

**“BUT IF YOU MARRY ME:”
REFLECTIONS OF THE HUSSITE MOVEMENT
IN THE PENITENTIARY (1438–1483)**

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The Hussite movement, one of the most important chapters of Czech history, has been presented in many contradictory ways.¹ Marxist historians, not concerned with the nature of the religious dispute, saw Hussites as national heroes, fighters against the rigid feudal system;² Catholic historians pointed out the destructive aspects of the movement.³ It has only been in the last few years that some historians do not consider it necessary to be either entirely for or entirely against it.⁴ Medieval sources are similar in this respect: the Calixtines gathered evidence for the corruption of the Church, the Catholics criticized the Calixtines

¹ The history of the evaluation of the Hussite revolution reflects Czech history and national consciousness very well, as the interpretation has always been viewed as relevant to the present. The positive view culminated in 1848 and is best represented in the work of František Palacký (the “leader of the nation” at the time), especially in his five-volume *Dějiny národa českého v Čechách a na Moravě* [The History of the Czech Nation in Bohemia and Moravia] (Prague, 1848–1876) (hereafter Palacký, *Dějiny*), in which he presented Czech history as a constant fight against the German element. Tomáš Garrigue Masaryk also saw in the Hussites a model for the Czech nation; see his *Jan Hus, naše obrození a naše reformace* [Jan Hus – Our Renaissance and Our Reformation] (Třeboň: Brandeis, 1899). The first firm critic of the glorification of the Hussite movement was Josef Pekař; see his *Jan Žižka a jeho doba* [Jan Žižka and His Time] (Prague: Vesmír, 1927–1933). He put the Taborite wing of the movement especially into a negative light, and called its final loss at the battle of Lipany “a happy day in Czech history”. The discussions continue and the issue is still burning.

² E.g., Zdeněk Nejedlý, *Hus a naše doba* [Hus and Our Times] (Prague: Svoboda, 1946); or his *Komunisté, dědici velkých tradic českého národa* [The Communists, Heirs of the Great Traditions of the Czech Nation] (Prague: Svoboda, 1946).

³ E.g., Jiří Sahula, *Sociální postavení kněžstva v době husitské* [The Social Conditions of Catholic Priests during the Hussite Period] (Hradec Králové: self-published, 1915).

⁴ Most significant in this respect is the work of František Šmahel, who has concentrated on an impartial evaluation of the Hussite revolution; e.g., his exhaustive *Husitská revoluce, I–IV* [The Hussite Revolution] (Prague: Charles University, 1993), or his problem-oriented *Husitské Čechy: struktury, procesy, ideje* [Hussite Bohemia: Structures, Processes, Ideas] (Prague: Lidové noviny, 2001). In his *Idea národa v husitských Čechách* [The Idea of Nation in Hussite Bohemia], 2nd ed. (Prague: Argo, 2000), Šmahel argued persuasively against the firmly established idea that the Hussite movement was primarily nationalist.

for their violence and disobedience to the Pope. The strategies of accusation applied to both parties were basically the same, only the labels were switched. One aspect which the sources have in common is that they reflect the split in the country. Everyone at the time took sides, and the sources, even if they were not of a political nature, clearly reveal the viewpoints of their authors.

The sources are numerous and various: there are circulars and public letters providing, for instance, insight into the organization of the meetings of the two sides, as well as private letters which make it possible to follow the complicated plots and conspiracies.⁵ A great boom of vernacular literature was brought about by the Hussite movement: religious songs, sermons, the first translations of the Bible, satires, short stories, and so on.

The Penitentiary registers are a very different type of source, concerned with different issues, offering a different type of information. Yet, they also reflect the Hussite movement, and its different perspective provides new questions to be asked.

There are no Penitentiary records from the time when the Hussite movement was moving on the land.⁶ The first surviving cases are from the year 1438, long time after Jan Hus had been burnt at stake in Constance (1415), after the radical wing of the Hussites had developed and survived the five Crusades (1420, 1421, 1426, 1427, 1431) and finally lost at the decisive battle of Lipany (1434), after Sigismund of Luxemburg had signed the tolerance treaty (the so-called Compacts) in Jihlava (Iglau) (1436), and after he had died (1437). The period reflected in the Penitentiary is a period of uncertainties marked by religious disputes and the gradual rise to power of George of Poděbrady.⁷ The year 1485 is usually perceived as the end of the Hussite period, when the religious

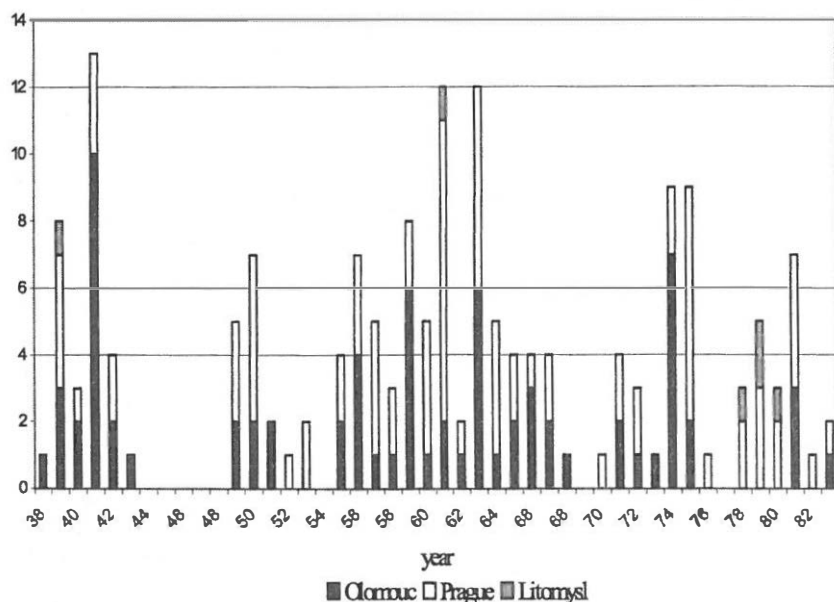
⁵ The letters of Oldřich of Rosenberg, an influential south Bohemian Catholic nobleman, are especially valuable: Blažena Rynešová, ed., *Listář a listinář Oldřicha z Rožmberka* [The letters and charters of Oldřich of Rosenberg] (Prague: Československá akademie věd, 1929, 1932, 1937, 1954) (hereafter LLOR).

⁶ As far as the relationship between the Holy See and the Czech lands during the Hussite revolution is concerned, a number of sources were edited by Jaroslav Eršil, of which the last so far is *Acta Martini V pontificis Romani 1423–1431*, Monumenta Vaticana res gestas Bohemicas illustrantia 7, n. 2 (Prague: Akademie věd České republiky, 1998). Aleš Pořízka analysed the *libri formatarum* in detail, an important source on the group ordinations at the papal curia (Aleš Pořízka, "Svěčenci z českých zemí u papežské kurie v letech 1420–1447" [The ordained from the Czech lands at the papal curia during the period 1420–1447], *Acta Universitatis Carolinae. Philosophica et historica. Z pomocných věd historických* 15, n. 2 (2003), 245–264.

⁷ On the period 1438–1485 see, e.g., Rudolf Urbánek, *České dějiny*, III, 1–3: *Věk poděbradský* [Czech History: The Time of George of Poděbrady] (Prague: J. Laichter, 1915, 1918, 1930) (hereafter Urbánek, *České dějiny*); Josef Macek, *Jiří z Poděbrad* [George of Poděbrady] (Prague: Svobodné slovo, 1967) (hereafter Macek, *Jiří*); or Josef Polišenský, *Doba Jiřího z Poděbrad* [The Time of George of Poděbrady] (Prague: Václav Petr, 1940); Frederick G. Heymann, *George of Bohemia: King of Heretics* (Princeton, N. J.: Princeton University Press, 1965); Otakar Odložilík, *The Hussite King: Bohemia in European Affairs, 1440–1471* (New Brunswick, N. J.: Rutgers University Press, 1965).

tolerance treaty was signed in Kutná Hora, thus making Bohemia and Moravia officially a land of two faiths.⁸ However, chronology is not of much use as far as the Penitentiary records are concerned. The only date provided in them is that when each case was recorded, but the time of the events related is rarely referred to differently than *olim*.⁹

Chart I: Czech cases referring to dioceses



From the years 1438–1483,¹⁰ there are 172 recorded cases from Bohemia and Moravia:¹¹ 91 from the diocese of Prague (Bohemia), 75 from Olomouc

⁸ This treaty is sometimes interpreted as the greatest achievement of the Hussite movement, as the first time of official religious freedom in European history.

⁹ Although excommunicated priests were certainly more in a hurry to receive dispensations and absolutions than lay people, as their living depended on it, it is impossible to make conclusions about the time of the event from the date of registering the case (e.g., frequently a sin was discovered a long time after it was committed, etc.).

¹⁰ That is, from the earliest surviving Penitentiary records until the end of the pontificate of Sixtus IV. When referring to the cases, I note the number of the volume of the *Penitenzieria Apostolica* (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*) followed by the folio number. I note whenever the case also appears in the *Repertorium Poenitentiariae Germanicum* (RPG), that is, RPG, I: Eugen IV. 1431–1447, RPG, II: Nikolaus V. 1447–1455, RPG, III: Calixt III. 1455–1458, RPG, IV: Pius II. 1458–1464, RPG, V: Paul II. 1464–1471, ed. Ludwig Schmugge et al. (Tübingen: Max Niemeyer Verlag, 1996 ff.), or in the *Bullarium*

(Moravia), and 6 from the little Bohemian-Moravian diocese of Litomyšl.¹² Chart I shows the overall distribution of the cases among the dioceses, and Chart II gives an overview of the different types of cases recorded in different years.

Although Hussites or heretics are explicitly mentioned only in ten of them, many cases may be interpreted as linked to the Hussite movement. For example, among the *de diversis formis* and *de declaratoriis* types, there are eight cases of *exponentes* (all of them from the Prague diocese!) who participated in *spoliis*, *rapinis*, *homicidiis* et *incendiis* (or some combination of them).¹³ These could refer to the Hussite fights, and they probably do, although the explicit mention is made in only one case.¹⁴ At the same time, however, there are twelve cases of the 'usual' accidental violence: a priest was mistaken for a thief and strangled,¹⁵ a drunken priest fell and died,¹⁶ a woman died because the *exponens*

Poloniae (BP), that is, *BP litteras apostolicas aliaque monumenta Poloniae Vaticana continens*, V: 1431–1439, VI: 1447–1464, ed. Irena Sułkowska-Kuraś and Stanislaus Kuraś (Rome and Lublin: Polish Christian Institute, 1995 and 1998) providing the case and page numbers.

¹¹ Although several cases from other dioceses are referred to in the article, only these two areas, that is, regions where the Hussite movement spread the most, have been systematically studied to date.

¹² The fact that the number of cases from Bohemia and Moravia is very similar (81 and 91) does not at all support the accepted fact that Hussitism was much more widespread in Bohemia than in Moravia.

¹³ It is recorded in 1450 that Jacobus Fasingli *homicidiis*, *spoliis* et *incendiis* *locorum sacrorum et non sacrorum interfuit* (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 3, fol. 180r; RPG II, n. 611), and Johannes Schynffer *rapinis*, *spoliis* et *homicidiis cum effractione locorum sacrorum et non sacrorum interfuit* (vol. 3, fol. 181r; RPG II, n. 636), in 1458 that Jacobus Smolick *spoliis*, *rapinis*, *incendiis* et *homicidiis interfuit* (vol. 5, fol. 433v; RPG III, n. 562) in 1461 that Swateslaus de Taszowitz *spoliis* et *rapinis in sacris et profanis locis interfuit et auxilium prestitit* (vol. 9, fol. 158v; RPG IV, n. 1341), in 1465 Petrus Schamfelt that *spoliis*, *rapinis*, *incendiis* *locis sacris et non sacris et cum effractionem dictorum locorum ac homicidiis et laicalibus pluribus interfuit* (vol. 12, fol. 76v; RPG V, n. 995), in 1466 that Wentzeslaus Odolen *interfuit spoliis rapinis homicidiis* (vol. 14, fol. 187r; RPG V, n. 1176), in 1471 that Johannes de Lungkwicz *interfuit homicidiis laicalibus et non laicalibus* (vol. 19, fol. 180r-v; RPG V, n. 2188), and in 1474 that Johannes filius Johannis de Kapliz *interfuit homicidiis* (vol. 23, fol. 158r).

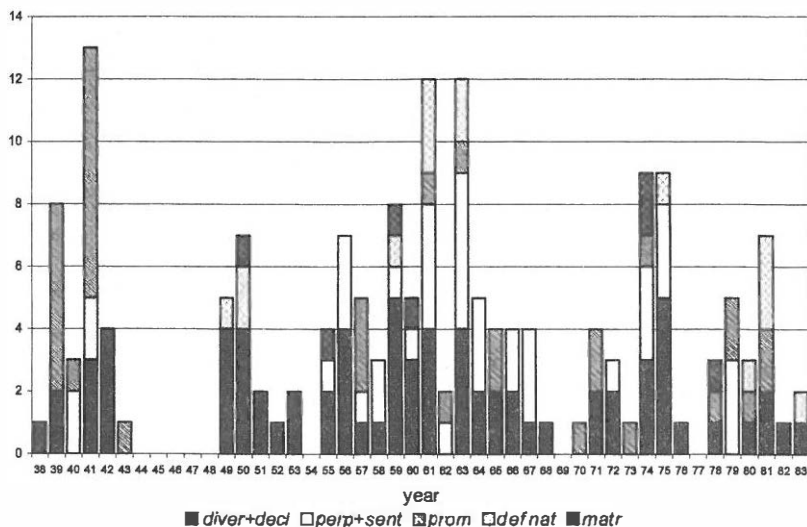
¹⁴ That is, in the last one of 1474. The fact that the dead were heretics is pointed out in the typical closing formula: *Cum autem dictus exponens in morte dictorum hereticorum et adherentum et complicit et favorum culpabilis non fuit sed de morte eorum doluit prout dolet de presenti ...*, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 23, fol. 158r.

¹⁵ Valentinus Fechau in Břevnov monastery, registered in 1464, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 13, fol. 135r; RPG V, n. 1675.

¹⁶ Registered in 1441, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 2bis, fol. 210r; RPG I, n. 596. The event takes place at the door in a hospital – the *exponens*, Johannes de Clobuch (i.e. Jan z Klobouk), carried a piece of wood with which he wanted to close the door so that no thieves or *stipendiarii* [!] could get in, but the drunken priest suddenly opened the door, and they both fell – the priest exactly on the piece of wood. (Curiously enough, all the cases in which alcohol is mentioned come from the diocese of Olomouc).

sent for the wrong specialist to heal her neck,¹⁷ and so on. Similarly, although many nuns and monks were forced to leave their monasteries as the Hussites attacked and destroyed them, the case of a monk or a nun leaving his or her monastery, keeping their habit (and/or without the knowledge of their superior) is another typical penitentiary case. In Bohemia and Moravia, nine such cases are recorded in the study period, and in only one of them the *exponens* stated explicitly that he had left because the monastery was destroyed by heretics.¹⁸

Chart II: Czech cases referring to type



Only the *de promotis et promovendis* cases seem clearly linked to the Hussites. According to the Compacts, the distribution of parishes between the Calixtine and Catholic priests was to preserve the *status quo ante* – if a Calixtine priest died he was to be succeeded by another Calixtine priest and vice versa. Thus, due to the prevalence of heretics in the Czech lands, the possibilities for Catholic clerics to build up their ecclesiastical careers were limited. In addition, the Prague archbishopric did not have a confirmed Catholic leader, so there was no one to offer the higher offices. Several *exponentes* from 1449 made this point

¹⁷ Johannes Karzark from Krumlov, registered in 1476, ASV, *Penitenzzeria Ap., Reg. Matrim. et Div.*, vol. 25, fol. 117v.

¹⁸ Nicolaus Crause from St. Charles' Augustinian monastery in Prague diocese (June 22, 1452): *ipse olim postquam monasterium per hereticos desolatum fuisset, sine licencia sui superioris...*, ASV, *Penitenzzeria Ap., Reg. Matrim. et Div.*, vol. 3, fol. 323r; RPG II, n. 951.

– *ecclesia Pragensis pastore caret* – in order to support their cases.¹⁹ Many of the priests went abroad, most frequently to Italy, and had themselves promoted there (13 cases), or, alternatively, they asked the pope for letters to let them be ordained a *quocumque antistite catholico* (that is, “by any Catholic presiding priest”²⁰) (22 cases).²¹ These two variants of solving the problem were sometimes even combined: Two *exponentes* from 1441 ask both for being allowed to be ordained by another prelate and, eight days after, for absolution because they promoted themselves in Italy.²²

Even though it is impossible to judge the scope of the Hussite influence on this type of case based on the Penitentiary alone, the fact in itself that 20% of the cases from the Czech lands belong to the *De promotis et promovendis* type suggests that there was indeed a special situation. During the pontificate of Pius II (1458–1464), 6% of all the registered cases are of this type;²³ among Central Eastern European cases in 1464–1483 this type forms 9%,²⁴ and in Germany in 1458–1471 only 5%.²⁵

33 cases are not linked to the Hussites at all. They concern marriages among relatives, accidents, *de defectu natalium*, or asking for confessional letters. Among them, in one peculiar case, the *exponens* wanted the Eucharist in the manner of the Roman curia,²⁶ and three “butter letters” (*Butterbriefe*) from 1474 and 1475, cases in which the *exponentes* ask to use butter and milk instead of olive oil during a fast.²⁷

¹⁹ ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 3, fol. 24v, 31r; *RPG* II, n. 21, n. 32.

²⁰ It is understood without saying that the person should be in a position to ordain priests.

²¹ These cases are: 6 from 1439, 3 from 1440, 6 from 1441, 1 from 1443, 2 from 1449, 1 from 1457, 1 from 1458, and 2 from 1481; their connection to the Hussite movement is clearer.

The cases of self-promotions are documented later (there is one case from each year 1455–1457 and 1461–1463, 2 from 1465, 1 from 1470, 2 from 1471 and 1 from 1474), as promoting oneself provided the priest with some time during which he could remain in the office without (or before) applying for absolution. The influence of the Hussites on the self-promotion cases is less clear, as they include also typical cases (promotion in spite of an impediment such as age) which are not always explicitly distinguished.

²² Paulus Nicolai in February 1441 (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 2, fol. 199v; *RPG* I, n. 575, n. 576) and Alexius de Melinez in September of the same year (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 2, fol. 268r and 268v; *RPG* I, n. 649, n. 651).

²³ See the article by Kirsi Salonen in this volume.

²⁴ This information is taken from the unpublished database of the Central Eastern European Penitentiary cases from the pontificate of Paul II and Sixtus IV.

²⁵ This number is based on the *RPG* IV–V (because volumes I–III do not have *de promotis et promovendis* cases; vol. V, the so far last published volume, covers the pontificate of Paul II; thus, the following pontificate of Sixtus IV is not included).

²⁶ Nicolaus Slepoticz, registered in 1450, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 3, fol. 142r; *RPG* II, n. 336.

²⁷ In 1474 abbot Johannes Bawor (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 23, fol. 95r), and in 1475 Jaroslav of Štemberk (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 24, fol. 82v), and Catherina de Warkenstat (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 24, fol. 86v).

Such requests are surprising from a country where the official Catholic faith had to fight for its existence, a country strictly divided and undergoing transformations in its relation to the Holy See. They can be explained by considering that the basic cause of the argument between the Holy See and the Hussites was neither the way they served the Eucharist (the popes knew and stated openly that the *sub utraque specie* was the practice of the early church), nor any other theological issue. It was obedience. All Christians were required to subject themselves to papal authority, and the Hussites were dangerous in giving the primary authority to the Bible (or their interpretation of it). Applying to the Penitentiary, especially in cases when the person concerned was not immediately threatened by excommunication, can thus be interpreted as a sign of obedience to the Holy See, as support for the pope against the heretics.

As far as explicit mentions of the Hussites in the penitentiary are concerned, the overview is incomplete because only the cases from the Czech lands and the explicitly Hussite-linked cases edited in *RPG* and *BP* have been taken into consideration to date. Thus, one of the questions, which cannot be answered before a careful inspection of the whole Penitentiary material has been completed, is the spatial scope of the Hussite movement as reflected in the Penitentiary.

Rarely are the Hussites mentioned in the Penitentiary as a mere circumstance. Johannes de Vroyken from the Lübeck diocese, for instance, married for the second time *in tempore quo rabies Hussitarum et hereticorum de regno Bohemie sevit in christianos fideles*.²⁸ Most often the danger they presented is pointed out. Thus, for example, Laurentius Vethe from the Breslau diocese left his monastery and, when crossing the Czech lands, he put on secular clothes *propter discrimina viarum presertim patriam hereticorum Tabaritanum pretereundo*.²⁹ Johannes Johannis Sagitarii wanted to be promoted in Zagreb as *propter sectas Boemorum redire ausus non est*.³⁰

Several people participated in the fights. If they were on the Catholic side they never forget to stress that their enemies were enemies of the Catholics, for instance, *Hussiti heretici Bohemi et inimici dicte parochialis ecclesie*.³¹ Thomas of Laa organized the burning of a heretic, because *dicti heretici ecclesie delapidatores, excisores linguarum sacerdotum predicantium verbum Dei erant et eos castrarunt, immo tunc quasi Germaniam impugnabant*. Nicolaus Pfeffer was only 10 years old at the time but participated in the burning by gathering the

²⁸ Registered in 1440, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 2, fol. 146v; *RPG* I, n. 527.

²⁹ Registered in 1455, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 5, fol. 40v; *RPG* III, n. 49.

³⁰ Registered in 1463, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 11, fol. 411r; *RPG* V, n. 3298.

³¹ Passau diocese, 1466, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 14, fol. 106r; *RPG* V, n. 1996.

wood.³² Supporters of the Hussites were, on the other hand, either too young, too ignorant, forced by their masters, or they had sincerely believed the errors of the Hussites and were sorry now.³³ (There is one *exponens* who fought alternately on each side but did not provide details.³⁴)

Two cases concern George of Poděbrady. They are both from 1475, four years after his death. In both, the *exponentes* ask for absolution for helping George of Poděbrady. On the one hand, there is a noble woman, Katherina, widow of Johannes de Werterberek, together with her son Sigismundus from Děčín, on the other hand, the brothers Jaroslav, Jiří, Jan, and Petr Borko. As George was the steward of their property when their husband and father died, they supported him materially in his wars, and when he was excommunicated, they were excommunicated, too. Both *exponentes* stress the subject position they had to George, but, at the same time, they call him *tutor et defensor* – perhaps not only a formula, but an indication of a positive relationship. None of them called George simply a heretic. Katherina said that *tutor et defensor ipsorum exponentum per processus apostolicos propter heresim Wiclevistarum excommunicatus fuisset*. The brothers stated: *pro heretico per processus apostolicum dampnatus et publice denunciatus fuisset*.

The first case can be partly verified based on the surviving local sources: there are mentions of Jan (Johannes) the Younger of Vartenberk on Děčín who supported George of Poděbrady.³⁵ Sigmund fought together with his brother

³² Both men turned to the Penitentiary at the same time as monks at Melk: October 24 and 27, 1451, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 3, fol. 253v and 254r; *RPG* II, n. 880, n. 881.

³³ E.g., Hynolinus Andree who first became a priest but then married and joined the Taborites, *eorum erroribus credidit et contra christianos fideles unacum dictis Taboritis armatus interfuit*, but now he saw the truth, refused all the *errores, hereses et superstitiones*, and wanted to remain priest. (registered in 1442, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 2, fol. 326v; *RPG* I, n. 696); or Mauritius de Franconia from the Mainz diocese who *terras quorundam hereticorum intravit et sectas eorum tenuit et matrimonium cum quadam muliere heretica illarum partium contraxit et consumavit et in eorum exercitu in sacris et profanis locis cum illorum fractione interfuit et auxilium prestitit* ..., but now returned to Mother Church (registered in 1463, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 11, fol. 242r; *RPG* V, n. 1635).

³⁴ ... *in guerris tam cum hereticis quam christianis, ubi plura homicidia et incendia eccl. facie fuerunt, interfuit, et ad ea facienda auxilium prestitit*. (Willermus Rener from the Passau diocese, registered in 1461; ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 9, fol. 116r; *RPG* IV, n. 1284).

³⁵ The first mention comes from 1441. In 1448, Jan participated in George of Poděbrady's attack on Prague, in 1454 he was present at the council, in 1458 at the elections, in 1458 at George's attack on Jihlava (Iglau). The last mention is from 1459, at the occasion of George's visit to Cheb (Eger) (Palacký, *Dějiny*, IV, *passim*). He probably died in 1464 (August Sedláček, *Hrady, zámky a tvrze království českého*, XIV [Castles, palaces and fortresses of the Czech kingdom] (Prague: Argo, 1999), 83).

Kryštof against king Mathias, even after the death of George of Poděbrady.³⁶ A case from the diocese of Mainz concerns a man who participated in fights when *rex Bohemorum, qui pro heretico tenebatur prout tenetur, ad presentem civitatem Iglau hostiliter invasisset*.³⁷ These mentions, in my opinion, without questioning the excommunication itself, reflect the awareness of the changing attitude of the Holy See to George of Poděbrady.

Most of the cases where Hussites played an important active role concern the service *sub utraque specie* or in front of the excommunicated. This was sometimes done by mistake or through ignorance, other times it was forced, as in the case of Hermanus de Strelen from the Breslau diocese who *coram quibusdam Bohemicis hereticis volentibus destruere eius ecclesiam divina officia celebravit*.³⁸

Different types of direct force and general influence of the Hussites can be discerned in the case of Martinus Jacobi from the Prague diocese, who was affected by the movement three times: He wanted to become a priest, but as the Hussites were spreading in the land at the time, he followed the advice of his parents and relatives and married instead. But, because the sect was flourishing, he felt his life was in danger, went far away and lived with a certain widow. Then he fell into the hands of the Hussites, who forced him to return to his proper wife:

... *exponit, quod ipse olim vovit Deo et sanctis suis ad omnes sacros ordines promoveri, sed quia heu secta Hussitarum et Bohemorum presbyterorum et clericorum inimica superveniente de consilio suorum parentum et consanguineorum, premisso voto non obstante, quandam virginem ... duxit in uxorem. ... Exinde, cum prefata secta supra modum et contra humanam naturam superhabundavit, prefatus exponens, propter metum sui corporis ad alienas et incognitas partes se transtulit ibique se cum quadam vidua sibi ad serviendum pro competenti precio associavit, et cum ipse cum prefata muliere aliquamdiu moram traxit ipsamque sepius actu fornicatorio cognovit, et sic simul cohabitarunt. Post hoc idem exponens in manus predictarum Hussitarum incidit, qui ipsum expo-*

³⁶ Sigismund is mentioned 1482 at the occasion of an agreement between Czechs and Saxonians in Most; from 1485 onwards he attended the lawcourt (Palacký, *Dějiny*, IV, *passim*).

³⁷ Registered in 1465, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 12, fol. 114v; *RPG* V, n. 1962. In 1485, George of Poděbrady attacked Jihlava (Iglau) twice. The first attack took place in July, but on July 22 his army went to Austria. In October, after the end of the fights in Austria, George's army returned to Jihlava, and on November 15 George succeeded in signing a peace treaty (see Macek, *Jiří*, 128; Urbánek, *České dějiny* III, 394-395, 437-439).

³⁸ Registered in 1460, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 8, fol. 186v; *RPG* IV, n. 1271.

nentem, ut uxorem suam ita relictam more conthorali sub pena ignis tractaret, compellerunt ...³⁹

However, on the way home he got the news that his wife had died, and so he promoted himself and now asked to be allowed to keep his offices.

The number of Penitentiary cases is, nevertheless, so low that it is impossible to make generalizations without taking into account other sources. There is, however, one exception, one pattern, which clearly stands out even from the penitentiary alone: Many cases concern women, and, as I would like to argue, the penitentiary reflects the change in their social position brought about due to the Hussite movement. A number of sources from the time testify that women became temporarily much more included in public, and even in theological life.⁴⁰ Catholic satires reveal the fear of this phenomenon, argue against the 'emancipation', and stress the traditional role of women – they should sit at home, cook, and take care of the children.

The Penitentiary shows, on the one hand, female independence – while from Central Eastern Europe some 2% of individual women applied to the penitentiary,⁴¹ from the Czech lands it was 8%. They applied both in the usual matters like *de perpetuis*, nuns leaving the monastery,⁴² women organizing their marriage affairs,⁴³ etc., and with special requirements.⁴⁴ On the other hand (and

³⁹ This is the earliest Hussite-linked case I have found so far, recorded in 1439, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 2, fol. 125r; *RPG I*, n. 202.

⁴⁰ Cf. e.g. Božena Kopiczková, *Historické prameny k studiu postavení ženy v české a moravské středověké společnosti* [Historical sources for the study of the position of women in Czech and Moravian medieval society] (Prague: Historický ústav, 1992); Anna Císařová-Kolářová, *Žena v hnutí husitském* [Woman in Hussite Movement] (Prague, 1915). This aspect of the Hussite movement has been also explored by John M. Klassen, *Warring Maidens, Captive Wives, and Hussite Queens: Women and Men at War and at Peace in Fifteenth-Century Bohemia* (New York: Columbia University Press, 1999).

⁴¹ The source of this number is, again, the Central Eastern European database.

⁴² Elizabeth de Blonden, a noble nun in the St. Claire's nunnery in Krumlov was forced to go to a different monastery, but she escaped from there to her parents. Registered in 1442, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 2, fol. 240r; *RPG I*, n. 388. She is attested also in *LLOR IV*, 455.

⁴³ Catherina Fritzkowa promised to marry a certain Henricus but she changed her mind and married someone else (Prague diocese, 1463, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 11, fol. 281v; *RPG IV*, n. 1828). Elizabeth de Stanaw vowed after the death of her husband that she would not remarry but she changed her mind (Olomouc diocese, 1474, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 23, fol. 13r). Martinus Mercatoris had married a certain Barabara, who left him after she confessed to him that she had been the mistress of a priest and had children with him, then killed them all with her own hands; as Martinus could not trace her, he had remarried and wanted to remain in the new marriage (Prague diocese, 1480, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 29, fol. 185r).

⁴⁴ E.g., a noble woman, Anna Moše z Řetče (spelled Musze de Rzeczce in the Penitentiary record), built a hospital in Olomouc, and, as its chapel had not been consecrated yet, she asked for permission that a priest could serve masses there with a portable altar (registered in 1466, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 14, fol. 210v; *RPG V*, n. 1240). This woman is documented in two charters. On October 16, 1465 she gave her house under

more strikingly), women appear not only as *exponentes* but as crucial figures in the narrative parts of the cases by male *exponentes*. Most of these women were heretics, and they were not only independent but also powerful and dangerous and thus presented serious complications.

Andreas Melczer, a Benedictine monk and priest gave the Eucharist to a *puella heretica* under one *specie*, but then was imprisoned and forced by Jan Rokycana⁴⁵ (a *Rokyzano perverso heretico*) to give *sub utraque specie*.⁴⁶ Jaroslav married Margarita knowing that they were related in the second grade, and he consummated the marriage, as he said, in order to draw Margarita out of a Hussite sect. If they divorced now, he claimed, she would certainly return to the sect:

... verum dictus Jaroslaus matrimonium consumavit, ut prefatam Margaritham, que per prius secte Hussitarum erat, a dicta heresi traheret; et si divortium fieret inter eos, gravia scandala verisimiliter exoriri possent ac dicta Margaritha ad sectam hereticam rediret.⁴⁷

This is, to my knowledge, the only case when a man desired to keep a heretic wife.

Conradus Muratoris was forced by threats of his master to marry a certain Marta. He realized that she was a heretic, and she soon left him and joined a sect. After ten years, when Conradus had had no news of her, he married a good Catholic, Catherina, and had children with her. But, after thirty more years, Marta returned and insisted that he was her husband, while he wanted to remain with Catherina.⁴⁸

the Dominican monastery to the city of Olomouc, and a pay that should be used for supporting the poor in this house (Olomouc City Archives, chart. n. 312, inv. 251). On November 17, 1466 she made slight changes to the previous donation: the house should be used for pilgrims (Olomouc City Archives, chart. n. 323, inv. 261). For information about these charters I am indebted to Antonin Kalous.

⁴⁵ Johannes of Rokycany (1390–1471), elected but never confirmed archbishop of Prague, leader of the Calixtines.

⁴⁶ Recorded in 1453, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 3, fol. 363v; *RPG* II, n. 1009.

⁴⁷ Therefore, they applied to remain together or to be allowed to contract the marriage anew; recorded in 1456, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 5, fol. 155v; *RPG* III, n. 179.

⁴⁸ *Conradus Muratoris laicus Pragensis diocesis exponit cum ipse laboribus manuum suarum serviens cuidem nobili viro qui sibi mandavit ut matrimonium cum quadam Martha contraheret quod facere ipse exponens recusavit ex quo forsan dictus nobilis de dignatus eidem exponenti minatus fuit quod nisi matrimonium cum dicta Martha contraheret et deinde sibi maritali affectionem adhereret ac vite consuetudinum duceret, sibi oculos crueret et aliis tormentis eum afficere velle minatus fuit huiusmodi igitur vi et metu coactus et compulsus et timore huiusmodi tormento etc. que aliter evadere non sperabat nisi voluntatem domini sui adimpleret et dictum tale quale matrimonium licet preter suum consensum contrahere videretur pro ut eandem matrimonium ymmo potius contubernium ad iussum et mandatum domini sui ibidem presenti per vim absolutam cum ipsa Marta*

Two more cases might refer to a woman leaving her husband and joining the Hussites, even though heretics are not mentioned in them: Stephanus Petri Cristophori from Přibram married a certain Agna and lived with her for a year, but then, seduced by an evil spirit, she left him and committed adulteries and other bad things. As the *exponens* was unable to trace her for fifteen years, he became a priest.⁴⁹ Nicolaus Cardonarii married Margarita, but she left him and lived far away with another man, and so, after seven years searching for her, Nicolaus remarried.⁵⁰

Nicolaus von der Gehtutner was imprisoned by heretics in Prague. Together with two other men he was kept in a house of a heretic woman, who came to him with a proposal: *Nisi ducas me in uxorem etiam decapitaveris, et si me ducere vis ac matrimonium mecum contrahere intendis, te ab huiusmodi periculo vite liberabo.*⁵¹ So he married her, and she saved him while the other two men were decapitated. And now Nicolas did not want her any more!

contraxit et vite consuetudinem per aliquod tempus duxit cum ab ea evadere non potuit ignorans eam facte heretice pravitarum Bohemorum fore infectam pro ut infecta erat. Que cum dictum exponentem in fide Catholica firmum et stabilem esse ac perseverantem sciret et dicte secte inimicum eundem exponentem dimisit et ad Bohemorum hereticorum partes aufugit. Qui exponens post decem annos vel circa nulla de dicta Marta memoria atque fama ymmo ut mortuorum ymago a vita delecta reputata, matrimonium eandem cum alia Catherina bona Catholica contraxit et carnali copulatione consumavit et proles procreavit et per triginta annos vel circa cum eadem Catherina vite consuetudinem duxit. Qua Marta post XL annos vel circa a suo ut premititur recessu effluxos ad exponentem est reversa repetens eundem tamquam in suum maritum legitimum cui ipse exponens ulterius adherere recusavit ymmo apud sedem apostolicam per remedio oportuno se contulit. Et quamvis ipse exponens aliter quam ut premititur cum dicta Martha matrimonium non contraxit neque aliter consenserat in eadem et eam hereticam fore ignoravit, a nonnullis ignorantes asseri possit matrimonium cum dicta Catherina contractum non tenere neque proles ex ea susceptas legitimas esse et ipsam Catherinam dimittere et dicte Marthe heretice adherere debet ..., ASV, Penitenzieria Ap., Reg. Matrim. et Div., vol. 31, fol. 96r-v. This case establishes a clear contrast between *Marta heretica* and *Catherina bona Catholica*. That is done for a clear reason: to present the choice of the *exponens* as the right one.

⁴⁹ ... *Postmodum vero dicta Agna spirito melino [!] seduta [!] a dicto exponente viro suo legitimo recessit et ad partes alienas se transtulit adulteria et alia mala crimina forsitan pluries committendo de quo recessu ipse exponens non modicum doluit et infra aliquot annos inquisitiones necessarias ad dictam Agnam inquirendam facere et inquirere non cessavit, tamen nuncione per testes fide dignos seu alias personas aliquam veram informationem nec famam dicte Agne invenire potuit de vita vel de morte ipsius Agne – unde dictus exponens videns quod erant quindecim anni iam elapsi et ultra quod dicta Agna ab dicto exponente recessit et interim nuncam noticiam habere potuit, et sic certificatus ad omnes sacros ordines...*, Registered in 1441, ASV, Penitenzieria Ap., Reg. Matrim. et Div., vol. 2bis, fol. 216v; RPI, n. 609.

⁵⁰ ... *Ipsa mulier se ad alienas et ignotas partes cum quedam alieno viro transtulit et ab ipso exponente per VII annos absens extitit et licet exponens diligentiam sibi possibilem de reperiendo ipsam fecerit de ipsa vita vel morte certificari non potuit...* (Olomouc diocese, 1474, ASV, Penitenzieria Ap., Reg. Matrim. et Div., vol. 23, fol. 136v).

⁵¹ Registered in 1459, ASV, Penitenzieria Ap., Reg. Matrim. et Div., vol. 7, fol. 291v; RPI, n. 1758.

The Penitentiary records from Bohemia and Moravia from 1438 to 1483 reveal two anomalies: a high number of *de promotis et promovendis* cases and a far greater participation of women (whether as *exponentes* or included in the description). Both phenomena are to be linked to the Hussite movement, which, on the one hand, disturbed the smooth functioning of the church organization and thus complicated the promoting of priests, and, on the other hand, involved women and prompted their 'emancipation'. Besides these two basic patterns, most of the Penitentiary cases describe sudden and radical decisions and events in individual people's lives: priests getting married and returning to priesthood, nuns and monks leaving monasteries, wives leaving their husbands, laics fighting against Hussites and then joining them, Catholic priests temporarily giving *sub utraque specie*, etc. The country was indeed split. Yet, the Penitentiary not only re-established the omnipresent divisions in the land at the time, but also shows the specific diverse ways in which people lived between the contrasts, ways in which they accommodated to the constantly changing conditions.

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and Their Communication
with the Holy See**

Edited by

Gerhard Jaritz, Torstein Jørgensen, Kirsi Salonen

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ABBREVIATIONS RELATED TO THE COLLECTIONS OF THE VATICAN SECRET ARCHIVES

ASV = Archivio Segreto Vaticano

Arm. = Armadio

Congr. Vescovi e Regolari, Visita Ap. = Congregazione dei Vescovi e Regolari,
Visita Apostolica

Instr. Misc. = Instrumenta Miscellanea

Penitenzieria Ap., Reg. Matrim. et Div. = Penitenzieria Apostolica, Registra
Matrimonialium et Diversorum

Reg. Vat. = Registra Vaticana

Reg. Lat. = Registra Lateranensia

Reg. Suppl. = Registra Supplicationum

Reg. Aven. = Registra Avenionensia

RPG = Repertorium Poenitentiariae Germanicum

PREFACE

The present publication contains selected papers from two international conferences: the first was held at the Centre for Medieval Studies, University of Bergen (Norway), in October, 2003¹ and the second at the Department of Medieval Studies, Central European University, Budapest (Hungary), in January, 2004.² The purpose of these meetings was to gather researchers interested in the history and significance of the papal curia and, in particular, the Apostolic Penitentiary, in the later Middle Ages. The main emphasis was placed on a comparative approach and on the role of peripheral areas of Western Christendom in their communication with the Holy See.

There are various kinds of centre-and-periphery hierarchies.³ There are geographic, social, economic, and cultural peripheries and centres. "The general textbooks ... address materials from the geographical and social peripheries of privileged cultures only as adjuncts to their central narrative. ... The history of Scandinavia and Eastern Europe become excursus to a central narrative."⁴

However, concerning the communication of the Holy See with various areas of Christendom in the Middle Ages, the impact of 'peripheries' has attracted a new interest in recent years. Since the opening of the archives of the Apostolic Penitentiary to researchers in 1983 relatively few scholars have exploited the sources, but recently their number has increased. Most of them have studied the supplications to the Penitentiary of petitioners from their own home countries and edited material on a national basis. The German Historical Institute, under the leadership of Ludwig Schmugge, has already published several volumes of entries concerning German-speaking territories. Also, the Norwegian and Icelandic material has recently been released by Torstein Jørgensen and Gastone Saletnich. Similar enterprises are in process in several other countries: Poland, Denmark, Sweden and Finland, England and Wales. The examination of territo-

¹ "The Late Middle Ages and the Penitentiary Texts: Centre and Periphery in Europe in the Pre-Reformation Era."

² "Ad Confines. The Papal Curia and the Eastern and Northern Peripheries of Christendom in the Later Middle Ages (14th – 15th c.)."

³ For this and the following, see Teofilo F. Ruiz, "Center and Periphery in the Teaching of Medieval History," in *Medieval Cultures in Contact*, ed. Richard F. Gyug (New York: Fordham University Press, 2003), 252.

⁴ *Ibidem*, 248.

ries on the geographic peripheries in their relation to Rome has been a main focus in these studies.

The archival material of the Penitentiary and the communication of the papal curia with the various regions of late medieval Europe should, however, not be studied only on national levels. There is an increasing need for such studies to be supplemented by comparative searches for differences and analogies in how Christians from different corners of Europe used the papal offices and were treated by them. It is well known that even though the regulations of canon law were in theory the same for everyone, regional differences in interpreting and applying them emerged in the Late Middle Ages. The need to turn to the papal authority in matters of canon law varied depending on the role of local bishops and the presence or absence of papal legates or collectors, who often had the power to deal with similar matters *in partibus*. Also, people in the central territories of Christendom had different opportunities for turning to the papal curia with their requests than those living on the peripheries of the Christian world.

Questions like these played the central role in the discussions of the two conferences noted above. In this book we will render an overview of the present status of this new field of research. As an introduction, Piroska Nagy deals with the question of how to apply centre-periphery models to a comparative analysis of the sources. Kirsi Salonen uses the Penitentiary registers from the period of Pope Pius II to analyse the supplications, their provenance, and the role of peripheries.

Two peripheral parts of late medieval Europe and their significance concerning the communication with the Holy See represent the main part of the publication: Northern Europe and East Central Europe. Comparative analyses of Scandinavian and Scottish source material from the Penitentiary Registers are made by Torstein Jørgensen, Kirsi Salonen, and Irene Furneaux. The studies on East Central Europe are introduced by an inquiry concerning the general importance of the area for the papal curia (Jadranka Neralić), and an overview of the communication of the Holy See with Albania (Etleva Lala). Piroska Nagy and Kirsi Salonen offer a quantitative analysis of East Central Europe and the Penitentiary (1458–1484), followed by contributions on individual territories, such as the Czech lands (Lucie Doležalová) and Dalmatia (Ana Marinković). The contribution by Gastone Saletnich and Wolfgang Müller indicates that in any studies of the role of peripheries one must not neglect the more central areas. Blanca Szeghyová and Ludwig Schmugge show that local archives and their contents are an indispensable additional source for comparative analyses.

Many friends and colleagues have helped in preparing this book for print. We are pleased to thank the personnel of the Penitenzieria Apostolica, especially Padre Ubaldo Todeschini, for reading the manuscript and suggesting useful corrections. We are also much obliged to the skilled staff of the *Sala di Studio* in the Vatican Archives, who patiently brought us volume after volume of the reg-

isters and helped with other problems. Judith Rasson from Central European University deserves our gratitude for copyediting our text.

Finally, we wish to thank the academic institutions which in a more direct way have promoted this project: the Centre for Medieval Studies at the University of Bergen, the Department of Medieval Studies at the Central European University in Budapest, the Institut für Realienkunde of the Austrian Academy of Sciences and the Academy of Finland, and the Department of History at the University of Tampere.

Bergen, Budapest, and Tampere, November 2004

Gerhard Jaritz, Torstein Jørgensen, Kirsi Salonen