canonists and theologians on the problem of the two powers does not reflect on Bernard's original purpose and interest. Likewise, Hugh of St. Victor, whose house had close relations with Haimeric, wrote very little about regnum and sacerdotium. The passages which touch upon the question in his De Sacramentis have left scholars puzzled. When the subject of the two powers did come up in the writings of the members of the reform party, the ideas expressed were ambiguous because the treatment of the issue was indirect. All that can be said about these writers, as we have said about Gratian, is that they seem to accept the juridical independence of the two powers. The fundamental issues raised by the Investiture Controversy receive little attention.

When the pontificate of Alexander III brought another great dispute between pope and emperor, the canonists again became ardently interested in the problem of the two powers. They looked to the Decretum as a source of support for their doctrine in this matter as in nearly all other matters. But Gratian, the Magister, had not presented a discussion of regnum-sacerdotium issues, and the decretists had to dig deep to find what they wanted. They squeezed every bit of meaning out of any texts and dicta which might be construed as referring to the problem. On regnum and sacerdotium, Gratian was not the Magister of the decretists; they were left to their own devices. The conclusions which they drew from the Decretum depended on their own points of view and on their own ideological leanings. It is not surprising that they divided radically over the interpretation of what the ancient law and its first great interprete said about the two powers.

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THE ASSASSINATION OF CONRAD OF MONTFERRAT: ANOTHER SUSPECT?

On 28 April 1192 Conrad, marquis of Montferrat and lord of Tyre, husband of the last royal princess of Jerusalem and newly-elected king of that embattled state, was assassinated. The persons immediately responsible for that deed were captured and summarily executed, but there was and remains some doubt about who was to blame ultimately for the crime. A new analysis of the evidence may shed some light on that unidentified culprit.


44 Cf. Hugh of St. Victor, De Sac., II, 2, 3-4. As Tierney has pointed out, it is difficult to extract a political theory from the writings of St. Bernard and Hugh of St. Victor. This is especially true of a theory of regnum and sacerdotium. Hugh, in these passages, speaks of the greater dignity of the spiritual power as compared to the secular power, but is ambiguous about the juridical effect of this difference in dignity. It remains unclear whether he thinks that the spiritual power may judge the secular in all matters or only in spiritual things. Cf. (B. Tierney, The Crisis of Church and State [Englewood Cliffs 1964]), 88. On the connection between Haimeric and the house of St. Victor, cf. Schmale, op. cit., 104.
The remaining evidence, of course, is only literary, and we cannot cross-examine the witnesses. Indeed, the witnesses available to us bear only hearsay. This accounts for some of the discrepancies in the stories which they have told; the variations are many.

Our informants are generally agreed on this much in their accounts of the murder: At the dinner hour Conrad had been at the dwelling of the bishop of Beauvais; he left and shortly thereafter was attacked by two young men with daggers. They knocked him from his horse and fatally wounded him, then attempted to flee. One was immediately killed, the other found temporary refuge in a nearby church. He was soon seized, however, questioned to discover why he had stabbed the marquis, and then sentenced to death by being dragged through the streets. Other more telling details are not so common to all the stories.

For example, there is little agreement among our sources as to who the assassins were or how they got their opportunity for the murder. There is general agreement that the assailants had been dispatched by Sinan, head of the Syrian Ismaill sect—known commonly as the Assassins— but one of the generally more reliable of our sources, Beha Ed-Din, said simply that the two were servants of the Marquis and that they admitted being hired by Richard, King of England. Some of the other accounts suggested also that they were servants of Conrad, but that they had taken the post expressly to enable them some time to assassinate him. Roger of Hoveden reported that the two had served Conrad for a long time, while Ibn-Alathyr, describing the two as in the disguise of monks, reported that only one was in Conrad's entourage, though for six months; Abu Chamah, Ernoul, and L'Estoire de Eracles reported essentially the same story but without specifying the length of time that the assassin remained in Conrad's service. From these accounts we may surmise at least that the need for an assassination was foreseen and the plans laid well in advance, and that Sinan was immediately responsible for those plans.

For if we assume that the accuracy of the Beha Ed-Din version—that the assassins were simply servants of Conrad and that, when questioned, they admitted being hired by Richard—then it becomes nearly impossible to explain the near unanimity with which the other accounts, both Western and Eastern,

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1 Two Arab witnesses identify the bishop as bishop of Tyre, but they are probably in error: Abu Chamah, Recueil des historiens des croisades (Paris 1841-1906 [= RHC]) Historiens orientaux V 53; Ibn Alathyr, RHC, Hist. Or. II 58.

2 The Crusade of Richard Lion Heart by Ambroise, tr. Merton J. Hubert, with notes by J. L. LaMonte (Columbia Records of Civilization 34; New York 1941) 334-8; L' estoire de Eracles Empereur, RHC, Hist. Or. II 192-4; Abu Chamah, op. cit. 52-4; Ibn Alathyr, op. cit. 58-9; Beha Ed-Din, The Life of Saladin (Commission of the Palestine Exploration Fund; London 1897) 332; Itinerarium peregrinorum et gesta regis Ricardo, ed. Wm. Stubbs (London [Rolls Series] 1864) 338-42; Chronica magistri Rogeri de Hovedene, ed. Wm. Stubbs (London [Rolls Series] 1870) I 181; Chronique d'Ernoul et de Bernard le Tresorier, ed. M. L. de Mas Latrie (Paris 1871) 288-91; The Chronography of Gregory abu't Faraj, tr. E. A. W. Budge (London 1932) I 339 (hereafter cited as Bar Hebraeus, the name by which Gregory was commonly known).

3 Beha Ed-Din 332.


reported that the Ismaili were the agents of the murder. It is true that many of these accounts pointed to Richard as being ultimately responsible, but only because he hired the job done by the Ismaili. Now, it is clear that the assassins (or one of them) did get caught and did admit to something — too many of the accounts agree on this much for it to be denied — and it is likely that this something was that they were members of the Ismaili. It is only by accepting such a hypothesis that we can account for the certainty with which our witnesses point to that sect as guilty. Had they been caught and admitted to nothing, or had they merely been killed on the spot, there would have been nothing to connect them with the Ismaili. The residents of Tyre had apparently accepted them as Christian servants (perhaps monks) attached to Conrad. It is unlikely that they could have been positively identified as anything else save by their own admission.

The report in Behâ Ed-Din can be explained by either of two hypotheses which are not necessarily mutually exclusive. Behâ Ed-Din, a secretary to Saladin, got his account from Saladin’s ambassador to Conrad, the ambassador being apparently present in Tyre at the time of the murder. It is possible that this ambassador heard of the murder, heard of the capture of one of the servants responsible for it, and heard the rumor that Richard was behind it. Even if he had also heard that the assassins were Ismaili, he might well have thought it likely that Richard was the instigator, and therefore reported only that much to his superiors. After all, the ambassador was negotiating with Conrad about the terms on which Conrad would double-cross Richard. What more likely than that Richard had heard of the negotiations and had chosen this means of stopping them? The other possible explanation for Behâ Ed-Din having reported Richard as the guilty party is simpler. Saladin may have ordered the assassination and his secretary was merely covering for him. Some variant of the first explanation seems more credible.

It may be taken as established, then, that the murder of Conrad was accomplished on 28 April 1192 by two men who admitted to being of the sect of the Assassins, and who had therefore been sent to their task by Sinan, the master of that sect. Moreover, the culprits had successfully masqueraded as Christians, and had been at least familiar with Conrad for some time, possibly even acting as his servants. Thus, the assassination was apparently planned well in advance. The question remains — by whom?

Five suspects were named by contemporaries of the crime, and the more recent historians who have dealt with the subject have generally agreed on three of the five as prime suspects. The five are: Humphrey of Toron, whose wife Conrad stole in his attempt to achieve the kingship of Jerusalem; Guy of Lusignan, once-crowned king of Jerusalem and generally unsuccessful rival of Conrad to remain as king; Sinan, grand master of the Ismaili and the man who gave the order — for whatever reason — for the assassination; Saladin, whose motives are presumed to be obvious; and Richard the Lion-Heart, King of England and leader of the Third Crusade, whose (infinitesimal) chances for success in the crusade had been reduced by Conrad’s refusal to cooperate with the Western army.

9 Behâ Ed-Dîn 332 et passim.
10 See Theodore Ilgen, Markgraf Conrad von Montferrat (Marburg 1880), who devotes an appendix (127-35) to this question; and David Schaffner, The Relations of the Order of
By common consent both Humphrey and Guy have been ruled out of the modern list. Humphrey's career was not notable for displays of initiative in any case, and his marriage to Isabel, who was eight years old at the time, was merely a political expedient contrived at by some of Guy's opponents (the politics being unacceptable to Humphrey when he learned of them). Losing her for similar reasons eight years later would seem unlikely to have generated any ungovernable passion in him; moreover, if it had, he would not have waited two years to have Conrad killed. Humphrey could have had no other motive; he stood to gain nothing by reason of Conrad's death.

Guy's candidacy as contriver of the assassination falls almost as easily as Humphrey's, but it can best be demonstrated only after some further background information is sketched.

Guy had become a contender for the crown by reason of his marriage in 1180 to Sybil, a sister of the leprous king, Baldwin IV. Since Baldwin had no direct heirs the kingdom would devolve on his sister, whose husband would become king by reason of his marriage. Baldwin himself had picked Guy as a husband for Sybil after the death of her first husband, but, after having Guy prove his mettle as bailli, the king changed his mind. With the Haute Cour he arranged that Sybil's son by her first husband would be the next king, and the lad was crowned as Baldwin V in 1183. In 1185 the old king died and seven-year old Baldwin V succeeded under a regency headed by the count of Tripoli. The lad died, however, in September 1186, and Sybil and Guy quickly got themselves crowned. A threatened revolt, headed by the count of Tripoli on behalf of Sybil's young half-sister Isabel, failed at the outset because Isabel's husband, Humphrey of Toron, aligned himself with Guy. The barons then submitted to Guy, but unhappily. Their dissatisfaction was not assuaged when Guy and his army were trounced by Saladin at the battle of Hattin in the following year, and when the rest of the kingdom, save only Tyre, fell shortly after. And Tyre was saved only by the energy, courage, and ability of Conrad of Montferrat who had arrived there in 1187 and led the city in a successful resistance to a siege by Saladin.

When, in 1188, Saladin released Guy from captivity, Conrad refused to surrender Tyre to Guy as king; he even refused to let Guy enter the town. Guy then gathered a small force, and, in the summer of 1189, laid siege to Acre. In the midst of that siege, in the fall of 1190, Queen Sybil died. Guy's enemies among the baronage claimed that the succession to the crown now belonged not to Guy, who was king by marriage, but to Isabel who was the daughter of a king. Conrad agreed with this case, arranged Isabel's divorce from Humphrey, and married her, thus laying his claim to the kingship.

When the crusaders arrived from the west they were split on the question of the respective claims to the kingship. Philip of France supported Conrad, while Richard supported Guy. Finally, after Acre had been taken and when Philip was about to depart for France, a compromise was reached. At a meeting presided over by the two Western kings on 28 July 1191 it was agreed that Guy should be king for life, but Conrad should succeed him.

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12 Ibid. 29.
13 Ibid. 40.
However, after Philip's departure, Conrad and most of the remaining French soldiers refused to participate in the Crusade under that agreement. Although this refusal damped any hope of real success in the Crusade, it was not of critical importance to the safety of the kingdom while Richard and his forces remained. But when, in April 1192, Richard started planning his departure for England, the barons called on him to make provision for Conrad to be king. They recognized both Conrad's ability and his antipathy to Guy, and pointed to the support which Conrad enjoyed among the barons who had not supported the Crusade. In contrast, Guy was generally believed to be incompetent and was known to be unpopular. Moreover, Conrad was related to emperors both East and West while Guy was merely the sixth son of a rebellious, moderately important, Poitevin family.

This request of the barons in support of Conrad could scarcely have come as much of a surprise to either Guy or Richard. It had been evident from the first that Guy's only real support came from Richard, and attempts to get other backing for Guy, even by means of the formal compromise in 1191, had failed. There is no indication in the chronicles that Guy entered any protest over the barons' vote for Conrad, and Richard voiced no serious objections either. Indeed, it appears that a consolation prize had already been arranged for Guy. Sometime around April in 1192 Richard sold him the island of Cyprus, and in May he settled the island. It seems clear that Guy had reconciled himself to the loss of the kingdom of Jerusalem and that he therefore would have found no need to contrive the murder of Conrad at that time.

There remain three suspects: Sinan, Saladin, and Richard, each of whom was named by one or more of our witnesses as the guilty one. Against none of these three can we construct a compelling case. In making their accusations the witnesses contradicted each other too directly for us to accept any of their assertions at face value. And the circumstantial evidence yields no more satisfactory results when directed toward these three prime suspects.

The case against Sinan as the ultimate instigator of the assassination rests on one firm and one very insubstantial base. It stands firmly on the base of his having most certainly given the order which actually sent the murderers on their way, but it is weak on a motive for his having given that order. The only motive stated in the chronicles is that of revenge. According to a continuator of William of Tyre, Ernoul, Conrad had confiscated a merchant ship belonging to Sinan and his community and had mistreated its crew. He then ignored Sinan's demands for reparation and Sinan therefore had him killed. The writer gave no indication of his source of information on this point, but it is not unlikely that, as Schaffner has suggested, it came from the spurious letter from Sinan which found its way into two contemporary English chronicles. In this letter approximately the same story was told by Sinan himself to Duke Leopold of Austria, who had captured Richard on his way home. The letter was dated as mid-September 1193. It was an obvious forgery, since Sinan had died a year

15 Ernoul, 286-7; cf. Eracles 189-92.  
16 Ernoul 288-89.  
17 Schaffner, op. cit. 49.  
before this letter was supposed to have been written; before, indeed, Richard had left the Holy Land.\textsuperscript{19}

The intrinsic improbability of the story told by the letter, and by one chronicler who may or may not have got his story from the letter, would move us to reject the letter as forged in any case. This is, for example, the only indication that the Assassins — whose territory was not adjacent to any sea — were seafaring merchants;\textsuperscript{20} it is unlikely that they were. Moreover, an assassination made for such a reason would not have required such elaborate preparations; the assassins need not have stayed in Conrad's familiar presence for months in order to get an opportunity to kill him. They might have so behaved had they sought an opportunity which would permit of their making an unnoticed escape, but if such was their purpose they failed spectacularly. Attacking him when he was in the company of (at least) two knights and on a business street was hardly inconspicuous, and it certainly did not permit their escape.

The two attackers were obviously not waiting in Tyre, and in Conrad's presence, for an opportunity which would be favorable for themselves and their escape. They were waiting for the time which their 'employer' would consider opportune. Would 28 April 1192 have been judged a favorable time for Conrad's death by either of our two remaining suspects?

For Saladin the answer is a clear no. The negotiations between himself and Conrad had gone very smoothly; Conrad had been on the verge of joining Saladin against Richard\textsuperscript{21} when the news arrived of Richard's approval of his being king. There was no reason to believe Conrad would be other than reasonable in future negotiations. Since, in addition, Saladin's past relationship with Sinan included one attempt by Saladin to take the Assassin stronghold by siege, and two attempts by Sinan to have Saladin assassinated,\textsuperscript{22} it seems perverse to try to blame an Assassin murder on him. The strongest circumstantial evidence implicating him as guilty seems to be the fact that some later Arab witnesses inform us that Saladin carefully included the land of the Assassins in the final truce.\textsuperscript{23} However, both these witnesses are notably anti-Saladin in their bias, and our best informant concerning the treaty, Saladin's secretary, Behä Ed-Din, tells us simply that Saladin included all Muslim lands\textsuperscript{24} in return for the inclusion of Tripoli and Antioch by the Franks.

In exonerating Richard from guilt in this murder modern historians have taken several tacks. One is to insist that Richard's contemporaries did not believe in his guilt; that the French in Tyre willingly worked with him after Conrad's death; and that Conrad's brother, Boniface, even took service with him after his return to England.\textsuperscript{25} This evidence has some value, but it may mean merely that Richard succeeded in fooling his contemporaries who were

\begin{itemize}
\item \textsuperscript{19} M. G. S. Hodgson, \textit{The Order of Assassins} ('s-Gravenhage 1955) 207.
\item \textsuperscript{20} Neither Hodgson, \textit{op. cit.} nor Bernard Lewis 'The Ismailites and the Assassins,' \textit{A History of the Crusades, I: The First Hundred Years} (Philadelphia 1955) 99-132, has noted any such activity.
\item \textsuperscript{21} Behä Ed-Din 329-30, 332.
\item \textsuperscript{22} J. J. Saunders, \textit{Aspects of the Crusades} (University of Canterbury 1962) 27; cf. Lewis, \textit{op. cit.} 122.
\item \textsuperscript{23} Abu Chamah 77; Abou’l-Feda, \textit{Résumé de l’histoire des Croisades}, RHC Hist. Or. I 66.
\item \textsuperscript{24} \textit{Op. cit.} 383.
\item \textsuperscript{25} \textit{Itinerarium}, introduction xxiii.
\end{itemize}
not, after all, privy to all his affairs. A second direction taken to absolve Richard is psychological. It would have been inconsistent with Richard's character as displayed in all his other actions for him to have contrived the assassination of an enemy. According to this view Richard would have been more likely to have drawn his own sword and split Conrad's skull than to have hired a murder. And finally, as Kate Norgate expressed it, Conrad's death, instead of profiting Richard, upset his developing plans to return to England. While that statement is too strong — the immediate substitution of Richard's nephew Henry of Champagne for Conrad as king would not have very seriously hindered Richard's departure plans — it is apparent that Richard had reconciled himself to leaving the kingdom in Conrad's hands. Having just agreed to Conrad's election as king he had nothing to gain from his sudden death.

Having exonerated all of the people toward whom the finger of suspicion was pointed by their contemporaries (or by anyone else), we are left with the question, who killed Conrad? Circumstantial evidence has failed to corroborate the charges that were levelled against the five suspects. Perhaps circumstantial evidence can point to a new likelihood.

The typical modern detective novel always shows the hero trying to discover who had the most to gain from the murder which starts his case. As a rule in such books the problem is that too many people gained something and the detective must choose among many. In the case of our murder there appears to be only one person who gained, a person whose reputation has generally been taken to be above reproach.

Some time shortly after Easter in 1192, probably about 13 April, the barons with Richard had persuaded him that Conrad should be king. Richard then dispatched an embassy headed by Henry of Champagne to inform Conrad of his election. By 21 April he had not been informed officially, but he evidently knew what was coming because Saladin's ambassador, who left Tyre on 21 April, warned Saladin to conclude his treaty with Conrad quickly, since Conrad expected soon to have reached an accord with Richard, recognizing Conrad as king. Between that date and 28 April Henry arrived in Tyre to inform Conrad of his election, and departed, presumably for Acre. On Tuesday, 28 April, Conrad was killed; by Thursday Henry had arrived back in Tyre, been unanimously recognized as the person fit to succeed Conrad as king, and been 'persuaded' to marry Conrad's pregnant widow Isabel.

It is clear that Henry derived great benefit from the death of Conrad. This fact alone would not do more than suggest a faint possibility that he was guilty

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29 Behá Ed-Dln 332.
30 Ambroise 334; Itinerarium 338. No one knows why.
31 Two of the Arab chroniclers (Ibn Alathyr, op. cit. 59; Abu Chamah, op. cit. 52) reported that the marriage took place on the same day as the murder, an indication of the strength of their impression that it followed the murder with indecent haste. Neither the Itinerarium nor Ambroise specified when the wedding occurred except to indicate that it was soon. It was the continuator of William of Tyre, Ernoul 291, and the Eracles 194, who stated the exact time.
of having planned the murder, for it is at least equally likely that he was merely taking advantage of an unexpected opportunity. However, the circumstances which just happened to place the plum of the kingship on Henry's thumb deserve further examination.

There are a few more items which seem suspicious. One is the form in which the story of the murder and of Henry's selection as king reached Richard's camp. According to all our witnesses, Henry was not in Tyre at the time of the murder. He had gone to Acre, apparently on some errand. When he heard of the murder, he hurried back to Tyre — presumably therefore, some messenger had carried the news to him. But if the barons in Tyre sent word to Henry promptly, it seems curious that they were so slow in sending word to Richard; the first news of the murder to reach Richard's camp came complete with the additional word that Henry had been elected as Conrad's successor. A more curious, in fact downright suspicious, aspect of the story as it reached Richard's camp (i.e., as it is told by the author of the *Itinerarium* and by Ambroise, who were in Richard's company, not at Tyre) is the account of the impending marriage. According to the messengers who came to Richard, Henry would defer accepting the kingship and particularly marrying Isabel until getting Richard's advice. Both the *Itinerarium* and Ambroise are later vague about the date of the marriage and about the reason for Henry's ignoring Richard's advice against the marriage. The advice was ignored, of course, because it was not really desired, and could not have arrived before the wedding anyway. This alone is not too mysterious. If Henry were going to be king — and he had reason to think this would be acceptable to Richard — then he had to marry Isabel who was the queen. But somehow he made it appear to the barons in Tyre that he was forced to marry her because Richard insisted on it! Such is the story told by the continuator of William of Tyre who was not in Richard's camp. This seems a suspicious rather than merely accidental divergence between the accounts.

There is a final bit of information which points toward Henry's guilt. In 1194 Henry paid a visit, by invitation, to the mountain stronghold of the new Assassin chief. It has been suggested that this visit was made simply to restore friendly relations between the sect and the Christians, or that it actually was the basis for an alliance. It is here suggested that Henry may have been invited to make this visit as a reminder of the debt he owed the Assassins for having made him king. Curiously, it was this visit by Henry to the mountain which formed the base for the story — which was thereafter frequently repeated in the West — of the two young Assassins who, at the mere wave of a hand by their master, leapt to their deaths down the mountain side. The tale fits nicely with this reconstruction of events. Might this reconstruction also suggest an explanation for the otherwise quite anomalous fact that Henry, though king both in law and in fact, never in his five years as king issued a document which used that title in referring to himself? A guilty conscience might account for it.

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32 Ernoul 291.
33 Hodgson, op. cit. (n. 19) 190.
In conclusion it may be stated that the goal of the analysis presented in this paper has been twofold. In the first place it has sought to show the considerable weaknesses in the cases which charge any of the five 'classical' suspects with responsibility for the murder of Conrad. And second, it has sought to introduce a sixth likely suspect, Henry of Champagne, who has not hitherto been considered, apparently only because his contemporaries, if they suspected him, did not put their thoughts in writing preserved to us. It is admitted that the case against Henry is far from conclusive: it is, however, suggestive and at least as tenable as the case against any one of the other five suspects. Thus, having added another suspect to an already long list, this may, in a literal sense, be called an essay in constructive criticism.

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INTUITIVE COGNITION, CERTAINTY, AND SCEPTICISM IN WILLIAM OCKHAM

Ockham's doctrine of intuitive cognition lies at the heart of his epistemology. As Philotheus Boehner\(^1\) and Sebastian Day\(^2\) have quite rightly observed, one of the central aims of this doctrine is to answer the question how the intellect can have certain knowledge of contingent states of affairs (including the existence or non-existence of material particulars). A number of scholars, including Etienne Gilson\(^3\) and Anton Pegis\(^4\) have charged, however, that far from achieving this goal, Ockham's doctrine (and especially what he says about the logical possibility of intuitive cognition of non-existents) leads to scepticism. Coming to Ockham's defense, Boehner\(^5\) and Day\(^6\) have rejected these criticisms as resting on misinterpretations of Ockham. I believe Boehner and Day have done much to clarify what Ockham actually meant. I should like to reopen the discussion, however, because I believe not all the consequences of Ockham's doctrine have been accurately drawn.

In the first part of this paper, I shall summarize as much of Ockham's doctrine of intuitive cognition as is relevant for our purposes, and briefly indicate why I think Boehner and Day are right in rejecting earlier attempts to draw sceptical consequences from Ockham's claims about intuitive cognition of non-existents. In the second part, I shall argue, in a different way, that Ockham was mistaken in thinking he could ground certain knowledge of contingent states of affairs.

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\(^1\) P. Boehner, O.F.M., 'The Notitia Intuitiva of Non-Existents according to William Ockham,' *Traditio* 1 (1943) 223-275, especially 223.


\(^3\) E. Gilson, 'The Road to Scepticism,' in *The Unity of Philosophical Experience* (New York 1937) 61-91.


\(^5\) *Art. cit. (supra n. 1)* 231-240. See also P. Boehner, O.F.M., 'In propria causa: a Reply to Professor Pegis,' *Franciscan Studies* 5 (1945) 37-54.