SACRED SPACE, VIOLENCE AND PUBLIC LAW IN THE CLOISTERS OF THE FRANCISCAN AND DOMINICAN HOUSES OF DUBROVNIK

Gordan Ravančić

Relations among different social groups and structures in any community are complex since they rely on a paradigm of institutional relationships as well as on personal links. By the same token, one also has to bear in mind the political will of the institutions involved in this relationship.[1] Consequently, one has to recall that the relationship between public and private in the Middle Ages was rather different than we think today.[2] Namely, during medieval times public space was much wider, and civil authorities repeatedly invaded private space for the sake of public interest.[3] In this regard, the authorities of medieval Dubrovnik were no exception. Quite the contrary, because of a political interest in preserving their "nobility," Dubrovnik authorities and officials often peeked into the bedrooms of common and noble citizens, not permitting vicious rumors to distract public officials from their work.[4] An example of such interference is the case of a Dubrovnik nobleman, Stephan de Zamagna, which

---

1 Regarding this, see, together with the cited literature, e. g., Tomislav Popić, "Oblikovanje srednjovjekovne stvarnosti – sociologija znanja i povijest" (The shaping of medieval reality – sociology of knowledge and history), *Povijesni prilozi* 33 (2007): 239-48; Mladen Ančić, "Kako 'popraviti' prošlost. Konstrukcija memorije na nadgrobnim spomenicima 15. stoljeća" (How to rectify the past. The construction of memory on fifteenth-century tombstones), *Povijesni prilozi* 34 (2007.): 83-102; Zdenka Janeković Römer, *Okvir slobode – Dubrovačka vlastela između srednjovjekovlja i humanizma* (The framework of freedom – the nobility of Dubrovnik between the Middle Ages and Humanism) (Zagreb and Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 1999), 251-324.

2 Regarding this see, together with the cited literature, e. g., David Herlihy, "Società e spazio nella città Italiana del Medioevo," in idem, *Cities and Society in Medieval Italy* (London: Variorum, 1980), 174-90; Gordan Ravančić, "Javni prostor i dokolica kasnosrednjovjekovnog i renesansnog Dubrovnika" (Public space and leisure in late medieval and Renaissance Dubrovnik), *Anali Zavoda za povijesne znanosti HAZU u Dubrovniku* 38 (2000): 53-64.

3 Zdenka Janeković Römer, "Nasilje zakona: Gradska vlast i privatni život u kasnosrednjovjekovnom i ranonovovjekovnom Dubrovniku" (Violence of law: City authorities and private live in late medieval and early modern Dubrovnik), *Anali Zavoda za povijesne znanosti HAZU u Dubrovniku* 41 (2003): 9-44; Ravančić, "Javni prostor," passim.

4 Regarding the interference of the civil law in marriage relationships, probably the best examined example is the case of Maruša Bratosaljić from the end of the fifteenth century. See Zdenka Janeković Römer, *Maruša ili sudenje ljubavi: bračno-ljubavna priča iz srednjovjekovnog Dubrovnika* (Maruša, or the trial of love: a story on marriage and love from medieval Dubrovnik) (Zagreb: Algoritam, 2007).

happened in 1438. During this civil process, the Dubrovnik authorities tried to force this patrician into a marriage with a noble girl from the Caboga family, and they persisted until it was publicly proclaimed before the court that the marriage had been consummated *per copulam carnalem prout est publica vox et fama*.[5]

I assume that one should review the relationship between Dubrovnik authorities, ecclesiastical institutions, and the clergy in exactly the same way.[6] Namely, regarding this relationship in the first place there was the problem of jurisdiction in the process of entering into a marriage.[7] To be precise – even though all the questions regarding marriage were generally subject to canon law and ecclesiastical institutions, in real life Dubrovnik authorities frequently intervened and imposed their interests.[8] Moreover, it is a fact that Dubrovnik authorities interfered in various ecclesiastical issues, probably considering them as a part of state policy.[9] Furthermore, it is quite clear that during the late Middle Ages the civil authorities of Dubrovnik adjusted all the Church ceremonies according to their needs and "public interest."[10]

However, one has to keep in mind that Dubrovnik's community, and therefore civil authorities, too, were deeply steeped in Christianity and the Christian faith. By the same token, Dubrovnik authorities frequently vigorously supported and defended the papacy's policy in the region during the dangerous times of the Ottoman threat. Thus, by the end of the fifteenth century, one notes that some extant sources refer to Dubrovnik as to *respublica christiana*.[11] So, bearing in mind such an intense impregnation

---

5 *Acta consilii rogatorum*, 3, vol. 22, fol. 158'-160 (Dubrovnik, State Archives). I would like to thank Zrinka Nikolić Jakus, who showed me this case. See also Gordan Ravančić, "Izvanbračna ljubav i ženska posluga u vlasteoskim obiteljima kasnosrednjovjekovnog Dubrovnika" (Extramarital love and female servants in noble families of Dubrovnik in the late Middle Ages), in *Hereditas rerum croaticarum*, ed. Alexander Buczynski, Milan Kruhek and Stjepan Matković (Zagreb: Hrvatski institut za povijest, 2003), 63-8.

6 Surprisingly, in the historiography about Dubrovnik there are not many studies about the relationship between civil authorities and Church. The only comprehensive studies about this topic are: Kosta Vojnović, "Crkva i država u dubrovačkoj republici" (Church and state in the Republic of Dubrovnik), in *Rad JAZU*, vol. 119 (Zagreb: JAZU, 1894), 32-142; idem, "Crkva i država u dubrovačkoj republici – drugi dio" (Church and state in the Republic of Dubrovnik – part two), in *Rad JAZU*, vol. 121 (Zagreb: JAZU, 1895), 1-91, which are presently quite obsolete but still usable; Ivica Prlender, "Crkva i država u srednjovjekovnom Dubrovniku" (Church and state in medieval Dubrovnik), (PhD dissertation, Sveučilište u Zagrebu, 1998), which is still unpublished.

7 A good example is the aforementioned case of Maruša Bratosaljić from the end of the fifteenth century; see: Janeković Römer, *Maruša.*, passim. About the interference of the juridical jurisdiction see especially the chapter: "Nadležno pravo, sud i sudski službenici" (Competent law, court and judicial officials), 29-34.

8 Janeković Römer, "Nasilje zakona," 10-1. The situation was not much different in other parts of Europe, since the restoration of central royal power enforced the jurisdiction of civil law and the courts in all segments of life. See, e.g., Denys Hay, *A general history of Europe: Europe in the Fourteenth and Fifteenth Centuries* (London: Longman, ?1980), 161-2.

9 The fact that during the late Middle Ages many of Dubrovnik's elected archbishops actually never came to the city indirectly witnesses that civil law and public authorities overwhelmed the Church's authority.

10 Janeković Römer, *Okvir slobode*, 291-324.

11 Eadem, "Nasilje zakona," 35; *Liber Croceus*, ed. Branislav Nedeljković, *Zbornik za istoriju, jezik i književnost srpskog naroda* III, 24 (Belgrade: SANU, 1997), 4.

with the Christian spirit, one cannot avoid noticing that in Dubrovnik a kind of rigidity of civil institutions existed simultaneously towards the Church and clergy.[12] It seems that in medieval Dubrovnik the principle of the state, at least on the surface, had overwhelmed all the other principles; as is written above the gates of the council chamber "*Obliti privatorum publica curate.*"

Besides this, one has to admit that medieval legal structures were not strictly defined and separated, so the jurisdictions of the various courts coincided, interlaced, and sometimes even interfered.[13] Similarly, generally speaking, ecclesiastical courts had jurisdiction over the clergy and ecclesiastical institutions. However, during the late Middle Ages, because of a strengthening of the state and civil/royal power, civil courts gradually usurped the right to judge clergy.

Such a development can be witnessed in a case from Amiens from 1408. Namely, during this year the royal court processed many allegations against royal soldiers and officials who put clergymen into royal prisons. Consequently, this situation led to almost open conflict between the archbishop and the royal authorities, behind which was an ongoing process of struggle for domination. This can be "read" in the correspondence between the archbishop and the royal court. In his letters, the archbishop repeatedly complains that civil authorities did not want to hand over imprisoned clerics to the arbitration of ecclesiastical institutions and canon law. Moreover, the archbishop states that the civil authorities tortured these clerics and he strictly disapproves of such actions. On the other hand, the royal officials tried to avoid these handovers in numerous ways, since they stated that ecclesiastical courts were too mild and forgiving towards the accused. Furthermore, they maintained that absence of corporal punishment and even the death penalty could aggravate a situation in the city, which was "swallowed" by crime, predominantly perpetrated by clergymen.[14]

Such a relationship of mutual conflict and the real supremacy of the civil authorities can also be traced in medieval Dubrovnik, and several cases from the beginning and the first half of the fifteenth century illustrate it nicely. A more thorough investigation of the extant archival materials could reveal even more cases, but I believe that the following will serve well enough.[15] Some of these cases illustrate a kind of feeble interference into the private space of ecclesiastical institutions, while others clearly reveal the "omnipotence" of Dubrovnik's patricians, who had all the power in the city in their hands. By the same token, I believe that it is quite significant to

---

12 This question is open in Croatian historiography, but viewed from a different perspective in Janeković Römer, "Nasilje zakona," 9-44, especially 35-9.

13 Robert N. Swanson, *Religion and Devotion in Europe c. 1215– c. 1515* (Cambridge: Cambridge University Press, 2000), 39-40; Trevor Dean, *Crime in Medieval Europe* (London: Longman, 2001), 108-14.

14 Ibidem, 110-1.

15 Some examples of violence against ecclesiastical institutions can be found in Janeković Römer, "Nasilje zakona," 35-9.

emphasize that all these examples come from the records of Dubrovnik's Minor Council, which indirectly indicates the importance of these cases, since they were not handed over to lower ranks of the juridical hierarchy.

The first case witnesses how Dubrovnik authorities saw the difference between the public and sacred (i.e., private) space of the Dominicans and their monastery in Dubrovnik. Namely, during the paving of this part of the city the civil authorities concluded that the ground-plan of the Dominican monastery, which abutted the east wall of the city's fortifications, did not correspond with the planned plot of the streets. Therefore, on 26 February 1415, the Minor Council did not hesitate to order the Dominicans to remove their lavatory and to wall up some of the windows and doors of the monastery because of the new layout of the street.[16] In the next year, something similar happened at the monastery of St. Mark.[17] It is interesting to note that all the expenses of these renovations were supposed to be financed by the Dubrovnik commune. Therefore, one can assume that the Dubrovnik authorities saw this monastery as a public area of the city, not as an ecclesiastical private space. Moreover, the formulation of this decree clearly states that these orders did not take into account just the Dominican monastery, but the entire quarter of the city where the monastery was situated, which corroborates the above assumption. Other cases of similar conflicts between civil structures and ecclesiastical institutions also reveal that Dubrovnik's patricians, probably because of their pragmatic approach, considered that these ecclesiastical institutions belonged to the city and not to the Church.[18]

Moreover, it seems that the Dubrovnik authorities not only considered the Church's property as public space, but they also uncompromisingly usurped the right to judge clergy if it was in the political interest of the Republic. This should not surprise us much, since Dubrovnik authorities tried to monitor and control almost all segments of public (and often also private) life and space.[19] Such an attitude can also be perceived in regulations and prohibitions from the beginning of the fifteenth century, according to which male Franciscans were forbidden to enter the convent of St. Clara and conduct holy mass.[20] The situation became even worse in 1434 when, besides these restrictions, a love affair took place between young Clarissa Pervula de Tudisio and the Franciscan Antun Vukčić. Dubrovnik authorities reacted quickly and strictly, not hesitating to

---

16 *Acta Consili Minoris*, s. 5, vol. 1, fol. 13 (Dubrovnik, State Archives).

17 *Acta Consili Minoris*, s. 5, vol. 1, fol. 73 (Dubrovnik, State Archives).

18 Janeković Römer, "Nasilje zakona," 38. The same could be concluded from some decrees of Dubrovnik's Minor Council from the 1380s, since in these regulations the council decided without any consent of ecclesiastical institutions about the usage and distribution of some gardens between the monasteries of St. Bartholomew and St. Clara. See. *Odluke veća Dubrovačke Republike* (Decrees of the councils of the Republic of Dubrovnik), vol. 1, ed. Mihajlo J. DINIĆ, Zbornik za istoriju, jezik i književnost srpskog naroda, III odelenje, knj. 15 (Belgrade: SANU i Naučna knjiga, 1951), 39-40.

19 Ravančić, "Javno i privatno," 54.

20 Janeković Römer, "Nasilje zakona," 37.

intrude on the privacy of the lovers, nor to interfere in the jurisdiction of the ecclesiastical institutions. Namely, Clarissa was secretly taken to a convent in another Dalmatian city and the male "perpetrator" was put in jail. Moreover, all their abettors were also punished by expulsion from the city. Even a vigorous attempt by the archbishop was not enough to prevent a rigid punishment that was "acceptable to God and compatible with the crime so that this would be dignified before God and praised before the people."[21]

Although this reaction of the Dubrovnik authorities was rigid, one could interpret it as an attempt to protect the moral life and virginity of the sisters in the convent of St. Clara. However, another case reveals that behind such reactions was just the simple need of the civil authorities to control all the segments of life within the city.[22] Namely, sometime around the end of February or the beginning of March 1415, a brawl occurred in the cloister of the Franciscan monastery, which would not have been anything special if it had not provoked the legal action of Dubrovnik civil authorities, followed – as in the previous case – by the archbishop's reaction. It seems that during the Middle Ages this cloister was a kind of half-public half-private space, where frequently one could find lay persons having a rest or just loitering.[23] Such mingling did not usually bother the peace of the monks, but sometimes it could disturb the Franciscans' quiet life, as happened when Vlaho Stankov, called Kotica, started a fight with some of the brothers.[24] The reaction of the authorities was quick: Vlaho was forbidden to enter monastery and its cloister until the end of that year.[25] Moreover, the civil authorities indiscreetly interfered in the Franciscans' attempt to solve this case within the ecclesiastical institutions – they simply asked the Franciscan inquisitor, Nicolas from Split, to stop his activity and hand over the case to the civil authorities.[26] As in the previous case, the archbishop's intervention had no result. Quite the contrary, the Minor Council only requested advice from the Senate, after which the procedure led to separate legal processes against each of the unfortunates involved.[27] After a long

---

21 More about this case see in Janeković Römer, "Nasilje zakona," 37-9.

22 Regarding this I would like to point out additional examples in Ravančić, "Javni proctor," passim; Z. Janeković Römer, "Nasilje zakona," passim; Ravančić, "Prostitucija u kasnosrednjovjekovnom i renesansnom Dubrovniku" (Prostitution in medieval and Renaissance Dubrovnik), in *Gradske marginalne skupine u Hrvatskoj kroz srednji vijek i ranomoderno doba* (Urban marginal groups in Croatia in the medieval and early modern period), Zbornik radova sa znanstvenog kolokvija održanog 10. prosinca 2003 u Zagrebu, ed. Tomislav Popić (Zagreb: Hrvatski studiji, 2004.), passim.

23 Anđelko Badurina, *Uloga franjevačkih samostana u urbanizaciji dubrovačkog prostora* (The role of the Franciscan monasteries in the urbanization of Dubrovnik) (Zagreb: Institut za povijest umjetnosti, 1990.), 15-1; Ravančić, "Javni prostor," 55-6.

24 It is important to note that in the sources Kotica was addressed as *dumpnus*, which could indicate that he was also a clergyman. However, even if it were so, this would additionally prove Dubrovnik authorities' usurpation of ecclesiastical jurisdictional rights.

25 *Acta Consili Minoris*, s. 5, vol. 1, fol. 15' (State Archives Dubrovnik).

26 *Acta Consili Minoris*, s. 5, vol. 1, fol. 15 (State Archives Dubrovnik).

27 *Acta Consili Minoris*, s. 5, vol. 1, fol. 15'-16 (State Archives Dubrovnik).

discussion, about which unfortunately there is no extant record, all the Franciscans involved were banned from the city. Most of them could not return until November 1416, while two were banned from the city only until the end of 1415. The sentence of the Franciscan Laurentius did not allow him to return to the city and its district for three years.

From the extant sources, unfortunately, it is not possible to determine the cause of this brawl and who started it. However, there is no doubt that this sentence of the Minor Council could not have been stricter and more rigid, especially because this was not a crime that caused death, but only a brawl without any serious consequences. Still, something can be assumed and concluded from the extant records. Thus, the Franciscan Laurentius was probably considered the chief culprit since he "earned" the longest expulsion from the city. Similarly, Vlaho Stankov and his actions were probably the cause of the brawl that provoked "rage" of the Dubrovnik authorities. Other involved Franciscans probably just joined the fight that started between Laurentius and Vlaho; perhaps they were trying to defend their brother.

In contrast, cases of clerics' conviction in other parts of Europe usually did not involve such rigid sentences, except in the case of murder or another grave crime.[28] Still, Dubrovnik patricians decided to punish these misbehaving friars gravely, so one can ask oneself what the grounds were for such a decision. Maybe the reason was deeper than can be seen at first glance and one should look into other circumstances in this period. Since there is no written explanation of these sentences in the extant records, one can only guess. The fact that Dubrovnik's Franciscans were part of the Dalmatian Province, which was under the strong influence of Venice, may have played a certain role in this sentence, since the Dubrovnik authorities did not like Venetian interference in their jurisdiction.[29] On the other hand, one should not forget that all this happened at the beginning of the fifteenth century – in the period when Dubrovnik was going through one of its economic and cultural peaks. This quick development led to some changes in the standards of living and behaving, so it is possible that Dubrovnik authorities started to fear that such changes might cause other, graver, changes. The fact that it is stated in the records that this sentence was given as an "example" and "against scandal" may perhaps be a guide in revealing why the punishment was so strict. The Franciscan mendicant order was rather popular among the commoners and Franciscans served as models of moral living. Thus, if a scandal such as a brawl were tolerated, who knew where it could lead? Therefore, it is possible that the Dubrovnik civil authorities acted strictly to try to prevent and avoid any other possible "deviations" of commoner behavior. The "poor" friars ended up banned from the city in order to "rectify" themselves and avoid "scandalizing" citizens.

---

[28] See, e.g., Dean, *Crime*, 108-12.

[29] Janeković Römer, "Nasilje zakona," 38.

Appendix

Acta Consili Minoris, s. 5, vol. 1 (State Archives Dubrovnik)
Acts of the Minor Council

№ 1
26th February 1415
Order of the Minor Council that the Dominican friars had to make some constructional modifications on the monastery because of the new street regulations

fol. 13

[*die XXVI februarii 1415*]
⌊*pro monasterio fratrum predicatorum*⌋
Captum fuit quod omnes porte que sunt circa monasterium fratrum predicatorum quocumque modo murentur exceptis solummodo tribus videlizet duabus ecclesie et tertia claustri versus ponentem. Et quod dictum monastrium pro diligenti custodia ciuitatis et conseruatione honestatis fratrum dicti monasterii reducatur in scoleum siue insulam sic quod remaneat expedita via comunis eundi circa muros ciuitatis. Et quod latrine siue conductum que sunt iuxta muros destruantur et fiant a redificentur aut in dicto monasterio in domo eius existente a parte ponentis aut in via versus ponentem subtus teram in illo loco et in ea parte dictorum locorum prout et sicut placuerint ipsis fratribus simile cum procuratroribus dictorum fratrum pro commoditate ipsorum fratrum. Et quod due siue tres fenestrie que sunt in vna cella ex parte (cass: murorum) murorum ciuitatis murentur uel inferrentur si et in quantum per exportationem terreni existentis retro ipsam cellam non videatur domino restori et minori consilio quod remaneant adeo alte quod nulla suspictio haberi rationabiliter debeat. Que omnia debeant expensis comunis.

№ 2
9th March 1415
Decision and other records of the Minor Council about the case of brawl in the cloister of the Franciscan monastery

fol. 15

die VIIII <martii 1415>
Captum fuit de mittendo in forcia fratrum Marinum de Antibaro capellanum monacarum et fratrem Nicolaum de Cataro ad dominum vicenicarium (cass: qui) et quod ipse faciat de eis iusticiam et de offerendo sibi brachium et carceris et omnia que erunt ad hoc oportuam.
Captum fuit de offerendo domino vicetario brachium scalare (?) *pro querendo fratrum Laurentium et*

(cass: esse) omnes alios et etiam carceres et alia opportuam in premissis.

⌊*pro fratribus minoribus*⌋
Captum fuit de procedendo contra fratres minores propter excessum comissum inter eos de vulnerabus et percussionibus inter se ipsos perpetratis (?) *vigore habite primo licentie a venerabili fratre Nicola de Spaleto inquisitore ac viceuicario in prouincia Dalmatina.*

⌊*pro eisdem*⌋
Captum fuit de induciando super processu predictorum fratrum vsque ad diem Iuis de mane proxime futuri que erit etiam (?) *presentis.*

fol. 15'

⌊*contra dompinum Blasium Stanchi*⌋
Captum fuit de precipiando (?) *dompino Blasio Stanchi dicto Cotiza quod nullo modo audeat nichil persumat intrare monasterium fratrum minorum de Ragusio vsque per totum menssem decembris proximo sub pena voluntatis rectori Ragusiis.*

⌊*pro Albanense*⌋
Captum fuit de dando in illis rebus que videbuntur domino rectori et minori consilio illo Albanensi qui venit huc pro faciendo fieri vestes pro suo domino (?) *valorem yperperos quinqua de denariis* (?) *nostri comunis.*

⌊*pro fratribus minoribus*⌋
Captum fuit de non portando ad consilium rogatorum processum fiendum contra fratres minores propter delictum et excessum eorum.

⌊*pro eisdem*⌋
Captum fuit de procedendo contra dictos fratres minores singulatum (?) *ad vnum ad vnum quem ad modum videbitur presenti consilio.*

fol. 16

die XIIII° marcii 1415
Captum fuit in suprascripto minori consilio in quo interfuerunt consiliarii decem de excludendo per summam (?) *infrascriptes fratres ordis minorum* (?) *prtopter uulneta rixas questinas et procussinas habitas inter dictos fratres, vt (cass: de) monasterium decetero remaneat in quiete et nullum scandalum in hac civitate per eos oriri possit viro ut ceteris etiam transeat in exemplum quo vercantur* (?) *similia decetero perpetiare* (?) *a civitate Ragusii et eius districtu in quam civitatem et districutm uenire non*

presumant infra tempora infrascripta et si uenerint totiens excludantur per illa eadem tempra quotiens per ipsos uel aliquem ipsorum fuerit contrafactum si legitime probari poterit.
Frater Laurentius fuit exclusus a ciutate et districtu in parte suprascripta continetur per annos tres proxime futuros.
Frater Marinus de Antibaro capellanus incarcarum usque ad diem XV^tum^ nouembris 1416.
Frater Nixa de Cathero fuit exclusus utsupra usque ad dictam diem XV^tum^ nouembris 1416.
Frater Petrus de Scardona suit exclusus utsupra usque ad dictam diem XV^tum^ nouembris 1416.
Frater Ziuchus de Ragusio lector fuit exclusus utsupra usque ad dictam diem XV^tum^ nouembris 1416.
Frater Jacobus de Spaleto fuit exclusus utsupra usque ad dictam diem XV^tum^ nouembris 1416.
Frater Antonius de Caffia et frater Michael de Durachio lector Cathari usque per totum mensis decembris 1415.

Captum fuit in suprascripto minori consilio quod illi fratres ex suprascriptis qui ad presens non sunt in carceribus habeant terminum recedendi in Ragusio per totam diem dominicam proxime futuram.

№ 3
10th March 1416
Order of the Minor Council regarding the problem of the windows on the monastery of Saint Mark

fol. 73'

[*die X martii 1416*]
⌊*pro fenestra Sancti Marci*⌋
Captum fuit de murando fenestram Sancti Marci que aspicit versus plateam et de faciendo vnam aliam fenestram in facie que est ex opposito domus thesaurariorum que sit fortis et bene ferrata.

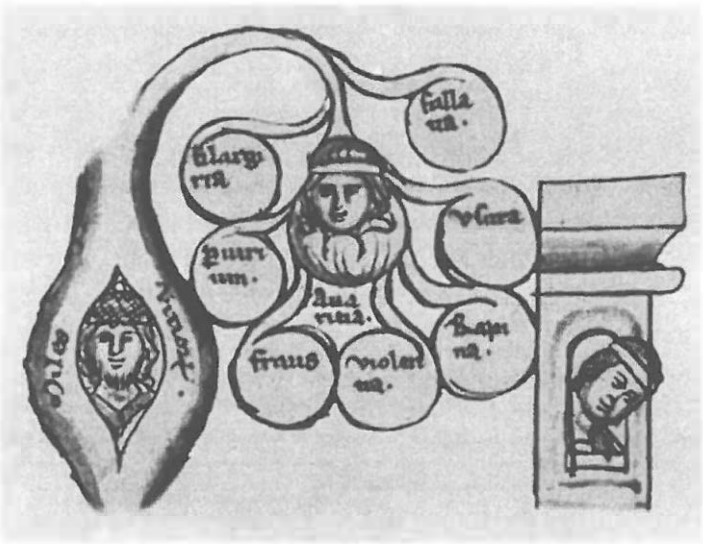
VIOLENCE AND THE MEDIEVAL CLERGY

CEU MEDIEVALIA 16
=
MEDIUM AEVUM QUOTIDIANUM
Sonderband 26 (2010)

Series Editor: József Laszlovszky
Series Technical Editor: Annabella Pál

Violence and the Medieval Clergy

Edited by
Gerhard Jaritz
and
Ana Marinković



Medium Aevum Quotidianum
Krems/Donau
&
Central European University
Department of Medieval Studies
&
Central European University Press
Budapest · New York

Budapest, 2011

© Editors and Contributors 2011
1st edition

Technical Editor: Gerhard Jaritz
Copy Editor: Judith Rasson
Cover design for the series by Péter Tóth

Cover Illustration:
Tree of Vices (detail), third quarter 13th century, Austria.
Vienna, Austrian National Library, cod. 12538, fol. 13r

Joint publication by:

Medium Aevum Quotidianum
Körnermarkt 13, 3500 Krems, Austria
Telephone (+43-2732) 84793, Fax (+43-2732) 64793-1

Central European University
Department of Medieval Studies
Nádor u. 9, H-1051 Budapest, Hungary
Telephone: (+36-1) 327-3051, Fax: (+36-1) 327-3055
E-mail: medstud@ceu.hu, Website: http://medstud.ceu.hu

Central European University Press
An imprint of the Central European University Share Company
Nádor u. 11, H-1051 Budapest, Hungary
Telephone: (+36-1) 327-3138, Fax: (+36-1) 327-3183
E-mail: ceupress@ceu.hu, Website: http://www.ceupress.com

400 West 59th Street, New York NY 10019, USA
Telephone (+1-212) 547-6932, Fax: (+1-646) 557-2416
E-mail: mgreenwald@sorosny.org

All rights reserved. No part of this publication may be reproduced, stored in retrieval system, or transmitted, in any form or by any means, without the permission of the Publishers.

Published with the support of niederösterreich kultur

ISSN 1587-6470 CEU MEDIEVALIA
ISBN 978-615-5053-26-9

Library of Congress Cataloging-in-Publication Data

Violence and the Medieval Clergy / edited by Gerhard Jaritz, Ana Marinković -- 1st ed.
p. cm. -- (CEU medievalia ; 16)
Papers from the workshop "Coping with violence, and the medieval clergy (from the local settlement of dispute to approaching the Papal Penitentiary)," held at Dubrovnik in 2008.
Includes bibliographical references and index.
ISBN 978-6155053269 (pbk.)
1. Violencee--Religious aspects--Catholic Church--History--To 1500--Congresses. 2. Catholic Church—Europe--Clergy--History--To 1500--Congresses. 3. Church history--Middle Ages, 600-1500--Congresses.
I. Jaritz, Gerhard, 1949- II. Marinkovic, Ana.
BX1069.5.V56 2011
261.8'3--dc22

2010052375

Printed in Hungary by Akaprint Kft., Budapest

TABLE OF CONTENTS

Preface 1
Peter Clarke, The Medieval Clergy and Violence: An Historiographical Introduction 3
Kirsi Salonen, The Apostolic Penitentiary and Violence in the Roman Curia 17
Torstein Jørgensen, "Killings, Unfortunately, Take Place More Often Here than Anywhere Else:" Civil and Clerical Homicide in Late Medieval Norway 29
Etleva Lala, Violence and the Clergy in Late Medieval Albania: with and without the Penitentiary 47
Gerhard Jaritz, The Bread-Knife 55
Gordan Ravančić, Sacred Space, Violence and Public Law in the Cloisters of the Franciscan and Dominican Houses of Dubrovnik 67
Nella Lonza, The Priest Barbius and His Crime before the State and Church Authorities of Medieval Dubrovnik 77
List of Contributors..... 91
Index 93

PREFACE

Studies of the Apostolic Penitentiary and its role and function for all strata of late medieval society have become an important field of research at the international level. The requests of Christians for grace to be granted by the papal curia offer information about a variety of problems and needs that confronted both clerics and laypeople and made petitions to the pope necessary or, at least, advisable.

Since 2001, the Department of Medieval Studies of Central European University has been concentrating on comparative research in the East Central European data of the Penitentiary Registers. This has led to intensive cooperation with other scholars in the field, to a number of international meetings and the publication of their results.[1] The most recent of these workshops was held in Dubrovnik in 2008 and dealt with a research question for which the Penitentiary registers contain rich material: "Coping with Violence, and the Medieval Clergy (from the Local Settlement of Dispute to Approaching the Apostolic Penitentiary)."

In recent decades research into violence in the Middle Ages has seen a particular boom. In a large number of studies historians discovered that violence was omnipresent in medieval society and affected all areas of life and the members of all social strata. Although one has to be careful with such generalizations, it can be stated that the surviving sources deal regularly with issues of violent actions, signs and results of violence, violent people and coping with violence. Members of the clergy played an important role in recording such evidence – as writers about violence and critics of violence, but also as perpetrators, victims, and witnesses. However, systematic analyses of the patterns of behaviour and the different functions and actions of clerics on these issues have not yet been realized often in a context-bound and comparative way. The Dubrovnik workshop aimed to contribute towards changing this situation and offer a forum to discuss questions about the various roles of medieval clerics in the attempts

---

[1] The results of meetings at Bergen (2003) and Budapest (2004) were published in Gerhard Jaritz, Torstein Jørgensen and Kirsi Salonen (ed.), *The Long Arm of Papal Authority. Late Medieval Christian Peripheries and Their Communication with the Holy See*, CEU Medievalia 8 (Budapest and New York: Central European University Press, 2005); selected papers of a workshop at Rome (2005) may be found in iidem (ed.), ... et usque ad ultimum terrae *The Apostolic Penitentiary in Local Contexts*, CEU Medievalia 10 (Budapest and New York: Central European University Press, 2007).

and processes designed to cope with violence. Particular emphasis was put on the function of the Apostolic Penitentiary and its decisions in this context. This volume contains selected contributions from the meeting.

In his introductory paper, Peter Clarke offers an overview of the state of the art of research into the connection of the clergy and violence in the Middle Ages. Kirsi Salonen concentrates on violence at the Roman curia and its reflection in the Penitentiary records. Torstein Jørgensen and Etleva Lala deal with violence and the clergy in two peripheral areas of medieval Western Christianity, namely, Norway and Albania, and also include Penitentiary evidence in their analysis. Gerhard Jaritz studies the role of one important object in the violence-bound argumentation of the supplicants to the Penitentiary: the short bread-knife that was allowed to be carried by everyone and did not count as a weapon, but seems to have been used regularly as such. Gordan Ravančić and Nella Lonza offer analyses of problems of violence occurring in the clerical space of medieval Dubrovnik.

November, 2011

Gerhard Jaritz (Budapest and Krems)
Ana Marinković (Budapest and Zagreb)