

issues to get involved with, but also testifies to the importance of the city of Riga in his eyes.

The majority of scholarly work pertaining to William of Modena and his work in Livonia has focused either on his preaching or on arbitration between the bishop of Riga, the Danes, and the Swordbrothers. Comparatively less attention has been afforded to the legate's involvement with the city of Riga. Furthermore, the most comprehensive works that do focus on thirteenth-century Riga date from more than half a decade ago.<sup>33</sup> While certainly thorough, and listing the details of many letters issued during William's stay in Livonia, these works do not tend to analyse the rationale of William behind these documents.

Founded in 1201 by Bishop Albert, Riga became the focal point from which missionaries dispersed further into the surrounding regions of Livonia.<sup>34</sup> Municipal legislation, including that of Riga, was a sphere in medieval society where various types of laws intersected. One way to distinguish legal spheres within a territorial unit, such as a town, was to divide it between authorities who then governed according to their own legislature. Such was the case in eleventh-century York, where the archbishop controlled one of the wards in the town.<sup>35</sup> In Germany, under which influence Livonia also belonged, municipal law in the Middle Ages tended to develop in broad families: the most important ones being the laws of Magdeburg, Bremen and Lübeck.<sup>36</sup> The Lübeck's law was based on the privileges granted to Lübeck upon its formulation in 1159, and eventually it became one of the dominant municipal laws along the south and eastern coast of the Baltic Sea, including in Livonia. How, in contrast, Riga's own municipal law developed at the beginning of the thirteenth century, deserves a closer look, not least because William of Modena played a central role in its early stages.<sup>37</sup>

As the young city of Riga was growing, its founder, Bishop Albert of Riga, likely felt that the best way to attract new settlers was to grant them official privileges.<sup>38</sup> Consequently, in 1211, the bishop granted the Gotland merchants trading in the Livonian ports – not just in Riga – various privileges.<sup>39</sup> The list was relatively short, consisting of eight categories of protections and privileges, such as the right to bear arms, to mint coins, and to not be subjected to the ordeal of carrying hot iron

or duels.<sup>40</sup> Ten years later, in 1221, Bishop Albert declared that ‘*Rigensis civitas ad inhabitationem sui plus libertatis gratia, quam praediorum circumiacentium fertilitatem fideles alliceret*’ [the city of Riga attracts the faithful to (become) its inhabitants by the freedom rather than by the fertility of the surrounding estates].<sup>41</sup> This was a testimony to the success that the privileges must have had on the growth of Riga in its early stages.

The rights of Rigan citizens were explicitly brought to the attention of William of Modena during his stay in Riga. A dispute had arisen between the citizens and the bishop for which William’s arbitration was sought for in December 1225.<sup>42</sup> The representative of the citizens argued that they had the right to elect their own ‘*iudex civitatis*’ [judge of the city] because, likely referring to the 1211 charter, the bishop had given Riga the code of the Gothlanders.<sup>43</sup> While the 1211 document had, indeed, granted the towns of the Livonian ports the opportunity to ‘*si poterunt componant*’ [solve their own controversies if they can], it had not specified the exact terms of how judges in the Livonian towns - including in Riga - should be chosen.<sup>44</sup> Bishop Albert, now responding to the demands of the Rigans in 1225, admitted that he had given them the law of the Gothlanders in general, ‘*[d]ubitabatur autem inter eos, quod esset ius Gotorum*’ [but it is doubted among themselves, what the law of Gothlanders was].<sup>45</sup> While the settlement that followed hereafter was granted with the explicit consent of the legate - ‘*de consensu nostro*’ [with our consent] - it is not presented as his judgement but rather a compromise that was reached by all parties.<sup>46</sup>

This fact, together with the structure of the document - both sides presenting their arguments, followed instantaneously with an agreement - allows us to assume that the document was preceded by lengthy discussions and disputations, and that William of Modena likely steered the negotiations. The compromise reached was as follows: the citizens of Riga are free to choose their own judge who will be responsible for all the temporal cases, but the elected judge has to be presented to the bishop to be invested by him.<sup>47</sup> This general pronouncement was followed by a listing of exemptions from this rule:

Homines autem, qui sunt de iurisdictione episcopi vel aliorum, qui ab episcopo feudum tenant, ut magister, praepositus et alii, non teneantur sub praedicto iudice respondere.<sup>48</sup>

[All people who are under the (direct) jurisdiction of the bishop or others who hold a fief from the bishop – that is, the master of the Swordbrothers, the provost and others – will not be held to respond to the aforementioned judge.]

Such a presentation of a rule, followed by detailed exemptions, was in contrast with the very general and short privileges granted in 1211. The document of 1225, which was the result of William of Modena's arbitration, reflects the depth and length of the talks that must have preceded the written statement. The legate could have been wary of ambiguity and uncertainty, because of his past experiences: when he became the bishop of Modena in 1222, his cathedral chapter demanded the horse that he had been riding after his consecration, as was customary in the diocese.<sup>49</sup> As William was not from Modena and he had no ties to it before him becoming a bishop there, he was likely not aware of the custom.<sup>50</sup> A legal proceeding ensued, and as a result, William was forced to give the horse to the cathedral chapter.<sup>51</sup> Perhaps such an experience made him wary of disparities in legal details, even when something – such as the authority of a bishop over its cathedral chapter – felt like common sense. Thus, it is also possible that it was William who highlighted the need for the Rigan document in 1225 to list exemptions in order to avoid future disputations.

Finally, and in addition to settling the dispute regarding the citizens' right to elect their own judge, the legate confirmed the bishop's exclusive right to mint coins.<sup>52</sup> Thereafter, it was stated that the citizens of Riga are freed from carrying hot iron, customs, *naufragius*, and duels, and that anybody who becomes a citizen of Riga is granted these rights.<sup>53</sup> Lastly, the document stipulates that the citizens of Riga are allowed to benefit from any rights that are enjoyed by 'the Germans staying in Gothland' [Teutonici commorantes in Gutlandia], with an exception of appointing their own priests.<sup>54</sup> Among the witnesses are citizens, merchants and *peregrini* which means that the settlement produced under the guidance of William of Modena was meant for a wide audience, further highlighting its significance in the history of Riga.

On the 11 April 1226, another landmark by the Rigan citizens was achieved with the help of William of Modena: a document was signed which clarified issues pertaining to the lands that were yet to be conquered in Livonia.<sup>55</sup> William of Modena, pointing out that the whole issue had become an obstacle to the conversion of the pagans, stipulated the following:

Terrarum ergo, quae omnimodo auxilio Dei et praedictorum labore fuerint ad cultum fidei conversae, partem unam episcopo Rigensi et ecclesiae suae, aliam magistro et fratribus militiae Christi, et tertiam partem civibus Rigensibus adsignamus, in his duntaxat, quae ad dominium pertinent temporale.<sup>56</sup>

[Therefore, of the lands that, with the help of God and with the work of the aforementioned (parties), which they will convert to the cult of faith, we bestow one part to the bishop of Riga and his Church, another to the master and brothers of the knights of Christ (the Swordbrothers), and third part to the citizens of Riga, insofar in things which pertain to the secular dominion.]

The exact nature and extent of the spiritual rights of the bishops to be appointed in these new territories was then specified.<sup>57</sup> While reserving the future bishops all the spiritual rights in the territories that are to be conquered, this judgement nevertheless signified a serious drawback to the bishop of Riga in the secular sphere: in 1210, Innocent III had granted the Swordbrothers the right to one third of future conquests, while the other two thirds of the territory would be subject to the bishop of Riga.<sup>58</sup> Now, with the citizens of Riga gaining their share, the bishop of Riga had agreed to give up half his part.

Compared to the letter of December 1225, in which William allegedly did not decide himself on matters at hand but was rather an arbitrator, the legate's resolute voice - 'adsignamus' [we bestow] - is more evident in this letter of 11 April 1226.<sup>59</sup> The cooperation and the avoidance of future conflicts stemming from this resolution was clearly an important matter for the legate, for at the end of the letter he stated that:



Si autem contigerit, unum vel duos de praedictis portionariis velle[nt] aliquam paganorum terram expugnare et subiicere cultui Christiano, faciant hoc, communicato consilio praedictorum trium.<sup>60</sup>

[If it occurs, however, that one or two of the aforementioned parties (the bishop of Riga, the Swordbrothers, or the citizens of Riga) wish to a large extent conquer the lands of the pagans and to subject (them) to the cult of Christianity, they should, in this matter, seek the advice of the three aforementioned parties (that is, consult each other)].

With this instruction, William of Modena was clearly hoping to strike a balance between the secular jurisdiction of the parties, and to elevate them to an equal standing in this matter.<sup>61</sup> As time would show, however, the tripartite division became a point of contention some years later.<sup>62</sup>

In connection to the division of future conquests, the document of 11 April 1226 also determined how the incoming pilgrims who were landing in Riga from elsewhere were to be assigned.<sup>63</sup> The bishop of Riga had ten days to preselect ten pilgrims from among the volunteers for his use and for his castles. After ten days, the provost, the master of the Swordbrothers, and the citizens of Riga were allowed to accept voluntary pilgrims for service in their castles and works, and ‘nec liceat hoc alicui prohibere’ [no one is allowed to prevent this].<sup>64</sup> That this arrangement was presented in conjunction with the settlement regarding the division of future conquests, has not yet gained scholarly attention.<sup>65</sup>

It makes sense that in order to have equal status in future conquests, and so that no party would be weaker than any other, all sides received the opportunity to recruit the best-equipped and well-prepared forces into their ranks. As the pilgrims were explicitly emphasised to be volunteers, the parties selecting them suffered no monetary expenses, and were thus not reliant on their personal fiscal reserves.<sup>66</sup> However, a different interpretation could be offered for such a selection of pilgrims. It has been estimated that during any given year, the number of pilgrims going to Livonia fluctuated between 300 and 1000.<sup>67</sup> Ten pilgrims pre-selected by the bishop and possibly a similar number chosen by the rest of the parties, was not a significant number. In this context, it is possible that the acts of choosing voluntary pilgrims

might have been performances to signify co-operation in the context of future conquests, with the bishop of Riga assuming the spiritually privileged role, as pilgrimages were first and foremost spiritual enterprises.<sup>68</sup>

Before departing Livonia in May 1226, William of Modena was involved in yet another significant task relating to the future of Riga. The general issue pertained to the concept of the town fringe, and documents relating to it were issued over the course of three months, from March until early May.<sup>69</sup> In the document of 15 March, the exact '*termini marchae civitatis*' [boundaries of the town fringe] were determined.<sup>70</sup> At the beginning of the document, the legate states that '*placuit praedictis omnibus nostro se committere arbitrio*' [it pleases [us] to commit ourselves to arbitration in all the aforesaid], thus identifying himself as an intermediary rather than a rigid judge.<sup>71</sup> Of course, William was not an uninvolved bystander either, as evidenced in the same letter:

[N]obis et sibi ad invicem promittentes, quod quicquid super hoc ordinaverimus, perpetuo ratum habebunt.<sup>72</sup>

[Promising among themselves to each other and to us that whatever we have decreed, they shall have it in perpetuity.]

It appears that while William of Modena is given the authority to finalise the agreement, the settlement was ultimately reached through a potentially lengthy debate among the parties themselves. In this respect, it is very similar to the written agreement of December 1225 pertaining to the rights of citizens, and which was preceded with a thorough deliberation by the involved sides, as shown above.<sup>73</sup> Yet, it seems that in determining the nature and limitations of the Rigan town fringe, the legate became even more involved in the preceding discussions:

Nos igitur, rerum, locorum et personarum qualitate diligenter inspecta, dicimus et ordinamus ut ...<sup>74</sup>

[We, therefore, having diligently inspected the quality of things, places, and persons, declare and ordain that ...]

Not only did William oversee and navigate the negotiations, but he decided to personally investigate anything and anyone pertaining to the case. It is likely, then, that he became very familiar with the structure and surroundings of the young city of Riga, and with the detailed demands for jurisdiction from all the parties involved. It is probable that such attention to detail in investigations was a characteristic William acquired not only during his time working as a papal notary and vice-chancellor, but also during his brief spell as an inquisitor in Lombardy in 1224.<sup>75</sup> Of course, heresy is vastly different from settling boundary disputes, but skills and techniques acquired in an inquisitorial procedure could be put to use in civil cases nevertheless.<sup>76</sup>

Despite the meticulously laid down details, the legate was under no illusion that the document of 15 March 1226 would prevent any further disagreements from surfacing in the future. For this reason, he determined that a jury should be elected for the purposes of settling future disagreements:

*Si autem dubitation fuerit alicubi infra dictam marchiam, utrum sit locus ille cultus vel incultus; item ubi sunt arbores, utrum nova vel vetera; hoc totum trium iuratorum civium arbitrio terminetur, qui cives a domino episcopo, praeposito et magistro communiter eligantur, non tantum semel, sed quoties opus erit, si forsan morte vel absentia unus eorum impediretur vel plures.<sup>77</sup>*

[But if there will be doubt anywhere within the said fringe, whether these places are cultivated or uncultivated; also [places] where trees are, whether they are fields or uncultivated forests; also regarding dwellings, whether new or old; to this the total of three sworn citizens is bound by arbitration, who are jointly being elected by the lord bishop, the provost, and the master [of the Swordbrothers], not only once, but whenever there will be need, if perhaps one or many of them was impeded by death or absence.]

With this solution, William of Modena set up a judicial system to decide all disputes pertaining to the town fringe in the future. Such an arrangement gave all sides the opportunity to be involved in the decision-making: the citizens of Riga should provide the pool of judges,

and the rest must elect suitable persons from among them. It was also understood that the selection should be made jointly by all the eligible parties. The system was intended to be permanent, with an opportunity to select a replacement judge in the case of death or absence of a judge. It is not clear whether an absence over a limited period, during which a temporary substitute is selected, or permanent absence, is meant here. Nevertheless, such a provision is not surprising in the context where medieval townspeople were highly mobile.<sup>78</sup> Additionally, with the description given to the town fringe that involved yet uncultivated lands, forests and new dwellings, the inevitable growth of Riga as a city is strongly implied. Indeed, new inhabitants are encouraged to cultivate unused land if they wish and consequently enjoy eight years of yield without taxation.<sup>79</sup> This is a clear indication of an attempt to increase the population of Riga, and whether willingly or unwillingly, it also encouraged the Christians of mostly German origin to cluster into their urban communities. In this sense then, the settlement of March 1226 was one of many that encouraged the development of a tiered society where the native '*Undeutsch*' [non-Germans] remained separated from the German-speaking upper class.<sup>80</sup>

Thereafter, in the same document of 15 March 1226, the workings of the jury-system are specified: their decisions should be made 'arbitrio' [by arbitration].<sup>81</sup> If the judges disagree, the unanimous decision of two shall suffice. If all three disagree, however, 'tunc sors diffiniat, cuius de tribus arbitrio stetur' [(the casting of) a lot should determine whose decision of the three should be held].<sup>82</sup> The casting of lots in medieval society was often met with criticism from churchmen who condemned such a form of active divination.<sup>83</sup> Gratian's *Decretum* declared that '[e]xcommunicetur clericus, monachus, laicus, diuinationes, uel auguria, uel sortes secutus' [(any) cleric, monk [or] layman who followed divinations, dreams, or lots, is excommunicate].<sup>84</sup> Similarly, the theologian Peter the Chanter proclaimed that 'maluit ergo ecclesia electionem praelati committi humanae rationi et discretion quam sortium incertitudini' [the Church prefers the choice of the prelates to be committed to the human reason and discretion rather than to the uncertainty of the lots].<sup>85</sup>

What, then, had prompted William of Modena, who had the ultimate authority of the pope himself, to find the casting of lots in Riga

permissible? The natives in Livonia were known to use the casting of lots and other similar customs, and they were equally popular in the surrounding Slavic territories.<sup>86</sup> Traces of the use of lots, including in the Germanic regions from where the missionaries to Livonia generally came, can be found in already Christianised Europe, as well.<sup>87</sup> In any case, it is probable that the casting of lots was relatively common among the German settlers in Riga which is why it was chosen as a tool for the judges to secure a final verdict, if all else failed. While the casting of lots bore many similarities with the concept of the ordeal and judicial tests, which all had been outlawed at the Fourth Lateran Council of 1215, the prohibition was prescribed for clerics, not laymen.<sup>88</sup> As the judges in Riga were elected from among lay citizens, they were not subjected to the prohibition. However, a note that William made in another document that he issued in May 1226, helps to explain his rationale further: 'volentes tamen concordiam magis quam sententiam ... Nos autem sequitatem potius quam iustitise rigorem sequentes' [wishing rather for concordance than judgement ... we more preferably follow equity than the rigour of law].<sup>89</sup> It is evident that William's primary interest was achieving solutions that were acceptable for all parties involved, even if it occasionally meant straying away from strict legal prescriptions. The case of casting of lots in Riga is a prime example of this characteristic of William, as he permitted the use of the custom despite the general discomfort that canon lawyers had exhibited towards the practice.

Soon after issuing the main document pertaining to the disputes about the town fringe, the legate had to specify the working of the jury that he had helped to set up. On 22 April 1226, he thus specified that the decision of two of the judges set up to determine the town fringe is valid if the third one 'noluerit vel non poterit interesse' [is unwilling or unable to attend].<sup>90</sup> Additionally, on 7 May 1226, the legate decreed that sentences given by the judges ought to be observed under the penalty of excommunication.<sup>91</sup>

At first, it might seem odd that a harsh penalty of excommunication is imposed on anyone transgressing the ruling of judges who were specifically elected to decide in the sphere of secular jurisdiction. Yet, this decision can be interpreted as an attempt to secure further equity in decision-making. The bishop of Riga was the highest spiritual

authority in Livonia, and even the military order of the Swordbrothers was subjected to him.<sup>92</sup> By issuing the blanket threat of excommunication, the legate made sure that no party, including the bishop of Riga, had more authority than any other in these circumstances. Perhaps the imposition of penalty was an afterthought, as it was issued more than two months after the document which had implemented the system of judges. It is equally likely, however, that William received reports of potential transgressions, and felt the need to clarify the penalties: with this, the legate removed the need to report to him any future breaches of decisions. Finally, the penalty of excommunication implies that the legate was not only interested in arbitrating disputes that had arisen at the time of his legatine mission, but he also wanted to secure the stability of the region in his absence. By imposing the threat of ecclesiastical penalty, he gave the settlement system the ultimate protection that he could offer as the representative of the papacy.

The legatine mission of 1224/5-1226 of William of Modena put his skills and knowledge to a test in a faraway corner of Christendom. As the pope did not specify the aims of William's legatine mission, it has been left for interpretation as to what the ultimate motives of the papacy were. The extant sources give no explicit indication that William was expected to settle disputes pertaining to Riga. However, as he was perceived as *legatus a latere*, in most cases he had the freedom to pick matters that he deemed worthwhile. The fact that he chose to get deeply involved in cases concerning Riga suggests that he considered it crucial for the young city to function properly and peacefully.

The appointment of William as a papal legate has been seen as a reaction to a request from the bishop of Riga, who first and foremost represented the interests of his bishopric. It certainly seems that the petition played a role in convincing the pope to finally send a representative to Livonia, which unlike many other theatres of conversion and crusade, had not yet had a legate *in situ*. As evidenced from the examples presented, the decisions that William made and the judgements that he arbitrated did not necessarily favour the bishop of Riga, who had personally sent for the legate. In fact, it seems that William did not attempt to please any specific party at all. What emerges from the documents instead, are attempts by the legate to set

up a system or reach a solution which would be equitable and tolerable for all parties involved.

## Notes

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- 2 For his later legatine missions, see, for example, G. A. Donner, *Kardinal Wilhelm von Sabina, Bischof von Modena 1222-1234. Päpstlicher Legat in den nordischen Ländern* (Helsingfors, 1929), pp. 159-232 and Richard Spence, 'Pope Gregory IX and the Crusade on the Baltic', *The Catholic Historical Review*, 69 (1983), 1-19.
- 3 For a comprehensive overview of the beginnings and development of papal legatine missions in the Middle Ages, see K. R. Rennie, *The Foundations of Medieval Papal Legation* (Basingstoke, 2013), esp. pp. 47-87.
- 4 R. W. Southern, *Western Society and the Church in the Middle Ages* (Harmondsworth, 1970), p. 212. For the role of Pope Gregory VII in the transformation of the legatine office, see Kriston R. Rennie, "'Uproot and destroy, build and plant': Legatine Authority under Pope Gregory VII", *Journal of Medieval History*, 33 (2007), 166-80 (171-2).
- 5 Southern, *Western Society*, p. 212; A. A. Larson, 'Popes and Canon Law', in *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, ed. by K. Sisson and A. A. Larson (Leiden, 2016), pp. 135-57 (154). For an overview of medieval papal legatine missions, see Rennie, *Medieval Papal Legation*; H. Müller 'The Omnipresent Pope: Legates and Judges Delegate', in *A Companion to the Medieval Papacy*, pp. 199-219; R. C. Figueira, *The Canon Law of Medieval Papal Legation*, unpublished PhD Thesis (Cornell University; 1980); H. Zimmermann, *Die päpstliche Legation in der ersten Hälfte des 13. Jahrhunderts. Vom Regierungsantritt Innocenz' III. bis zum Tode Gregors IX. (1198-1241)* (Paderborn, 1913).
- 6 I. S. Robinson, *The Papacy, 1073-1198. Continuity and Innovation* (Cambridge, 1990), p. 170.
- 7 A. Jotischky, *Crusading and the Crusader States*, Second Edition (London, 2017), pp. 191-5; J. Muldoon, 'Crusading and Canon Law', in *Palgrave Advances in the Crusades*, ed. by H. J. Nicholson (Basingstoke, 2005), pp. 37-57 (43); C. Tyerman, *How to Plan a Crusade* (Milton Keynes, 2016),

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- pp. 66-75. Legatine missions were also employed for the purposes of crusading movements in Europe, see for example R. Rist, *The Papacy and Crusading in Europe, 1198-1245* (London, 2009), pp 45-54 and D. Dudley Stutz, 'Papal Legates against the Albigensians: The Debts of the Church of Valence (1215-1250)', *Tradiitio*, 68 (2013), 259-76.
- 8 James A. Brundage, 'The Thirteenth-Century Livonian Crusade: Henricus de Lettis and the First Legatine Mission of Bishop of Modena', *Jahrbücher für Geschichte Osteuropas*, 20 (1972), pp. 1-9. See also Marek Tamm, 'Communicating crusade. Livonian mission and the Cistercian network in the thirteenth century', *Ajalooline Ajakiri*, 3/4 (2009), pp. 341-72 (344). For the Baltic mission generally, see E. Christiansen, *The Northern Crusades* (London, 1996), pp. 93-103; W. Urban, *The Livonian Crusade* (Washington DC, 1981); I. Fønnesberg-Schmidt, *The Popes and the Baltic Crusades, 1147-1254* (Leiden, 2007); N. Blomkvist, *The Discovery of the Baltic: The Reception of a Catholic World-System in the European North (AD 1075-1225)* (Leiden, 2003); C. Tyerman, *The World of the Crusades* (London, , 2019), pp. 307-33; C. S. Jensen, 'The Early Church of Livonia, 1186-c.1255', in *Die Kirche im mittelalterlichen Livland*, ed. by R. Biskup, J. Götz and A. Radziminski (Toruń, 2019), pp. 75-103; T. K. Nielsen, 'Saints, Sinners & Civilisers - or Converts, Cowards & Conquerors. Cultural Encounters in the Medieval Baltic', in *Cultural Encounters during the Crusades*, ed. by K. V. Jensen, K. Salonen and H. Vogt (Odense, 2013), pp. 55-74. For the involvement of the military orders in the Livonian mission, see F. F. Benninghoven, *Der Orden der Schwertbrüder. Fratres Milicie Christi de Livonia* (Cologne, 1961); W. Urban, *The Teutonic Knights: A Military History* (Barnsley, 2018), pp. 79-108; Ē. Mugarēvičs, 'The Military Activity of the Order of the Sword Brethren (1202-1236)', in *The North-Eastern Frontiers of Medieval Europe*, ed. by A. V. Murray (Farnham, 2014), pp. 85-116.
  - 9 A. Selart, 'Zur verortung Livlands in der Römischen Kirche. Legationsbezirke in Nordosteuropa im 13.-15. Jahrhundert', in *Die Kirche im mittelalterlichen Livland*, pp. 129-58 (139-40); Wojtek Jezierski, 'Forms of Social Capital in the European Middle Ages - Angels, Papal Legates, and the Scandinavian Aristocratic Elites, 12th -13th Centuries', *CERGU Working Paper Series*, 1 (2017), 1-16.
  - 10 This distinguished the Livonian mission from the conversion of other regions, such as Bulgaria, Vlachia and Armenia, see B. Bombi, 'Innocent III and the Baltic Crusade after the Conquest of Constantinople', in *Crusading on the Edge: Ideas and Practice of Crusading in Iberia and the Baltic Region, 1100-1500*, ed. by T. K. Nielsen and I. Fønnesberg-Schmidt (Turnhout, 2016), pp. 117-33 (131). For an overview of Innocent III's



- approach toward the conversion of Livonia before the Fourth Crusade, see B. Bombi, 'Innocent III and the "Praedicatio" to Heathens in Livonia (1198-1204)', in *Medieval History Writing and Crusading Ideology*, ed. by K. V. Jensen and T. M. S. Lehtonen (Helsinki, 2005), pp. 216-31.
- 11 I. Fomesberg-Schmidt, 'Pope Honorius III and Mission and Crusades in the Baltic Region', in *The Clash of Cultures on the Medieval Baltic Frontier*, ed. by A. V. Murray (London, 2009), pp. 103-22 (106-11); L. Kaljundi, 'Neophytes as Actors in the Livonian Crusades', in *Making Livonia: Actors and Networks in the Medieval and Early Modern Baltic Sea Region*, ed. by A. Mänd, M. Tamm (London, 2020), pp. 93-112 (104-5).
  - 12 'Liber extra decretalium', in *Corpus Iuris Canonici*, Vol. 2, ed. by E. Friedberg (Graz, 1959), X.1.30.9, col. 186. For a discussion regarding the classification of papal legates in the *Liber Extra*, see Robert C. Figueira, 'The Classification of Medieval Papal Legates in the "Liber Extra"', *Archivum Historiae Pontificiae*, 21 (1983), pp. 211-228.
  - 13 Rennie, *Medieval Papal Legation*, pp. 163-164; Robinson, *The Papacy*, pp. 147-149. In practice, too, the distinction between *legatus a latere* and other types of legates with lesser authority, had manifested itself already in the twelfth century; for an example from England, see C. Morris, *The Papal Monarchy. The Western Church from 1050-1250* (Oxford, 1989), p. 218. On the careful balance between the authority and the delegation of authority in legatine missions, see K. Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Pennsylvania, 1984), p. 59; Franz Wasner, "'Legatus a Latere": Addenda Varia', *Traditio*, 16 (1960), pp. 405-16 (408); Figueira, *Canon Law*, p. 480.
  - 14 The letter assigning William to his first legatine mission dates from 31 December 1224, see *Liv-, Esth- und Curländisches Urkundenbuch nebst Regesten* (=LUB), Vol. 1, ed. by F. G. von Bunge (Reval, 1853), nr. 69, cols. 73-5. The letter of his second legatine mission dates from 21 February 1234, LUB I, nr. 132, cols. 169-70; the letter of his third legatine mission dates from 15 July 1244, LUB I, nr. 179, cols. 234-6. William stayed in Livonia on three occasions: 1225-26, 1234-35, 1237-38; although invested with legatine powers to Livonia one final time in 1244, he did not go on that mission personally. To this date, the best biography of William of Modena is Donner's *Kardinal Wilhelm von Sabina*.
  - 15 LUB I, nr. 69, cols. 73-5. All translations mine, unless otherwise stated.
  - 16 LUB I, nr. 132, cols. 169-7; LUB I, nr. 179, cols. 234-6.
  - 17 For example, William was invested with the power to elevate Riga to the metropolitan see if he thought it beneficial to do so; the letter of 19 November 1225, *Regesta Honorii Papae III*, Vol. 2, ed. by P. Pressutti,

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- (Rome, 1895), nr. 5721. For papal reserved powers and their development in the thirteenth century, see R. C. Figueira, 'Papal Reserved Powers and the Limitations on Legatine Authority', in *Popes, Teachers, and Canon Law in the Middle Ages*, ed. by J. R. Sweeney and S. Chodorow (London, 1989), pp. 191-211 (194-204).
- 18 Fannesberg-Schmidt, *Popes*, pp. 134-5.
- 19 Henry of Livonia, *The Chronicle of Henry of Livonia* (=HCL), ed. and trans. by J. A. Brundage (New York, 2003), XXIX, 2; Henricus de Lettis, *Heinrici Chronicon Livoniae*, ed. by L. Arbusow and A. Bauer (Hannover, Impensis Bibliopolii Hahniani, 1955). The chronicle of Henry of Livonia has been seen as a narrative source that, at least in parts, was produced in response to the legatine mission of William of Modena, see J. A. Brundage, 'Introduction to the 2003 edition', in *The Chronicle of Henry of Livonia*, pp. xi-xxxiv (xxvii); A. V. Murray, 'Adding to the Multitude of Fish: Pope Innocent III, Bishop Albert of Riga and the Conversion of the Indigenous Peoples of Livonia', in *The Fourth Lateran Council and the Crusade Movement*, ed. by J. L. Bird and D. J. Smith (Turnhout, Brepols, 2018), pp. 153-70 (165); Paul Johansen, 'Die Chronik als Biographie: Heinrich von Lettlands Lebensgang und Weltanschauung', *Jahrbücher für Geschichte Osteuropas*, 1/4 (1953), 1-24 (9-18).
- 20 LUB I, nr. 26, col. 34; Fannesberg-Schmidt, *Popes*, p. 85. See also HCL XV, 4, according to which the bishop of Riga had in 1210 obtained the authority to create and consecrate bishops in Livonia; Fannesberg-Schmidt, *Popes*, p. 123.
- 21 For Albert and his life, see G. Gnegel-Waitschies, *Bischof Albert von Riga: ein Bremer Domherr als Kirchenfürst im Osten (1199-1229)* (Hamburg, 1958); M. Tamm, 'Mission and Mobility: The Travels and Networking of Bishop Albert of Riga (c. 1165-1229)', in *Making Livonia: Actors and Networks in the Medieval and Early Modern Baltic Sea Region*, ed. by A. Mänd, M. Tamm (London, 2020), pp. 17-47.
- 22 See Benninghoven for the most comprehensive work on the Swordbrothers. See also S. Ekdahl, 'Die Rolle der Ritterorden bei der Christianisierung der Liven und Letten', in *Gli inizi del cristianesimo in Livonia-Lettonia. Atti del Colloquio Internazionale di Storia Ecclesiastica in Occasione dell'VIII Centenario della Chiesa in Livonia*, ed. by M. Maccarrone (Vatican City, 1989), pp. 203-43. For a brief overview in English, see N. Morton, *The Medieval Military Orders, 1120-1314* (Harlow, 2013), pp. 73-74.
- 23 For the involvement of the Rus' in Livonian affairs, see A. Selart, *Livonia, Rus' and the Baltic Crusades in the Thirteenth Century*, trans. F. Robb (Leiden, 2007). For the involvement of the Danes in the Estonian mission,

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- see P. P. Rebane, 'From Fulco to Theoderic: The Changing Face of the Livonian Mission', in *The North-Eastern Frontiers*, pp. 85-116; T. Kala, 'Theory and Practice of the Baltic Crusade: The Incorporation of the Northern Baltic Lands into the Western Christian World', in *Crusade and Conversion on the Baltic Frontier*, ed. by A. V. Murray (Aldershot, 2001), pp. 3-20; N. Skyum-Nielsen, 'Estonia under Danish Rule', in *Danish Medieval History: New Currents*, ed. by Skyum-Nielsen and N. Lund (Copenhagen, 1981), pp. 112-135; Mihkel Mäesalu, 'A Crusader Conflict Mediated by a Papal Legate: The Chronicle of Henry of Livonia as a Legal Text', *The Medieval Chronicle*, 8 (2013), pp. 233-246.
- 24 B. U. Hucker, 'Der Plan Eines Christlichen Königreiches in Livland', in *Gli inizi del cristianesimo in Livonia-Lettonia*, pp. 97-125 (115-7); Fonnesberg-Schmidt, *Popes*, p. 171-2.
- 25 Brundage, *Livonian Crusade*, p. 5; A. Selart, 'Confessional Conflict and Political Co-operation: Livonia and Russia in the Thirteenth Century', in *Crusade and Conversion*, pp. 151-76 (158); Tamm, *Mission*, pp. 31-32.
- 26 *Regesta Honorii Papae III*, nr. 4634.
- 27 Fonnesberg-Schmidt, *Popes*, p. 171.
- 28 LUB I, nr. 69, cols. 73-5; Fonnesberg-Schmidt, *Popes*, pp. 171-2.
- 29 For the claims that William attempted to create a papal state, see J. Kivimäe, 'Henricus the Ethnographer: Reflections on Ethnicity in the Chronicle of Livonia', in *Crusading and Chronicle Writing on the Medieval Baltic Frontier: A Companion to the Chronicle of Henry of Livonia*, ed. by M. Tamm, L. Kaljundi and C. S. Jensen (London, 2011), pp. 77-106 (97-8); cf. J. Kivimäe, 'Servi Beatae Marie Virginis: Christians and Pagans in Henry's Chronicle of Livonia', in *Church and Belief in the Middle Ages*, ed. by K. Salonen and S. Katajala-Peltomaa (Amsterdam, 2016), pp. 201-26 (222). For a convincing argument that this was not the case, see Mihkel Mäesalu, 'Papstliche Gewalt im Kreuzzugsgebiet: Gründete Wilhelm von Modena in Estland einen "Pufferstaat"?', *Forschungen zur baltischen Geschichte*, 6 (2011), pp. 11-30.
- 30 Fonnesberg-Schmidt, *Popes*, pp. 171-72; Kaljundi, *Neophytes*, p. 104; Brundage, *Livonian Crusade*, pp 6-7.
- 31 E. Pitz, *Papstreskript und Kaiserreskript im Mittelalter* (Tübingen, 1971), p. 142.
- 32 C. Tyerman, 'Henry of Livonia and the Ideology of Crusading', in *Crusading and Chronicle Writing*, pp. 23-44 (41-2).
- 33 For example: F. G. von Bunge, *Einleitung in die liv-, esth- und kurlandische Rechtsgeschichte* (Reval, 1849); F. G. Von Bunge, *Die Stadt Riga im 13. und 14. Jahrhundert* (Leipzig, 1878); E. Winkelmann, *Livländische*

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- Forschungen* (Riga, 1868); F. Benninghoven, *Rigas Entstehung und der frühhansische Kaufmann* (Hamburg, 1961).
- 34 HCL VI, 4; on the pre-history of Riga, see K. C. O'Connor, *The House of Hemp and Butter: A History of Old Riga* (London, 2019), pp. 12-38.
- 35 J. Barrow, 'Churches, Education and Literacy in Towns 600-1300', in *The Cambridge Urban History of Britain*, Vol. 1, ed. by D. M. Palliser (Cambridge, 2000), pp. 127-52 (133).
- 36 D. Nicholas, *The Growth of the Medieval City: From Late Antiquity to the Early Fourteenth Century* (London, 1997), pp. 154-5.
- 37 For municipal laws in the German sphere generally, see U. C. Ewert and S. Selzer, 'Social Networks', in *A Companion to the Hanseatic League*, ed. by D. J. Harreld (Leiden, 2014), pp. 162-93 (166-7); for Lübeck's law more specifically, see C. Jahnke, 'Lübeck: Early Economic Development and the Urban Hinterland', in *A Companion to Medieval Lübeck*, ed. by C. Jahnke (Leiden, 2019), pp. 226-52 (237-8); for the development of municipal law in the Livonian towns in the Middle Ages, see H. Pihlajamäki, *Conquest and the Law in Swedish Livonia (ca. 1630-1710)* (Leiden, 2017), pp. 44-46.
- 38 Bunge, *Stadt*, p. 9.
- 39 LUB I, nr. 20, cols. 25-8.
- 40 LUB I, nr. 20, cols. 25-8; see also: Pihlajamäki, *Conquest*, p. 44.
- 41 LUB I, nr. 53, cols. 57-8. For an overview of the constitutional development of Riga up until the visitation of William of Modena, see Winkelmann, pp. 25-31. For an overview of what became of Riga's urban law and how the concept of 'the law of the Gotlanders' changed over time, see Bunge, *Einleitung*, pp. 135-9.
- 42 LUB I, nr. 75, cols. 81-2; B. von Jähmig, 'Die Anfänge der Sakraltopographie von Riga', in *Studien über die Anfänge der Mission in Livland*, ed. by M. Hellmann, 37 (1989), pp. 123-58 (147); Blomkvist, pp. 471-4; Winkelmann, pp. 27-37; Bunge, *Stadt*, p. 12; Bunge, *Einleitung*, pp. 133-6; Donner, pp. 121-2.
- 43 LUB I, nr. 75, cols. 81-2.
- 44 LUB I, nr. 20, cols. 25-8; Blomkvist, pp. 437-8.
- 45 LUB I, nr. 75, cols. 81-2; Pihlajamäki, *Conquest*, p. 44.
- 46 LUB I, nr. 75, cols. 81-2.
- 47 LUB I, nr. 75, cols. 81-2.
- 48 LUB I, nr. 75, cols. 81-2.
- 49 *Catalogus Omnium Episcoporum Mutinensium*, ed. by G. Sillingardus (Modena, 1606), p. 88.
- 50 Donner, pp. 18-9.
- 51 For the trial, see Donner, p. 21

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- 52 This has sometimes been seen as the only ‘real’ right that the bishop retained, see for example Winkelmann, pp. 31-7.
- 53 LUB I, nr. 75, cols. 81-2; *naufragius* in this context means the right of the landowner to claim shipwrecked goods, see Blomkvist, p. 472. William of Modena might have played a role in outlawing the ordeal, including carrying hot iron, in Sweden as well, see Heikki Pihlajamäki, ‘Summoning to Court: *Ordines Iudicarii* and Swedish Medieval Legislation’, *Scandinavian Journal of History*, 45/4 (2020), 547-72 (555-6).
- 54 LUB I, nr. 75, cols. 81-1; Blomkvist, p. 472; Bunge, *Einleitung*, pp. 133-4; Winkelmann, pp. 32-3.
- 55 LUB I, nr. 83, cols. 99-101; C. S. Jensen, ‘Urban Life and the Crusades in North Germany and the Baltic Lands in the Early Thirteenth Century’, in *Crusade and Conversion*, pp. 75-94 (87); A. Šnē, ‘The Hanseatic League and the Eastern Baltic: Towns, Trade and Politics in Medieval Livonia from the Thirteenth to the Mid-Sixteenth Century’, in *The North-Eastern Frontiers*, pp. 353-78 (357); Benninghoven, pp. 203-4.
- 56 LUB I, nr. 83, cols. 99-101.
- 57 See Benninghoven, pp. 203-4.
- 58 LUB I, nr. 16, cols. 22-3 and LUB I, nr. 17, cols. 23-4. On this division, see Fønnesberg-Schmidt, *Popes*, pp. 81-1; Benninghoven, pp. 113-4. That the settlement of 11 April 1226 was not particularly beneficial for the bishop of Riga, has also been pointed out by Gnegel-Waitschies, pp. 156-7.
- 59 The letter of December 1225: LUB I, nr. 75, cols. 81-2; the letter of 11 April 1226: LUB I, nr. 83, cols. 99-101.
- 60 LUB I, nr. 83, cols. 99-101. It is not known in what capacity – whether as regular soldiers or as *crucesignati* – the Rigan citizens were envisioned to take part in future conquests, see Jensen, *Urban Life*, p. 87
- 61 Such a settlement has been contrasted with the situation in Estonia where the lack of co-operation between different Christian parties had clearly caused serious problems, see Benninghoven, p. 204.
- 62 Donner, p. 160.
- 63 LUB I, nr. 83, cols. 99-101. Whether they were all crusaders – *crucesignati* – is not known but this seems to be the opinion of Benninghoven, p. 204. That the pilgrims were seen more as a voluntary work-force to help their masters with all kinds of jobs, is proposed by Blomkvist, pp. 672-3. Indeed, crusaders were routinely referred to as pilgrims, see J. Riley-Smith, *What Were the Crusades?* (Basingstoke, 2009), pp. 2, 34-5 and M. Cecilia Gaposchkin, ‘From Pilgrimage to Crusade: The Liturgy of Departure, 1095-1300’, *Speculum*, 88 (2013), 44-91. For the use of crusading terminology by the popes, see Michael Markowski, ‘*Crucesignatus*: Its

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- Origins and Early Usage', *Journal of Medieval History*, 10 (1984), pp. 157-65. Nevertheless, even in the case of armed pilgrimage, distinguishable from crusading, the primary motif was the same: spiritual salvation, see Christopher Tyerman, 'Were There Any Crusades in the Twelfth Century?', *The English Historical Review*, 10 (1995), pp. 553-77 (555).
- 64 LUB I, nr. 83, cols. 99-101; Pitz, p. 146; Benninghoven, p. 204.
- 65 Benninghoven pointed out that pilgrims made up the largest contingent of the German armies in Livonia, and that they were a decisive power-structure in military activities, but he did not connect the allocation of incoming pilgrims directly to the tripartite decision regarding future conquests, see Benninghoven, p. 204.
- 66 For the finances of German troops in Livonia, see Benninghoven, pp. 400-1, who shows that pilgrims generally relied on external funding, as opposed to those who held a fief from the bishop.
- 67 Benninghoven, pp. 401-2.
- 68 For the development of the concept of pilgrimage, see D. Webb, *Pilgrims and Pilgrimage in the Medieval West* (London, I. B. Tauris Publishers, 2001), pp. 11-28.
- 69 LUB I, nr. 78, cols. 90-3; LUB I, nr 85, col. 103; LUB I, nr 86, col. 103. The urban fringe typically included the area immediately adjacent to the town's fortifications, extramural land belonging to the town and an area of influence extending 1-3km beyond the town walls, see D. Denecke, 'Comparative Approaches in the Historico-topographical Analysis of Towns and Cities', in *Lords and Towns in Medieval Europe*, ed. by A. Simms and H. B. Clarke (Farnham, Ashgate, 2015), pp. 33-61 (56-7).
- 70 LUB I, nr. 78, cols. 90-3. While containing interesting details, such as local names and significant landmarks, the exact details of the boundaries are not the focus of this article; however, for a concise description, see Donner, pp. 123-4.
- 71 LUB I, nr. 78, cols. 90-3.
- 72 LUB I, nr. 78, cols. 90-3.
- 73 The letter of December 1225: LUB I, nr. 75, cols. 81-2.
- 74 LUB I, nr. 78, cols. 90-3.
- 75 For William of Modena's short career as an inquisitor, see Donner, pp. 40-44.
- 76 For the techniques used in the inquisitorial procedure, see J. K. Deane, *A History of Medieval Heresy and Inquisition* (Plymouth, 2011), pp. 108-111. For the court procedure more generally, see C. J. Donahue, 'Procedure in the Courts of the *Ius Commune*', in *The History of Courts and Procedure in Medieval Canon Law*, ed. by W. H. and K. Pennington, (Washington DC, 2016), pp. 74-124.

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- 77 LUB I, nr. 78, cols. 90-3; Bunge, *Stadt*, p. 362; Bunge, *Geschichte*, p. 131; Donner, p. 124.
- 78 For spatial mobility in medieval Livonia, see Anti Selart, 'Where Was the Home of the Livonian Merchant? Early Urban Mobility in the Baltics', *Zapiski Historyczne*, 84 (2019), 43-66.
- 79 LUB I, nr. 78, cols. 90-3. In comparison, cities in Europe tended to be more stringent about the requirements for newcomers, see M. Rubin, *Cities of Strangers: Making Lives in Medieval Europe* (Cambridge, 2020), pp. 37-43.
- 80 On the distinction between *Deutsch* and *Undeutsch*, see H. Valk, 'Christianisation in Estonia: A Process of Dual-Faith and Syncretism', in *The Cross Goes North: Processes of Conversion in Northern Europe, AD 300-1300*, ed. by M. Carver (York, 2003), pp. 571-580 (571); P. Johansen and H. von zur Mühlen, *Deutsch und Undeutsch im mittelalterlichen und frühneuzeitlichen Reval* (Cologne and Vienna, 1973).
- 81 LUB I, nr. 78, cols. 90-3.
- 82 LUB I, nr. 78, cols. 90-3.
- 83 M. D. Bailey, 'Superstition and Sorcery', in *The Routledge History of Medieval Magic*, ed. by S. Page and C. Rider (London, 2019), pp. 487-501 (489-92).
- 84 Gratian, 'Decretum Magistri Gratiani', in *Corpus Iuris Canonici*, Vol. 1, ed. by E. L. Richter and E. Friedberg (Graz, 1959), C.26 q.5 c.9, col. 1029. The *auctoritas* for this pronouncement is canon 32 from the First Council of Orléans in 511.
- 85 Petrus Cantor, 'Verbum abbreviatum', in *Patrologiae cursus completus. Series Latina*, ed. by J.-P. Migne, Vol. 205 (Paris, 1855), Ch. 78, col. 227. For Peter the Chanter's treatment of ecclesiastical elections and customs associated with them, see John Baldwin, 'Philippe Auguste, Pierre le Chantre et Étienne de Gallardon : la conjoncture de *regnum*, *studium*, et *cancellaria* au tournant des XIIe et XIIIe siècles', *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 144<sup>e</sup> année, 1 (2000), 437-57 (451-2).
- 86 Henry of Livonia repeatedly depicts such customs in his chronicle, see HCL XI, 7; XII, 2; XX, 2; XXIII, 9 for the casting of lots. For pagan customs in Livonia as described by contemporary chronicles, see Shami Ghosh, 'Conquest, Conversion, and Heathen Customs in Henry of Livonia's *Chronicon Livoniae* and the *Livländische Reimchronik*', *Crusades*, 11 (2012), pp. 87-108. For lot-casting among the Slavic peoples, see L. P. Štupeckí, 'Prognostication in Pagan Beliefs among Slavs in the Middle Ages', in *Prognostication in the Medieval World*, ed. by M.

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- Heiduk, K. Herbers and H.-C. Lehner, Vol. 1 (Berlin, 2021), pp. 85-107 (98-9).
- 87 H. C. Lea, *Superstition and Force* (Philadelphia, 1878), pp. 311-5; Shlomo Eidelberg, 'Trial by Ordeal in Medieval Jewish History: Laws, Customs and Attitudes', *Proceedings of the American Academy for Jewish Research, 1979-1980*, 46/47 (1979-1980), 105-120 (107-8).
- 88 Canon 18, *Decrees of the General Councils*, ed. by N. Tanner, Vol. 1 (London, 1990), p. 244. See also Finbarr McAuley, 'Canon Law and the End of the Ordeal', *Oxford Journal of Legal Studies*, 26 (2006), 473-513
- 89 LUB I, nr. 88, cols. 104-6.
- 90 LUB I, nr. 85, col. 103.
- 91 LUB I, nr. 86, col. 103. This document was issued by William of Modena in Dünamünde, after he had departed Riga. Chronicler Henry of Livonia explains that '[s]edis apostolice legatus Lyvoniam derelinquens ad naves circa mare diu resedit, ventorum gratiam expectans' [as the legate of the apostolic see left Livonia, he remained for a long time by his ships near the sea, awaiting the gift of the winds']; HCL XXX, 1. See also Donner, pp. 130-3.
- 92 Generally, military orders were exempted from excommunication and interdict pronouncements by bishops, see J. Brundage, 'Crusades, Clerics and Violence', in *The Experience of Crusading*, Vol. 1, ed. by M. Bull and N. Housley, (Cambridge, 2003), pp. 147-166, (153-154). By contrast, in 1210 Pope Innocent III subjected the Swordbrothers to the bishop of Riga, see LUB I, nr. 16, cols. 22-23; Benninghoven, pp. 113-4. The relationship between the two major powers in Livonia was further refined by William of Modena in 1225, see Kristjan Toomaspoeg, 'The Military Orders and the Diocesan Bishops: A Pragmatic Relationship', *Ordines Militares Colloquia Torunensia Historica*, 23 (2018), 93-125 (111, esp. note nr. 123), esp. for comparisons with other military orders.