

The Kingdom of Poland versus the Teutonic Knights: Oral Traditions and Literate Behaviour in the Later Middle Ages

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Reflection on the oral and textual elements in medieval culture may benefit from a consideration of a fourteenth-century Polish source, the acts of the dispute between the Kingdom of Poland and the Order of the Teutonic Knights. These were committed to writing in 1339. No less than 126 witnesses were interrogated about events that had taken place in the (sometimes distant) past. The evidence is rich for the study of oral tradition in the later Middle Ages. It is an important source for the reconstruction of what actually took place, but also for the confrontation between oral and literate modes of thought.

The acts were produced under special political circumstances. In the Polish-German conflict, this instance of putting into writing collective knowledge about the past was meant to serve – as so often – the interpretation of the present and thereby to influence the future.¹ To understand the text, it will therefore be necessary to analyze it in the context of the political events that inspired its composition.

I. The conflict between Poland and the State of the Teutonic Knights

The Order of the Teutonic Knights, founded between 1189 and 1191, was a military order brought into being in the Holy Land at the times of the Crusades. From the beginning, the Teutonic Knights, most of whom were Germans, sought recognition from emperors and popes alike. Very quickly they tried to install themselves in East Central Europe. Here, there was still room for missionary activity. First they came to Transylvania, then to Bohemia and Silesia, and they found their final theatre of operations on the shores of the Baltic.

In 1228-1230, the Knights came to the border area between Masovia and Prussia. They had been invited by Polish princes, in particular by Conrad I, the duke of Masovia. Having received the lands of Chełmno, probably by way of alms, they were meant to undertake christianizing missions in Prussia. They were also to defend the Polish lands against Prussian inroads.

Before the end of the thirteenth century, the Knights had built themselves a fully-fledged state, using the methods nowadays known as ethnic cleansing to rid

¹ I am using the expression of Matthew Innes. See M. Innes, "Introduction: using the past, interpreting the present, influencing the future," in *The Uses of the Past in the Early Middle Ages*, eds. M. Innes and I. Hen (Cambridge: Cambridge University Press, 2000), p. 1.

Prussia of its indigenous population. Considering the remarkable degree of centralization of the state of the Teutonic knights, its economic strength and military potential, the growth of their lands was an important phenomenon for the whole region.²

Until the end of the thirteenth century, there were no conflicts between the Knights and the Polish princes, who were busy trying to reunify their country. Relations were correct, even good. A dramatic change came about in the autumn of 1308, when the Knights cunningly took Gdańsk and then burnt the town. Next, in the summer of 1309, they occupied all of Pomerania. A quick glance at the map is sufficient to understand the importance of these events for Poland and for Ladislas the Short (1259/60-1333), the prince who brought about the country's reunification. The political situation was complicated by the collaboration of the Teutonic Knights with John of Luxembourg (1296-1346), King of Bohemia, who pretended to the Polish crown.³

From 1309 onwards, then, relations between Poland and the Teutonic Knights were hostile, with a delicate balance between war and peace being maintained over the next two decades. Periods with tensions alternated with attempts at mediation. In 1329 the Knights attacked the land of Dobrzyń. In the autumn, helped by John of Luxembourg, they attacked Greater Poland, Cuyavia and the land of Sieradz, leaving the country in ruins behind them.⁴

All these events are reflected in the protocol of the trial, composed in 1339 under the direction of papal judges.

II. The trial of 1339 and its protocol

The trial between Poland and the Order of the Teutonic Knights, commonly known as the Warsaw trial (1339), was the result of diplomatic overtures by the young king Kazimir the Great (1310-1370), who had succeeded Ladislas the Short in 1333. Having considered the political and economic weakness resulting from Poland's recent reunification, Kazimir wanted to avoid at all costs any further military confrontations. He also wanted to show his determination to reclaim the lost lands. After two years of diplomatic wrangling at the papal curia at Avignon, pope Benedict XII (1335-1342) designated two judges (Galhardus de Carcères, papal legate for Poland and Hungary, and Peter, a canon of the cathedral chapter of Le Puy) and two notaries public, who had to keep a protocol of the proceedings (they were Pierre

² For the basic bibliography, see: Hartmut Boockmann, "Deutscher Orden," in: *Lexikon des Mittelalters*, III (München and Zürich: Artemis Verlag, 1984), col. 768-777.

³ For the rich bibliography on those events, see recently: Maksymilian Grzegorz, *Pomorze Gdańskie pod rządami Zakonu Krzyżackiego w latach 1308-1466* (Pomerania of Gdansk under the rule of the Order of the Teutonic Knights, 1308-1466) (Bydgoszcz: Wydawnictwo Uczelniane WSP w Bydgoszczy, 1997).

⁴ For a more detailed description of the events, see e.g. Paul W. Knoll, *The Rise of Polish Monarchy. Piast Poland in East Central Europe. 1320-1370* (Chicago and London: The University of Chicago Press, 1971), 50-64.

de Montiglio, *clericus* of Le Puy and Wojciech, *clericus* of the diocese of Cracow). The trial lasted from 4 February to 15 August 1339. It was held in several places. Its name, the Warsaw trial, comes from two important sessions that took place in Warsaw. At the time this was a neutral place, because it was situated in Masovia, which did not belong to the kingdom of Poland.⁵

The protocol of the trial allows us to follow the course of events in detail, surviving as a trustworthy copy (*instrumentum publicum*) made immediately after the trial.⁶ This immense file, composed of 44 notarial deeds, was edited twice at the end of the nineteenth century, with protocols of other trials, as *Lites ac res gestae inter Polonos Ordinemque Cruciferorum*.⁷ The part that concerns us here is the testimony of 126 witnesses. They are edited on almost 300 densely printed pages.

The same thirty questions (*articuli*) were put to each witness. Together, the answers give a mass of information about the witnesses themselves (their social standing, education, family relations and careers) and about their knowledge of historical events. Most of the information contained in the protocol cannot be found in any other source. It is therefore understandable that many Polish and German historians studied the text. They were mainly looking for the composition of the protocol,⁸ social data,⁹ and political ideology. Until now the evidence has been

⁵ The most detailed study of this trial is still: Helena Chłopocka, *Procesy Polski z Zakonem Krzyżackim w XIV wieku. Studium źródłoznawcze* (Trials between Poland and the Order of the Teutonic Knights. A study in source criticism) (Poznań: Państwowe Wydawnictwo Naukowe, 1967).

⁶ H. Chłopocka, *Procesy Polski*, p. 114.

⁷ *Lites ac res gestae inter Polonos Ordinemque Cruciferorum*, 1st ed.: I-III, ed. T. Działyński (Poznań: n. p., 1855-1856) (*Supplementum*, Poznań, 1880); 2nd ed.: I-III, ed. I. Zakrzewski (Poznań: n. p., 1890-1892), III, ed. J. Karwasinśka (Poznań, 1935); 3rd ed: I, ed. H. Chłopocka (Wrocław-Warszawa-Kraków: Zakład Narodowy im. Ossolińskich, 1970). I am using the edition of I. Zakrzewski of 1890 (quoted henceforth as *Lites*).

⁸ H. Chłopocka, "Die Zeugenaussagen in den Prozessen Polens gegen den deutschen Orden im 14. Jahrhundert," in *Deutschordensstaat Preussen in der polnischen Geschichtsschreibung der Gegenwart*, eds. Udo Arnold and Marian Biskup (Marburg: Elwert, 1982), pp. 165-188; H. Chłopocka, "Chronikalische Berichte in der Dokumentierung der Prozesse zwischen Polen und dem Deutschen Orden," in: *Geschichtsschreibung und Geschichtsbewusstsein im späten Mittelalter*, ed. Hans Patze (Sigmaringen: Jan Thorbecke Verlag, 1987), pp. 471-483. Wiesław Sieradzan, "Aussagechroniken in der Quellensammlung *Lites ac res gestae inter Polonos Ordinemque Cruciferorum*," in *Die Geschichtsschreibung in Mitteleuropa. Projekte und Forschungsprobleme*, ed. Jarosław Wenta (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1999), pp. 277-289.

⁹ This approach has been developed, a. o. by Janusz Bieniak. See, e.g.: J. Bieniak, "Litterati świeccy w procesie warszawskim z 1339 roku" (The *litterati* laymen in the Warsaw trial of 1339), in *Cultus et cognitio* (Warszawa: Państwowe Wydawnictwo Naukowe, 1976), pp. 97-105; J. Bieniak, "'Milites' w procesie polsko-krzyżackim z r. 1339," (The *milites* in the Warsaw trial in 1339), *Przegląd Historyczny*, 75 (1984), pp. 503-514; J. Bieniak, "Środowisko świadków procesu polsko-krzyżackiego z 1339 r." (Witnesses at the trial between Poland and the Order of the Teutonic Knights as a social group), in *Genealogia - kregi zawodowe i grupy interesu w Polsce średniowiecznej na tle porównawczym*, ed. Jan Wroniszewski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1989), pp. 1-35.

scrutinized primarily in the context of the Polish-German conflict, in search of the oldest traces of a Polish national consciousness growing under strong German pressure.¹⁰

The protocol of the Warsaw trial can be analyzed as part of a whole series of trials that took place in different parts of Europe from the end of the twelfth century onwards. Held according to civil or canon law (e. g. canonization trials), these trials produced many documents. Transcriptions of *depositiones testium* from Italy, France, England,¹¹ or Poland pose problems of interpretation that merit individual treatment. From the point of view of source criticism these types of document have to be analyzed carefully, as they were very formalized.¹² In the first place, the testimony was limited by the questions put, i. e. by the character and the content of the *articuli*. Next comes an important problem of translation and transcription. The principal language of the trial of Warsaw was Latin, and from the formulary we know that, when a witness was unable to understand Latin, the questions were translated into Polish. Afterwards, the answers were translated from Polish into Latin.¹³ The question is how the double translation and the transcription of orally formulated information by educated clerics in a written protocol influenced the form of the testimony available to us. This question is still subject to discussion. A third important question in criticizing a source such as the protocol of the Warsaw trial is the well-known problem of the objective mechanisms of individual and collective memory, what Marc Bloch once called the 'psychology of evidence'.¹⁴

The wording of the witnesses' evidence from the Warsaw trial of 1339 is generally considered to be very reliable. For the questions I will discuss here, there are no objections to be found against the trustworthiness of the protocol. My aim is to show a crucial moment in social communication: that of putting into writing knowledge of the past, of a vision of the past, which had until then resided only in

¹⁰ See W. Sieradzan, *Świadomość historyczna świadków w procesach polsko-krzyżackich w XIV-XV wieku* (The historical consciousness of the witnesses at the trial between Poland and the Order of the Teutonic Knights in the fourteenth and fifteenth centuries) (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1993), with a rich bibliography; W. Sieradzan, "Das nationale Selbstbewusstsein der Zeugen in den Prozessen zwischen Polen und dem Deutschen Orden im 14. und 15. Jahrhundert," in *Nationale, ethnische Minderheiten und regionale Identitäten in Mittelalter und Neuzeit*, ed. Antoni Czacharowski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1994).

¹¹ See: Guy P. Marchal, "Memoria, Fama, Mos Maiorum. Vergangenheit in mündlicher Überlieferung im Mittelalter, unter besonderer Berücksichtigung der Zeu genaussagen in Arezzo von 1170/80," in *Vergangenheit in mündlicher Überlieferung*, eds. Jürgen von Ungern-Sternberg and Hansjörg Reinau (Stuttgart: B.G. Teubner, 1988), notes 2 and 3.

¹² See: Judith Everard, "Sworn testimony and memory of the past in Brittany, c. 1100-1250," in *Medieval Memories. Men. Women and the Past. 700-1300*, ed. Elisabeth van Houts (London and New York, Longman, 2001), pp. 73-74.

¹³ In several places of the protocol one finds the formula: *testis (...) examinatus super articulis (...) Sibi vulgarizatis quia illiteratus erat*. See, e.g. *Lites*, p. 176.

¹⁴ Marc Bloch, "Réflexions d'un historien sur les fausses nouvelles de la guerre," in idem, *Histoire et historiens* (Paris: Armand Colin, 1995), p. 147.

oral collective memory.¹⁵ The research is far from finished, and the reader will have to make do with a first, provisional, commentary.

III. The evidence

During the trial, 126 witnesses were interrogated.¹⁶ Questions were asked about four chronologically distinct moments in the past, belonging to three 'slices' of time. Questions about the earliest of these moments (*articuli* I-III) required the witnesses to think back a hundred years. The next two moments lay back thirty to fifty years earlier (*articuli* IV-VII, XVII-XVIII). The most recent moment, finally, required the witnesses to think back to eight to ten years previously (*articuli* IX-XV, XIX-XXX). Not all witnesses, however, answered all questions. There were persons who were only questioned about the most recent of these moments, that is to say about the attack of the Teutonic Knights of 1331. Nevertheless, if we look at what the protocol contains about all four moments, we may learn something about the foundations and sources of collective historical knowledge.

III.1. Knowledge stretching back a century

The first three *articuli* of the protocol are concerned with the question as to which political and ecclesiastical entities the land of Chełmno belonged. This land had been given to the Teutonic Knights around 1230. Of 34 witnesses questioned about this matter, only one did not know anything about either the gift itself or the circumstances of the donation.¹⁷ All the others knew that originally it had been Polish land, which had been offered to the Order. Most witnesses knew the name of the prince Konrad of Mazovia, who had made the gift.

For all witnesses, oral tradition was the main source for this knowledge, most often transmitted by members of the family: *audivit a parentibus suis*,¹⁸ *audivit a patre suo*,¹⁹ *se audivisse a parentibus suis et a senioribus*.²⁰ And Wojciech, the *palatinus* of Brześć (in Cuyavia) says that he *audivit a patre suo, qui fuit antiquus homo, et a quodam patruo suo, qui fuit suo patre antiquior*.²¹

¹⁵ There is an abundant bibliography on the subjects of 'oral tradition' and 'oral collective memory.' See Marco Mostert, "A Bibliography of Works on Medieval Communication," in *New Approaches to Medieval Communication*, ed. M. Mostert (Turnhout: Brepols, 1999), pp. 235-238. In the context of the source being analyzed, see H. Chłopocka, "Tradycja o Pomorzu Gdańskim w zeznaniach świadków na procesach polsko-krzyżackich w XIV i XV wieku," (Tradition about Pomerania in the testimonies of the witnesses during the trials between Poland and the Order of the Teutonic Knights in the fourteenth and fifteenth centuries), *Roczniki Historyczne* 25 (1959) pp. 65-142.

¹⁶ One can find the most important data about these witnesses in the appendix.

¹⁷ Przewrżew, canon in Poznań: *Lites*, p. 157.

¹⁸ *Lites*, p. 143.

¹⁹ *Lites*, pp. 177, 187, 241.

²⁰ *Lites*, pp. 217, 249, 294, 304.

²¹ *Lites*, p. 347.

Historical knowledge could also be transmitted by trustworthy members in a witness's social circle: Andrzej, the chancellor of the bishop of Poznań declared that he came to know of these events of a century ago *domino suo episcopo Poznaniensi qui eciam audiverat*.²² Mikołaj, the prior of the Dominican convent at Sieradz mentioned *fratres plures antiqui conventui Plocensis*, who told him about these events.²³ A knight Bogusław had heard *a quodam villano suo multum, quod ita narrabat sibi*,²⁴ another one *a villanis suis dicte ville Celanta, qui fuerunt antiqui homines multum*.²⁵

A second source for these events that took place a hundred years before, was public knowledge, *publica fama et vox*, understood as "that which people say or tell, the common talk."²⁶ In the protocol, the existence of *fama et vox* is an important argument for the authenticity of knowledge. If, so it is reasoned, there exists a *publica vox et fama* that a hundred years ago the land of Chełmno belonged to Poland, this must be true. But what is public knowledge? Who possesses it? During the interrogations, the witnesses were asked to define the expression. Carefully, the notaries observed that only one person *nescivit exprimere*.²⁷

There are several recurrent elements in the explanations of the expression given by the witnesses. First, public collective knowledge is universal: *illud quod communiter dicitur*,²⁸ *illud quod totus mundus scit*;²⁹ and it is clear: *quod homines non occulte, sed palam locuntur*.³⁰ Next, this knowledge can be transmitted from one generation to the next by word of mouth: *quod omnes homines sciunt per vocem et per auditum*,³¹ *quod homines inter se locuntur et tenent communiter et alii dicunt, et alii audiunt, ulterius referent publice*.³²

It is not only the number of people transmitting *fama publica*, that is important. Collective knowledge is only trustworthy if it is transmitted by trustworthy persons who are respectable because of their age or their social position: *probos homines et antiquos discretos*,³³ *antiqui homines fidedigni*,³⁴ *milites et nobiles regni Poloniae*,³⁵ *bonos et graves regni Poloniae*.³⁶

²² *Lites*, p. 172.

²³ *Lites*, p. 260.

²⁴ *Lites*, p. 253.

²⁵ *Lites*, p. 347.

²⁶ *A Latin Dictionary*, eds. Charles T. Lewis and Charles Short (Oxford: Oxford University Press, 1879), p. 722. See also: G. P. Marchal, pp. 311-312.

²⁷ It was the knight Jan, *illiteratus*: *Lites*, p. 210.

²⁸ For examples: *Lites*, pp. 144, 149, 173, 211.

²⁹ *Lites*, p. 187.

³⁰ Chebda, castellan of Brześć, *illiteratus*: *Lites*, p. 301.

³¹ The knight, Wojciech z Mirkowa, *illiteratus*: *Lites*, p. 207.

³² Zbylut, castellan of Ujście, *illiteratus*: *Lites*, p. 391.

³³ *Lites*, p. 163.

³⁴ *Lites*, p. 167.

³⁵ *Lites*, p. 367.

³⁶ *Lites*, pp. 288, 294, 367.

The evidence of the depositions shows both the strengths and the limitations of oral tradition. Iwo of Chęciny, provost of Gniezno, says that the land of Chełmno belongs to Poland because he heard this to be the case *non a centum, sed a mille et ab omnibus dicitur prout audivit*. However, at the same time, he does not remember the name of the prince who once owned the land.³⁷ Several witnesses try to belittle the vagueness of their testimony by reminding the judges that the events took place a century ago. Kazimir, the prince of Cuyavia, says that he *aliter nescit quia ipse testis et pater suus nondum fuerant nati, ita antiquum factum est*.³⁸ And another witness says that he himself *non est ita antiquus quod possit recordari, nec erat natus, ita antiquum negocium est*.³⁹

III.2. Knowledge of events taking place around 40 years earlier

The questions about events that happened forty years or so before the trial concern the problem of whether Pomerania belonged to Poland, and the way in which the Order of the Teutonic Knights had gotten hold of these lands. Witnesses were asked to think back forty years (to the year 1296) or even almost sixty years (to the year 1280 or thereabouts).⁴⁰ The sources of information about these moments were different from those about earlier events; the personal experience of the witnesses now becomes the most important factor. Among 63 witnesses who claimed that Pomerania had always been part of Poland and a part of the Polish ecclesiastical province, only 22 refer to oral tradition (the information having been handed down by their ancestors).⁴¹ For most of the witnesses, their personal experience is the most important source of their knowledge: they personally saw Polish princes exercise power in Pomerania in the past, *pacifice et quiete*. Collective knowledge, the *fama et vox publica*, is invoked only a few times.⁴² It seems much less important as a source of historical knowledge about the second and third moments in time, what witnesses were questioned about.

The crucial moment the witnesses are asked to remember is the third one, that of the years 1306-1309. They are interrogated about it in Articles VI and VII of the trial. These concern the reestablishment of the legal sovereign's power, that of Ladislas the Short, followed by the aggression of the Teutonic Knights against Pomerania. Most witnesses answered that they had personally seen the prince ruling in Pomerania. This result is the logical outcome of the choice of witnesses, as they were for the most part the old *officiales* of the State. Simultaneously, we see a return of the argu-

³⁷ *Lites*, pp. 210-211.

³⁸ *Lites*, p. 281.

³⁹ *Lites*, p. 249.

⁴⁰ In 1282 the treaty of Kępno was concluded. According to the terms of this treaty, after the death of the last local Pomeranian prince, power was to pass into the hands of the Piasts. In 1296 Ladislas the Short took power in Pomerania.

⁴¹ *Lites*, pp. 144, 157, 168, 173, 194, 201, 216, 226, 227, 237, 278, 356, 383, 384, 394, 397, 400, 404.

⁴² *Lites*, pp. 163, 221, 374, 384.

ment based on collective knowledge. This is expressed in the formulae of *publica vox et fama*, or by the observation that the matter *est notorium*:⁴³ everyone knows that Ladislas the Short ruled in Pomerania, and that afterwards the Teutonic Knights took Pomerania using the arts of war. Oral messages were important in transmitting information about the Knights' attack. Very often the witnesses say that they heard of the aggression from Pomeranian refugees who managed to escape to Poland. The provost of Gniezno said that there were two refugees, and that he *audivit ab illis, qui fuerunt in dicta terra Pomoranie quando dicti Cruciferi eam occupaverunt*.⁴⁴ Evidence such as this is very common.⁴⁵

III.3. *The most recent moment*

The last 'slice of time' about which witnesses were interrogated concerned events taking place in the recent past, ten to eight years previously. The subject matter of these *articuli* was the annexation of the land of Dobrzyń by the Teutonic Knights (1329), their devastation of the Greater Poland and lands of Sieradz and Łęczyca (1331), and, finally, the annexation of Cuyavia (1332).

The witnesses' evidence is now very much like a modern, lively report about war-time Poland. We find reports of the systematic destruction of villages and churches, of torture and crime, of the brutal raping of women. Strong emotions come to the surface, especially fear and perplexity at what happened. Very often one can read that a witness *a longe erat et fugiebat quantum poterat ab eis ad silvas, ubi posset salvare vitam suam et evadere manus eorum*.⁴⁶ These emotions make the evidence the more trustworthy.

IV. Oral tradition and chronological markers

The preponderance of orality in the formation of the witnesses' collective memory is confirmed by their attempts to date events with a semblance of precision. The evidence perfectly illustrates Bernard Guenée's opinion that the year of the incarnation was not the first fact retained in collective memory.⁴⁷ Whenever our witnesses are asked to give an exact date for events that took place some forty years ago, they are invariably mistaken. Even when asked about events of eight or ten years ago they have problems remembering, although they are slightly more precise. The cruel attack of the Teutonic Knights of 1331, for example, according to some witnesses took place seven or eight years ago, *vel circa*. Doubts about linear

⁴³ See, e.g., *Lites*, pp. 157-158, 164, 169, 173, 191, 201, 215, 216, 221, 238, 247, 261, 301, 307, 324, 338, 352, 396.

⁴⁴ *Lites*, p. 212.

⁴⁵ *Lites*, pp. 152, 169, 173, 212, 227, 250, 279, 348, 377, 393.

⁴⁶ See, e.g., *Lites*, pp. 156, 322, 342, 360, 362.

⁴⁷ Bernard Guenée, *Histoire et culture historique dans l'Occident médiéval* (Paris: Editions Aubier-Montaigne, 1980), p. 78.

chronology are underlined by the expressions used: *circa, prout credit et recordatur, quasi, possibile est quod*.

An important prop of memory was the liturgical calendar. Not everyone is capable to give the year of the taking of Cuyavia, for instance, as 1332. Nevertheless, almost all witnesses know that the attack took place during Holy Week and at Easter.⁴⁸ Maybe it helps when traumatic experiences can be related to major religious feasts. On the other hand, the relation between holy periods and the crimes of the Teutonic Knights could also be used to underline their unhuman and unchristian behaviour.

There is no great difference, as far as liturgical dating is concerned, between literate witnesses and *illiterati*. In both cases, we find ourselves confronted with phenomena that are typical of an imagination of time which is constructed on the foundation of oral transmission. Historical facts are associated with cyclical rather than with linear time. Familiarity with linear time appears linked intimately with familiarity with writing.⁴⁹

V. Oral tradition and writing

Apparently, written texts played only a secondary role among the sources for the knowledge of historical events invoked by the witnesses at the trial of 1339. In the protocol of 300 pages there are only seventeen references to written texts.

Writing appears to be unimportant in the transmission of knowledge of events that had taken place in the distant past. The only witness who cites a written narrative source about the coming of the Teutonic Knights to the land of Chełmno in the thirteenth century is the archdeacon of Gniezno. He underlines the importance of the spoken word when he says that: ... *se audivisse a patruo suo et aliis senioribus et pluribus episcopis. Dixit etiam se legisse in Cronica Polonorum*.⁵⁰ *De predictis est publica vox et fama apud bonas et graves personas, ea sic ipse testis ... audivit semper dicere a iuventute sua*.⁵¹

More often charters are mentioned. They are invoked both as juridical arguments and as sources of historical information. What is more, most of them are charters issued by the enemy, that is to say by the Teutonic Knights. Duke Leszek, for instance, a literate prince from the Piast dynasty, declared that he *vidit et legit privilegium quod fuit factum de dicta concessione terre Culmensis, quod erat sigillatum sigillo magistri generalis (...). Pluries vidit et tenuit dictum privilegium*.⁵²

⁴⁸ *Lites*, pp. 188, 195, 234, 255, 266, 270, 284, 302, 340, 355, 357, 358, 401.

⁴⁹ See also Alexander Murray, "Time and money," in *The Work of Jacques Le Goff and the Challenges of Medieval History*, ed. Miri Rubin (Woodbridge: The Boydell Press, 1997), pp. 1-25.

⁵⁰ Most probably the *Chronica Poloniae Maioris*, written at the beginning of the fourteenth century [ed. Brygida Kürbis, in *Monumenta Poloniae Historica* series nova, tomus VIII (Warsaw: Państwowe Wydawnictwo Naukowe, 1970)].

⁵¹ *Lites*, p. 277.

⁵² *Lites*, p. 375.

Mikołaj, a Dominican, remembered having seen several privileges for the Order of the Teutonic Knights, which the Grand Master of the Order had once shown him.⁵³

From this kind of documentary information (and from its lack) we may deduce that at the trial in Warsaw two mentalities opposed one another. The Polish arguments were based on the convictions of collective memory. The Teutonic Knights, who, incidentally, thought that the whole trial was flawed juridically from the start, used arguments comprehensible to contemporary western literates. To the Knights, who had developed the modern and centralized structure of a state, writing was the most important means of communication and written documents were the most important legal arguments.⁵⁴

Sometimes the witnesses unwittingly show an astonishing nonchalance about writing. Jan Grot, bishop of Cracow and once chancellor to a prince, was asked about the contents of a document which had been mentioned: *Interrogatus, si dictam litteram legit, ipse testis dixit quod non, sed bene vidit eam, quia aliis negociis dicti regis erat occupatus*.⁵⁵ Another former chancellor, Piotr, said that he had seen the charter of 1229 donating the lands of Chełmno to the Teutonic Knights. *Interrogatus quantum tempus est quod vidit illud privilegium, dixit quod XL anni vel circa (...). Interrogatus, ubi fuit monstratum dictum privilegium, dixit, quod non recordatur, quod erant tunc exules*.⁵⁶

VI. Conclusion: Collective Memory between Orality and Literacy

Putting historical memory into writing in the manner of the trial's protocol was to prove wholly useless from the perspective of political decision making. True, the judges considered the complaints of the Poles justified: they sentenced the Teutonic Knights to the restitution of all Polish lands they had annexed, and to pay in gold for all damage done. Yet, for political reasons, pope Clement VI (1342-1352) did not confirm the judges' sentence. Pomerania and the land of Chełmno were to be returned to the Polish crown only in 1466, under completely different circumstances.

However, we have seen that for modern scholars the evidence of the 126 witnesses registered at Warsaw in 1339 is an invaluable source, and not only for the information it contains on people and events. The protocol of the trial shows how, around the middle of the fourteenth century, the historical tradition and collective consciousness of Polish society was still informed mainly by orality. The riches and coherence of oral tradition must lead us to the conclusion that, more than three centuries after the introduction of writing in Poland, orality provided an efficacious means of communication and tradition, among literates as well as among illiterates.

⁵³ *Lites*, p. 260. See also pp. 151, 178, 209, 287, 378.

⁵⁴ See H. Boockmann, "Der Deutsche Orden in der Kommunikation zwischen Nord und Süd," in *Kommunikation und Mobilität im Mittelalter. Begegnungen zwischen Süden und der Mitte Europas (11.-14. Jahrhundert)*, eds. Siegfried de Rachewiltz and Josef Riedmann (Sigmaringen: Jan Thorbecke Verlag, 1995), pp. 179-189.

⁵⁵ *Lites*, p. 287.

⁵⁶ *Lites*, p. 378.

In the protocol, we witness the complex process of putting into writing traditional historical knowledge, that had formerly been passed down from one generation to the next. Apparently, the transmission of this knowledge had so far taken place mainly within families. Often the history of the relationship between the Order of the Teutonic Knights and Polish society had a strong, personal context. It was family history, transmitted by the males (by fathers, grandfathers, uncles). In the evidence of the Warsaw protocol women were completely absent as witnesses, and almost absent as a depository of the knowledge of the past.⁵⁷ This absence of female witnesses was caused by the very choice of witnesses on the part of the Poles. It was inspired by the fact that during the trial oral historical tradition was to be used as what Jan Vansina would call a political weapon.⁵⁸ Maybe during the operation of putting this tradition into writing some 'restructuring of the past' took place to use the expression of Patrick Geary.⁵⁹ For future research it may be the crucial question to find out how far this restructuring has gone. In other words: how far can memories of the past be reshaped by the needs of the present? Whatever the answer may be, it is clear that this oral tradition, despite its parallel transmission in written form, was to remain important and valid also for later generations – even if writing was used ever more often as a prop for memory. During the next great trial between Poland and the Order of the Teutonic Knights (1422-1423) the Warsaw protocol, including its transcription of oral tradition, was to become an important source of historical and juridical references.

⁵⁷ Only comes Dobrogost, castellan of Radzim, testified that he knew Pomerania belonged to Poland, because his mother had told him so: *Interrogatus de causa sciencie dixit, quia mater ipsius testis, qui eum portavit et nutrit, fuit de Pomorania (...), Lites*, p. 338.

⁵⁸ Jan Vansina, *Oral tradition as History* (London: James Currey, 1985), p. 102.

⁵⁹ Patrick J. Geary, *Phantoms of Remembrance. Memory and Oblivion at the End of the First Millennium* (Princeton: Princeton University Press, 1994), p.134.

Appendix

Witnesses at the trial between Poland and the Order of the Teutonic Knights in 1339

(after: *Lites ac res gestae inter Polonos Ordinemque Cruciferorum*, editio altera, part I, ed. I. Zakrzewski (Poznań, 1890))

126 persons

1. Geographical provenance

49	Greater Poland
13	Little Poland
22	Land of Sieradz
12	Land of Leczyca
20	Cuyavia
6	Mazovia
4	Pomerania (Pomorze)

2. Social provenance

20	Ecclesiastical elites (bishops and members of cathedral chapters)
10	Parish clergy
11	Religious orders
41	Lay elites
14	Lesser nobility
30	Town dwellers

3. Intellectual formation of the witnesses

41	Ecclesiastical <i>litterati</i>
11	Lay <i>litterati</i> , of whom
2	Princes
2	Knights
7	Town dwellers
74	<i>Illiterati</i>

ORAL HISTORY OF THE MIDDLE AGES
THE SPOKEN WORD IN CONTEXT

Edited by Gerhard Jaritz and Michael Richter

MEDIUM AEVUM QUOTIDIANUM

SONDERBAND XII

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CEU MEDIEVALIA

VOLUME 3

Oral History of the Middle Ages

The Spoken Word in Context

Edited by Gerhard Jaritz and Michael Richter

Krems and Budapest 2001

**GEDRUCKT MIT UNTERSTÜTZUNG DER ABTEILUNG
KULTUR UND WISSENSCHAFT DES AMTES
DER NIEDERÖSTERREICHISCHEN LANDESREGIERUNG**

niederösterreich kultur

copy editor: Judith Rasson

Cover illustration: The wife of Potiphar covets Joseph: "... erat autem Joseph pulchra facie et decorus aspectu: post multos itaque dies iecit domina oculos suis in Ioseph et ait dormi mecum." ("... And Joseph was [a] goodly [person], and well favoured. And it came to pass after these things, that his master's wife cast her eyes upon Joseph; and she said, Lie with me."), Gen. 39: 6-7 (KJV). Concordantiae Caritatis, c. 1350. Cistercian abbey of Lilienfeld (Lower Austria), ms 151, fol. 244v (detail). Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit (Krems an der Donau).

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Preface

Oral culture played an instrumental role in medieval society.¹ Due to the lack of any direct source evidence, however, research into the functions and importance of oral communication in the Middle Ages must confront a number of significant problems. Only indirect traces offer the opportunity to analyze phenomena that were based on or connected with the spoken word. The 'oral history' of the Middle Ages requires the application of different approaches than dealing with the 20th or 21st century.

For some decades Medieval Studies have been interested in questions of orality and literacy, their relationship and the substitution of the spoken by the written word.² Oral and literate culture were not exclusive and certainly not opposed to each other.³ The 'art of writing' was part of the 'ars rhetorica' and writing makes no sense without speech.⁴ Any existing written statement should also be seen as a spoken one, although, clearly, not every oral statement as a written one. Authors regularly wrote with oral delivery in mind. 'Speaking' and 'writing' are not antonyms.

It is also obvious that "the use of oral communication in medieval society should not be evaluated . . . as a function of *culture populaire* vis-à-vis *culture savante* but, rather, of the communication habits and the tendency of medieval man

¹ For the late Middle Ages and the early modern period, cf. Willem Frijhoff, "Communication et vie quotidienne à la fin du moyen âge et à l'époque moderne: réflexions de théorie et de méthode," in *Kommunikation und Alltag in Spätmittelalter und früher Neuzeit*, ed. Helmut Hundsbichler (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), p. 24: "La plupart de gens vivait encore pour l'essentiel dans une culture orale et les procédés d'appropriation des idées passaient de préférence par la parole dite et écoutée, quand bien même on était capable d'une lecture visuelle plus ou moins rudimentaire."

² See Marco Mostert, "New Approaches to Medieval Communication?" in *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), pp. 15-37; Michael Richter, "Die Entdeckung der 'Oralität' der mittelalterlichen Gesellschaft durch die neuere Mediävistik," in *Die Aktualität des Mittelalters*, ed. Hans-Werner Goetz (Bochum: D. Winkler, 2000), pp. 273-287.

³ Peter Burke calls the construct of "oral versus literate" useful but at the same time dangerous: idem, "Mündliche Kultur und >Druckkultur< im spätmittelalterlichen Italien," in *Volkskultur des europäischen Spätmittelalters*, eds. Peter Dinzelbacher and Hans-Dieter Mück (Stuttgart: Alfred Kröner Verlag, 1987), p. 60.

⁴ Michael Clanchy, "Introduction," in *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), p. 6.

to share his intellectual experiences in the corporate framework.”⁵ Oral delivery was not “the sole prerogative of any socioeconomic class.”⁶

For all these reasons, it is important to analyze the extent of and context, in which ‘speech acts,’ auditive effects, and oral tradition occur in medieval sources.⁷ Research into the use of the spoken word or references to it in texts and images provides new insight into various, mainly social, rules and patterns of the communication system. It opens up additional approaches to the organization and complexity of different, but indispensably related, media in medieval society, and their comparative analysis.⁸

The spoken word is connected with the physical presence of its ‘sender.’ Speech may represent the authenticity of the given message in a more obvious way than written texts or images. Therefore, the use of ‘speech acts’ in written or visual evidence also has to be seen in context with the attempt to create, construct, or prove authenticity. Moreover, spoken messages contribute to and increase the life-likeness of their contents, which may influence their perception by the receiver, their efficacy and success. Being aware of such a situation will have led to the explicit and intended use and application of the spoken word in written texts and images – to increase their authenticity and importance, too.

If one operates with a model of ‘closeness’ and ‘distance’ of communication with regard to the level of relation of ‘senders’ and ‘receivers,’ then the ‘speech acts’ or their representation have to be seen as contributors to a ‘closer’ connection among the participants of the communication process.⁹ At the same time, however, speech might be evaluated as less official. One regularly comes across ‘oral space’

⁵ Sophia Menache, *The Vox Dei. Communication in the Middle Ages* (New York and Oxford: Oxford University Press, 1990), p. 19.

⁶ Ibidem, p. 21. Cf. also Jan-Dirk Müller, “Zwischen mündlicher Anweisung und schriftlicher Sicherung von Tradition. Zur Kommunikationsstruktur spätmittelalterlicher Fechtbücher,” in *Kommunikation und Alltag in Spätmittelalter und früher Neuzeit*, ed. Helmut Hundsbiehler (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), p. 400: “Offensichtlich sind schriftliche und nichtschriftliche Tradierung von Wissen weiterhin relativ unabhängig voneinander, nachdem die Schrift längst dazu angesetzt hat, Inseln der Mündlichkeit oder praktisch-enaktiver Wissensvermittlung zu erobern. Die Gedächtnisstütze kann die Erfahrung nicht ersetzen, sondern allenfalls reaktivieren. Sie ist sogar nur verständlich, wo sie auf anderweitig vermittelte Vorkenntnisse stößt.”

⁷ Cf. W.F.H. Nicolaisen, ed., *Oral Tradition in the Middle Ages* (Binghamton: Center for Medieval and Renaissance Studies, 1995).

⁸ See, esp., Horst Wenzel, *Hören und Sehen, Schrift und Bild. Kultur und Gedächtnis im Mittelalter* (Munich: C.H. Beck, 1995), passim.

⁹ See also Stefan Sonderegger, “>Gesprochen oder nur geschrieben?< Mündlichkeit in mittelalterlichen Texten als direkter Zugang zum Menschen,” in *Homo Medietas. Aufsätze zu Religiosität, Literatur und Denkformen des Menschen vom Mittelalter bis in die Neuzeit. Festschrift für Alois Maria Haas zum 65. Geburtstag*, eds. Claudia Brinker-von der Heyde and Niklaus Largier (Bern et al.: Peter Lang, 1999), p. 665: “Jedenfalls darf man sich bewußt bleiben, daß auch in den Texten des deutschen Mittelalters die Reflexe gesprochener Sprache eine bedeutende Schicht ausmachen, die besonders dann immer wieder hervortritt, wenn es um einen direkten Zugang zum Menschen geht, um ein Verstehen aus unmittelbarer Partnerschaft heraus ...”

that has become institutionalized or more official by the application of 'written space.'¹⁰ Simultaneous employment of such different levels and qualities of messages must often have had considerable influence on their efficacy.¹¹

The papers in this volume are the outcome of an international workshop that was held in February, 2001, at the Department of Medieval Studies, Central European University, Budapest. Participants concentrated on problems of the occurrence, usage, and patterns of the spoken word in written and visual sources of the Middle Ages. They dealt with the role and contents of direct and indirect speech in textual evidence or in relation to it, such as chronicles, travel descriptions, court and canonization protocols, sermons, testaments, law-books, literary sources, drama, etc. They also tried to analyze the function of oral expression in connection with late medieval images.

The audiovisuality of medieval communication processes¹² has proved to be evident and, thus, important for any kind of further comparative analysis of the various levels of the 'oral-visual-literate,' i.e. multimedia culture of the Middle Ages. Particular emphasis has to be put on methodological problems, such as the necessity of interdisciplinary approaches,¹³ or the question of the extent to which we are, generally, able to comprehend and to decode the communication systems of the past.¹⁴ Moreover, the medievalist does not come across any types of sources in which oral communication represents the main concern.¹⁵ Instead, she or he is confronted, at first glance, with a great variety of 'casual' and 'marginal' evidence.

We would like to thank all the contributors to the workshop and to this volume. Their cooperation made it possible to publish the results of the meeting in the same year in which it took place. This can be seen as a rare exception, at least in the world of the historical disciplines. The head, faculty, staff, and students of the Department of Medieval Studies of Central European University offered various help and support. Special thanks go to Judith Rasson, the copy editor of

¹⁰ This, e.g., could be well shown in a case study on the pilgrimage to Santiago de Compostela: Friederike Hassauer, "Schriftlichkeit und Mündlichkeit im Alltag des Pilgers am Beispiel der Wallfahrt nach Santiago de Compostela," in *Wallfahrt und Alltag in Mittelalter und früher Neuzeit*, eds. Gerhard Jaritz and Barbara Schuh (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), pp. 277-316.

¹¹ Cf. Bob Scribner, "Mündliche Kommunikation und Strategien der Macht in Deutschland im 16. Jahrhundert," in *Kommunikation und Alltag in Spätmittelalter und früher Neuzeit*, ed. Helmut Hundsblücher (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), pp. 183-197.

¹² Wenzel, *Hören und Sehen*, p. 292.

¹³ Cf. Ursula Schaefer, "Zum Problem der Mündlichkeit," in *Modernes Mittelalter. Neue Bilder einer populären Epoche*, ed. Joachim Heinze (Frankfurt am Main and Leipzig: Insel Verlag, 1994), pp. 374 f.

¹⁴ Frijhoff, "Communication et vie quotidienne," p. 25: "Sommes-nous encore en mesure de communiquer avec la communication de jadis?"

¹⁵ Michael Richter, *Sprache und Gesellschaft im Mittelalter. Untersuchungen zur mündlichen Kommunikation in England von der Mitte des elften bis zu Beginn des vierzehnten Jahrhunderts* (Stuttgart: Anton Hiersemann, 1979), p. 22.

this volume, who took particular care with the texts of the many non-native speakers fighting with the pitfalls of the English language.

Budapest, Krems, and Constance
December 2001

Gerhard Jaritz and Michael Richter