THE APOSTOLIC PENITENTIARY AND VIOLENCE IN TH.E ROMAN CURIA

Kirsi Salonen

The Apostolic Penitentiary in the Middle Ages and its historical records

This essay analyses the petitions brought before the Apostolic Penitentiary concerning violence committed in the papal curia during the pontificate of Pius II (1458–1464).[1] Since some readers might not be familiar with the Apostolic Penitentiary and its medieval sources, I will start by explaining briefly what the Penitentiary was and what kinds of documents its archives can offer us in respect of violence.

The Apostolic Penitentiary was one of the papal offices – officially classified as one of the papal tribunals – which dealt with all the issues that concerned sins. Defining the Penitentiary as a "tribunal" is, however, slightly misleading because the office did not hold court sessions after which it would decide if a person were guilty or not guilty. The Christians who came before it were not litigants, but simply people who needed some kind of grace from the papal curia. Thus, the Penitentiary simply granted graces – which people from all over Christendom requested in the form of a petition, *supplicatio* – to Christians who had a problem they had to solve.[2] The powers given to the office by the popes allowed it to grant four kinds of graces:

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1 The study is limited to one pontificate for the sake of proportionality. This essay is a result of my research project "The Apostolic Penitentiary and the Local Church," financed by the Academy of Finland, to which I wish to express my gratitude.

2 About the history and functioning of the Penitentiary, see Emil Göller, *Die päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V.*, 2 vol. in 4 parts (Rome: Königlich Preußisches Historisches Institut in Rom, 1907-1911); Ludwig Schmugge, Patrick Hersperger and Béatrice Wiggenhauser, *Die Supplikenregister der päpstlichen Pönitentiarie aus der Zeit Pius' II. (1458–1464)*, Bibliothek des Deutschen Historischen Instituts in Rom 84 (Tübingen: Niemeyer, 1996), 4-56; Kirsi Salonen, *The Penitentiary as a Well of Grace in the Late Middle Ages. The Example of the Province of Uppsala 1448–1527*. Suomalaisen Tiedeakatemian Toimituksia – Annales Academiae Scientiarum Fennicae 313 (Saarijärvi: Finnish Aacademy of Sciences, 2001), 40-56; Kirsi Salonen and Ludwig Schmugge, *A Sip from the "Well of Grace". Medieval Texts from the Apostolic Penitentiary*, Studies in Medieval and Early Modern Canon Law 7 (Washington D.C.: Catholic University of America Press, 2009) 13-6 and 69-83.

between two men who occasionally found themselves at the same time in the curia because Johannes lived permanently in Rome.[20]

Three petitioners were in monastic positions. One of them, Brother Rollandus Hospitis from an unknown diocese, said that he was a *monacus*, but did not reveal his order.[21] Petrus Chance was a priest and Benedictine monk from a monastery outside Tours[22] and Brother Franciscus de Brilhaco was the prior of the Benedictine monastery of Vigon in the diocese of Bourges.[23]

All the victims of violent behaviour had clerical standing. The most numerous groups of victims were clerics (21 persons) and priests (16). In addition, one acolyte, three canons, one dean, one deacon, one monk, and one subdeacon are mentioned as victims. In three cases the social status or clerical standing of the victim was not specified. In one of these three cases there was a question about a more complex situation. The supplication was made by six men from six dioceses of the Iberian peninsula (the dioceses of Valencia, Tarazona, Geronna, Lerida, Salamanca, and Tortosa) and they state that they had injured and wounded certain clerics and laymen in the Roman curia without specifying how many and under what circumstances.[24]

In certain cases there was a question about quarrels between men who certainly knew each other already. Such must have been the case of Hugo Mongin, a cleric from the diocese of Besançon, who had hit and wounded in the Roman curia a certain cleric, Johannes Ulphini, from the same diocese. It is possible that the men had travelled together to Rome to take care of some business and had ended up fighting in the curia. Another possibility is that the men were both working as clerics in the curia, but the

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20 About him, see Schmugge, Hersperger and Wiggenhauser, *Die Supplikenregister*, 47.

21 ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 7, fol. 256v-257r: *Frater Rollandus Hospitis monacus in Romana curia existens quendam clericum percussit, quare excommunications sententiam incurrit. Supplicat igitur quatenus ipsum a dicta excommunicationis sententia absolvi mandare dignemini. Fiat de speciali, Phi. S. Laurentii in Lucina.*

22 ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 8, fol. 192r: *Petrus Chance presbiter monacus professus monasterii maioris prope Thuronis ordinis sancti Benedicti in curia Romana quendam clericum percussit et vulneravit, propter quod excommunicationis sententiam in tales generaliter promulgatam incurrit. Et cum idem clericus ad plenum convaluerit, petit absolvi idem presbiter a dicta excommunicationis sententia. Fiat de speciali, Phi.*

23 ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 13, fol. 177v: *Frater Franciscus de Brilhaco prior de Vigon ordinis sancti Benedicti Bituricen. dioc. in curia Romana quendam clericum canonicum Andegaven. percussit et vulneravit, quare excommunicationis incurrit sententiam, a qua petit absolvi. Fiat de speciali, Phi.*

24 ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 10, fol. 188v: *Vincencius Roberti et Ludovicus Adola, Berengarius Martini de Daroca, Gundissalvus de Atera, Guabriel Sumso, Guillelmus Berengarius Olzuolos, Petrus Fragrecha et Johannes de Valencia clerici et laicus Valentin., Tirasonen., Gerunden., Ilerden., Salamantin. et Dertusien. civitatis et diocesani manus violentas in quosdam clericos et laicos in curia Romana iniecerunt ac eosdem percusserunt et vulnerarunt, quare excommunicationum sententias in tales latas incurrerunt, a quibus petunt absolvi. Fiat de speciali, Jo. eps Castellanus, regens.*

short petition does not give any hints as to why they had ended up fighting.[25] Another petition tells about two men from the Iberian Peninsula who had quarrelled in the curia. According to the text of the petition of Garsias Gundissalvi de Castanneda, priest from the diocese of Burgos, he and a certain Alfonsus Fernandi de Hamusbo, canon of Avila, had had fights in the curia.[26] Aloisius de Ghisileriis, a cleric from Bologna assaulted Anthonius de Cassa, a priest from the diocese of Novara.[27] Apart from the few cases where the name of the victim was stated, in most cases the perpetrator did not specify the victim by name or by provenance, but simply stated that he had injured a certain cleric or a certain priest (*quendam clericum/presbyterum percussit*).

Why violence?

The last point of my essay is the circumstances that led to violent behaviour. Why did these violent crimes take place? In principle, five main reasons for violent behaviour can be distinguished in the Penitentiary cases: 1) No explanation, 2) Instigation of the Devil, 3) Self-defence, 4) Anger/hatred, and 5) Accident.[28]

Almost all documents related to violent behavior in the Roman curia belong to the first group, i.e., the supplicants do not offer any kind of explanation for why they assaulted their victims. One of them was Didacus de Villa Corta, an acolyte from the diocese of Palencia, who had assaulted a priest without bloodshed (*quendam presbyterum in curia absque sanguinis effusione percussit*). His petition for absolution was granted by Cardinal Penitentiary Philippus Calandrini on 26 April 1461.[29]

In only three cases did the petitioners offer some kind of explanation for their behaviour. Two of them fit the fourth group of motivations, anger or hatred. Dominicus Nicolai, cleric from the diocese of Salamanca, explained in his petition, presented to the Penitentiary on 27 October 1462, that he had assaulted a certain priest because of

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25 ASV, *Penitenzieria Ap.*, *Reg. Matrim. et Div.*, vol. 10, fol. 133v: *Hugo Mongin clericus Bisuntin. dioc. quendam Johannem Wlphini clericum eiusdem dioc. in Romana curia percussit et vlneravit, quare excommunicationis sententiam in tales latam incurrit, a qua petit absolvi. Fiat de speciali. Phi. Sancti Laurentii in Lucina.*

26 ASV, *Penitenzieria Ap.*, *Reg. Matrim. et Div.*, vol. 7, fol. 128v(-130r): ... *Sua nobis Garsias Gundisalvi de Castanneda presbiter Burgen dioc lator presentium peticione monstravit quod olim ipse prout latius tibi exponet et quidam Alfonsus Fernandi de Hamusbo canonicus Abulen in Romana curia existens nonnullas inter se inierunt ...*

27 ASV, *Penitenzieria Ap.*, *Reg. Matrim. et Div.*, vol. 9, fol. 185v: *Alouisius de Ghisileriis clericus Bononien. manus violentas in quendam presbiterum Anthonium de Cassa Novarien. iniecit in curia, quare excommunicationis sententias in tales tam per processus apostolicos quam aliter latas incurrit, a quibus petit absolvi. Fiat de speciali, Phi. S. Laurentii in Lucina.*

28 About motivations and their explanations, see Salonen 2001, p. 294-7 as well as Salonen, "The Apostolic Penitentiary," forthcoming.

29 ASV, *Penitenzieria Ap.*, *Reg. Matrim. et Div.*, vol. 9, fol. 154v: *Didacus de Villa Corta acolitus Palentin. dioc. quendam presbiterum in curia absque sanguinis effusione percussit, quare excommunicationis sententias incurrit a quibus petit absolvi. Fiat de speciali, Phi. S. Laurentii in Lucina.*

hatred (*ira motus manus violentas in curia Romana in quendam presbyterum iniecit*).[30] Garsias Gundissalvi, a priest from the diocese of Burgos, in his turn had ended up in conflict with a certain Sancius in his room with the consequence that Sancius was wounded in the hand (*... in curia conflictum cum quodam Sancio et in camera dicti exponentis fecit, in quo conflictu idem Sancius modicum super manu lesus remansit*). He obtained absolution from the regent of the Penitentiary, Prothonotarius Galeottus de Oddis, on 21 May 1463.[31] The third document is a bit more difficult to fit into the above-mentioned typical categories because the supplicant, Oliverius du Boyfiagn, a cleric from the diocese of Saint Malo, stated that he had acted maliciously, or more exactly: He had maliciously tripped a priest with his foot so that the latter fell to the ground (*quendam presbyterum in Romana curia maliciose cum pede ad terram cadere fecit*). Oliverius was absolved of his misbehavior on 11 October 1464.[32]

Conclusions

What can be learned from these documents? First, the small number of cases handled in the Penitentiary demonstrates that violence in the curia was not an issue in the Late Middle Ages. The small number of such petitions, only 48 documents, made it difficult to make any kind of reliable statistical analysis on the basis of the material, but it does show that violent behaviour in the curia was a phenomenon that involved persons from almost all parts of Christendom, thus, it was not just a phenomenon of Italian priests fighting with each other.

Apart from the two homicide cases, Penitentiary documents indicate that violence in the curia was not especially ferocious. The wording of the documents does not allow us to judge in all cases whether there was a question of violence with bloodshed or not. It seems that in many cases the violent act committed was not especially severe and it was more a question of a fight between two men. Weapons were used in assault only in rare cases, which indicates that it must have been a question of premeditated

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30 ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 11, fol. 234r: *Dominicus Nicolai presbiter Portuen. quadam ira motus manus violentas in curia Romana in quendam presbiterum iniecit, quare excommunicationis incurrit sententiam in tales generaliter latam, a qua petit absolvi. Fiat de speciali satisfacto primo iniuriam passo et componat cum datario. Jo. episcopus Castellanus regens.*

31 ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 11, fol. 192v: *Garrias Gundissalvi presbiter Burgen. dioc. exponit quod ipse in curia conflictum cum quadam Sancio et in camera dicti exponentis fecit in quo conflictu idem Sancius modicum super manu lesus remansit. Et cum dictus exponens si premissa fecit aut ne supplicat tamen pro eius cautela, quatenus ipsum a sententia excommunicationis, si quam premissorum occasione incurrit, absolvi mandare dignemini. Fiat de speciali. G. prothon. de Oddis, regens.*

32 ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 13, fol. 135r: *Oliverius du Boyfiagn clericus Maclovien. dioc. quendam presbiterum in Romana curia maliciose cum pede ad terram cadere fecit ac postmodum de aula sive tenello per vim expulsit, propter quod excommunicationis sententiam incurrit. Cum autem de percussionibus huiusmodi dictus presbiter convaluerit, petit a sententiis huiusmodi et peccatis ac excessibus huiusmodi dsolvi de gratia speciali.*

violence that probably took place after one became angry with the other for one or another reason.

As one might have suspected, most of the victims and perpetrators had clerical standing, but a few laymen appear among the perpetrators as well. This is quite understandable because numerous laypeople had business in the curia, too, and had to be present there. The documents unfortunately do not tell what the perpetrators and victims were doing in the curia. One can suspect that most of them were people who had come to the curia to handle some matter there and had ended up with a fight during their temporary stay in Rome. On the other hand, as the case of the Penitentiary proctor, Johannes de Lapide, demonstrates, some of the petitioners were persons working in the papal curia and thus their presence in Rome was permanent.

Unfortunately these documents do not offer many details regarding these conflicts, but at least they demonstrate that violence took place in the papal curia despite it being forbidden under the pain of excommunication. Nevertheless, the small number of these cases shows that most of the people present in the curia observed the norms and behaved properly.

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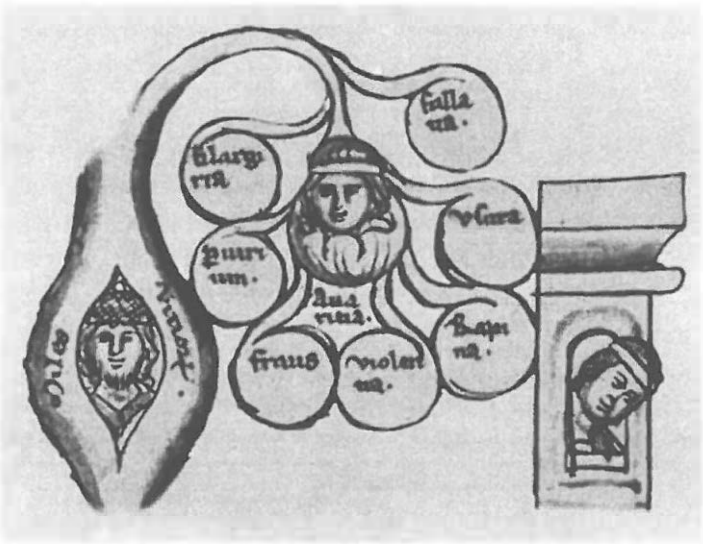

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PREFACE

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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

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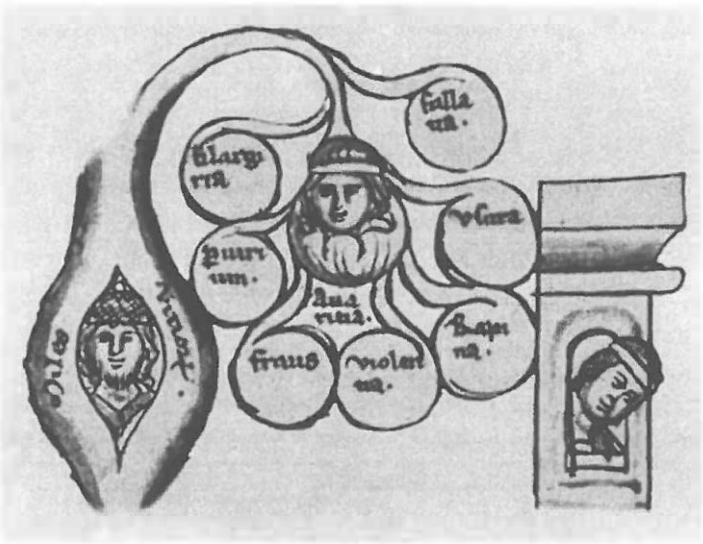

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