

**AT THE EDGE OF THE WORLD:
THE SUPPLICATIONS
FROM THE NORWEGIAN PROVINCE OF NIDAROS**

Torstein Jørgensen

At the time when the office of the papal Penitentiary was at its peak in the fifteenth and the first half of the sixteenth century, the archdiocese of Nidaros was still the northernmost of all church provinces in Western Christendom. To be sure, the discoveries of new lands in the Americas in the years before and after the turn of the century were just in the process of opening up a whole new world. On the one hand, the new discoveries paved the way for political and economic conquest, on the other they added new and virginal ground for the Catholic Church to extend its faith, practices and institutional order. The old world scope as seen from the papacy, and in which Norway held a position as the last country of the world at the very border of the enormous abyss surrounding the lands of the earth, was about to lose its relevance. And, for sea-faring nations like Spain, Portugal, and Norway, the ocean represented an easier and speedier way of travel and communication than land. By means of the winds of the seas and efficient ships the miles of the seas were shorter in terms of travelling hours than miles on land, especially if one belonged to the strata of the population that had to travel on foot.

Despite these facts the distance from Rome to the metropolitan See of Nidaros in Norway was still a long journey. However, it is important to note that long distance in terms of kilometres was by no means equivalent to long distance in mentality, faith, and conduct. It is not difficult to point out distinctive features and characteristics of Scandinavian ways of life, social organisation, behaviour, and thinking in the period; but, when looking at late medieval Norwegian and Icelandic societies, one also cannot escape notice of the strong imprint of an overarching common European culture, with its joint set of norms and practices. As in Naples, Wittenberg, Dublin, or whatever place on the map of Central and Western Europe at the time, the people of Norway and Iceland were from the cradle to the grave framed by the religious apparatus of the Catholic Church in all its different aspects. Distance in geography, thus, did not by necessity imply distance in religious thought and practices. One field to which this fact applied indeed was the administration of grace and penance by the Apostolic Penitentiary.

*The Nidaros material – a brief overview*¹

The register protocols of the Apostolic Penitentiary contain altogether a hundred supplications from the dioceses under the province of Nidaros.² This means, for instance, when comparing with the German material, that for every Norwegian entry there are roughly 500 to 600 petitions to be counted from the German provinces. Nevertheless, in a Norwegian setting the collection of the penitentiary supplications represents the most comprehensive discovery of medieval sources related to the country for the last 50 years.

The archdiocese of Nidaros³ consisted of five dioceses on the Norwegian mainland during the period concerned. Besides the See of Nidaros itself, these were Oslo, Bergen, Stavanger, and Hamar. In addition, the province included – with some variations – five suffragan Sees on the Norwegian-dominated islands in the North Atlantic, that is, Skálholt and Hólar on Iceland, the Orkney and Færo Islands plus Gardar (Greenland). In our material, we also have included 44 supplications from the Hebrides,⁴ as this group of islands was old Norwegian territory and the connecting ecclesiastical lines to Nidaros remained long after the political inclusion of these lands into England and Scotland. For the dioceses of the Orkneys and Hebrides we have, however, circumscribed the evidence at the year 1472/1473 as these dioceses at this time were formally transferred to the newly founded Scottish archdiocese of St. Andrews. For the other dioceses we have searched the protocols up to the year of the Danish-Norwegian reformation in 1537. Our last registration dates from September 1531. With July 1438, as the first dating of a registered – and preserved – supplication from Nidaros, our material covers a period of a little less than a century. In addition we have included one supplication from the Danish-Norwegian queen, Dorothea, wife of King Christian I.

By the beginning of the fourteenth century the Norwegian mainland is estimated to have been home to a maximum of 350,000 souls. The numbers fell drastically from the Black Death and the subsequent plagues that ravaged

¹ For a more detailed survey see Torstein Jørgensen and Gastone Saletnich, *Synder og Pavemakt: Botsbrev fra den norske kirkeprovins og Suderøyene til Pavestolen 1438–1531. Diplomatarium Poenitentiarie Norvegicum* [Sinners and papal power. Penitentiary supplications from the Norwegian Church province and the Hebrides to the Holy See, 1438–1531] (Stavanger: Misjonshøgskolens forlaget, 2004) (hereafter Jørgensen and Saletnich, *Synder og Pavemakt*).

² Giving the exact number is a question of principles of counting. In this study, I have counted entries with lists of persons being granted one and the same grace, but who must have addressed the penitentiary with different petitions, as one supplication. Also supplications with an additional case attached to them under the same date count as one entry in our study. (Jørgensen and Saletnich, *Synder og Pavemakt*, 62, 91–92, 133, 157–158).

³ The name of the city of the metropolitan See has throughout the ages alternatively been Nidaros and Trondheim. Today, the city name is Trondheim, whereas the episcopal see carries the old name of Nidaros.

⁴ In Norwegian 'Suderøyene' means 'The Southern Islands', which is the background of the Latin *diocesis Sodorensis*.

Europe in the course of the fourteenth and fifteenth centuries, down to a minimum of 150,000 around 1450, that is, a depopulation rate somewhere between 50 and 65%.⁵ Compared to what is known about the effects of these plagues in other part of Europe, Norway was one of the countries to suffer the most severe loss of people, taken from an already small population.⁶ This is an important piece of information to bear in mind when comparing the numbers of Nidaros supplications with those from more central and densely populated provinces throughout Europe. Above all, one should not jump too quickly to the conclusion that the main or only explanation lies in geographical distance. A combination of a scarcely populated area and a location on the very outskirts of the *orbis christiana*e probably explains the matter. For a more definite conclusion, however, a comparison of the number of supplications from different church provinces held up against that of population in the same areas would be needed.

Table 1. Number and type of petitions from the Norwegian dioceses.⁷

Case	Bergen	Hamar	Nidaros & crown	Orkn-øyene ⁸	Oslo	Skálholt	Stavanger	Sudr-øyene	Total
<i>Matrim.</i>	0	0	2	1	1	5	0	10	19
<i>Diversis formis</i>	6	2	12	0	12	1	4	0	37
<i>Declarationis</i>	1	1	3	0	1	-	4	0	10
<i>Def. nat.</i>	1	2	9	3	8	1	1	28	53
<i>Uteriori</i>	0	0	2	1	0	2	0	3	8
<i>Promotis</i>	1	1	0	0	1	0	0	0	3
<i>Conf.</i>	0	0	6	0	1	1	0	2	10
<i>Sent. Gen.</i>	1	0	0	0	0	0	0	0	1
<i>Alt. Port.</i>	0	0	0	0	1	0	0	0	1
No category	0	0	1	0	1	0	0	1	3
Total	10	6	35	5	26	10	9	44	145

Source: ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 1-75.

The changes and sometimes lack of consistency to be found in the register protocols in this period when it comes to categorisation naturally also apply to the Norwegian material. The simple Table 1, however, shows how the Nidaros supplications were actually classified at the time when they were treated.

⁵ Ole Jørgen Benedictow, *Plague in the Late Medieval Nordic Countries: Epidemiological Studies* (Oslo: Middelalderforlaget, 1992), 104-105, 272-273.

⁶ Andreas Holmsen, *Norges historie: Fra de eldste tider til 1660* [History of Norway: from the oldest times until 1660] (Oslo: Universitetsforlaget, 1977), 333.

⁷ From the dioceses of Færo and Greenland (Gardar) there are no petitions. All contacts with the Norse population in Greenland were cut off in the 1420's, although titular bishops to Gardar were still appointed later in the fifteenth century.

⁸ Until 1472/1473.

The number of Nidaros supplications, however, is by far too low to develop any sort of basis for statistic observations. Still, it is of interest to show the following survey of how the 96 supplications from the Norwegian mainland dioceses and Iceland are spread in actual years and to add a few comments:

Table 2: Number of supplications per year

1438: 1	1468: 2	1484: 3	1500: 8
1441: 1	1470: 4	1486: 1	1504: 1
1454: 2	1471: 1	1487: 1	1510: 2
1456: 2	1472: 3	1488: 3	1515: 2
1457: 2	1473: 2	1489: 1	1516: 1
1458: 4	1474: 7	1491: 2	1517: 2
1460: 2	1475: 1	1492: 1	1518: 1
1461: 2	1476: 5	1493: 4	1519: 1
1463: 1	1477: 2	1494: 1	1523: 3
1464: 1	1479: 1	1496: 1	1525: 1
1465: 2	1480: 3	1498: 1	1531: 1
1467: 1	1481: 1	1499: 1	

The only year clearly distinguished from the rest is 1500 with its eight supplications. This can only be explained by the fact that this year was a Holy Year with its marked increase in the number of pilgrims to Rome. The tendency in the Norwegian material corresponds well on this point with the material from the neighbouring province of Uppsala, as shown by Kirsi Salonen.⁹

A peculiar feature requiring some further comments is the Jubilee Year 1475 with, surprisingly, only one Nidaros supplication, whereas the preceding year 1474 had seven supplications and the subsequent year, 1476, five. All seven cases from 1474, however, date from November and December, that is, only few weeks before the beginning of the Jubilee Year on Christmas Day; and all seven supplications derive from Bergen and the See of Nidaros itself. The most reasonable explanation is that the supplications were handed in, probably in one pile, by Archbishop Olav Trondsson himself in connection with his stay in Rome that autumn. Together with the *electus* to Bergen, Hans Teiste,¹⁰ Olav went to Rome in the summer or early autumn 1474 with the intention, we may suppose, of taking part in the celebration of the Jubilee Year. However, Olav died in Rome on November 25,¹¹ and Hans Teiste was ordained bishop in Rome

⁹ Kirsi Salonen, *The Penitentiary as a Well of Grace in the Late Middle Ages: The Example of the Province of Uppsala 1448–1527*. Suomalaisen Tiedeakatemia Toimituksia – Annales Academiae Scientiarum Fennicae 313 (Saarijärvi: Academia Scientiarum Fennica, 2001), 255, 281, 348, 362.

¹⁰ Elected by the chapter in Bergen on June 22, 1474, on which occasion Archbishop Olav was also present.

¹¹ Buried in San Agostino Church.

on December 18.¹² I see no other reasonable explanation than ascribing the seven supplications to the archbishop himself and his retinue. Olav's successor, his nephew Gaute Ivarsson, received his archiepiscopal ordination on the basis of papal provision in June 1475. No Penitentiary supplications related to this event have been found.¹³

Four of the five registered supplications from 1476 stem from Skálholt. They were granted almost simultaneously in December and must have been handed in to the Penitentiary together.

Also, the three supplications from 1523 came to the Penitentiary at the same time and by one hand, namely that of the last archbishop of the See of Nidaros, Olav Engelbrektsson. In two of them the archbishop himself was the supplicant, the third was handed in on behalf of Hans Rev, who at that time was a canon in Nidaros, but two years later entered the bishop's See of Oslo.

Representation – the tip of the iceberg

One important question when discussing numbers is to ask to what extent the registered cases form a representative selection of cases of the same sort or to what extent we see here only the tip of the iceberg. A full clarification of this point lies, of course, beyond the reach of research, but the perspective has to be taken into account and should necessitate some moderation and caution when making conclusions based on the existing material. It will be interesting to make comparisons with the material from other areas as this is being investigated.

Entering into the actual circumstances around the different Norwegian supplications one sees several elements which one may point out as occasional, such as possibilities of transport to Rome, the resources of the supplicant, and the general focus and pressure on the case. A search into other contemporary sources for similar cases which do not seem to have been taken to the pope might contribute to better answers.

Taking the case from Nidaros to Rome

Only very few of the Nidaros texts provide precise information on the time needed to take a case from Norway and Iceland to the papacy. In a supplication from the year 1525, however, we find both the exact date of the criminal act and the date when the case was recorded as settled in the

¹² *Diplomatarium Norwegicum* (hereafter *DN*), XVII, n. 683; Oluf Kolsrud, "Erkebiskop Olav Thronndsson av Nidaros. 1459–1474" [Archbishop Olav Thronndsson of Nidaros], *Norvegia Sacra* 1924 (Oslo: St. Olavs Forlaget, 1924), 19–34.

¹³ The only registered supplication from the Jubilee Year 1475 came from the diocese of Oslo and was granted on August 2. It may have been handed in by Archbishop Gaute, but there is no firm evidence, ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 23, fol. 271r; Jørgensen and Saletnich, *Synder og Pavemakt*, 79–80, 147.

Penitentiary office.¹⁴ The entire course of events – the killing, the local treatment of the case, the drafting of a letter, the transport to Rome, the dealings with the proctor, and the handling of the case in to the Penitentiary office – took place between February 8 and July 4, that is, a time span of a little less than five months. Considering the distance from Norway to Italy and the means of transport available, there would have been no reason for the supplicant to complain. From other cases we know that it could take more time, but the overall picture shows that the process of taking a case from Scandinavia to the curia in Rome took something between a few months and two years.

The Penitentiary texts in a Norwegian-Icelandic setting

It has already been made clear that the collection of Nidaros supplications is too small for making statistical tables – even though some comparative glimpses aside to material from other countries might be helpful. When searching for the historic value of the Norwegian texts, thus, the primary focus must be on their content. On this point the penitentiary supplications are indeed more valuable and informative than a first glance might perhaps indicate. In a Norwegian setting a number of more than 150 new texts is a substantial addition to the already existing material.¹⁵

Names

As the Penitentiary texts always give the name(s) of the supplicant(s), and often of other persons as well, the texts provide a basis for drawing some 150 named individuals into the light of research. Some of them are familiar in advance; a few were well-known persons from the upper classes, but whose vitae become more fully drawn up with the help of these texts, sometimes on very crucial points. In the case of Iceland, for instance, which is the country of Europe with probably the most complete survey of named individuals within her borders at the time, we have found that fourteen¹⁶ of the total of fifteen persons

¹⁴ ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 73, fol. 1135r-1136r. Jørgensen and Saletnich, *Synder og Pavemakt*, 99-100, 165-166.

¹⁵ All hitherto known medieval texts – or better: all medieval sources in the country and abroad containing some piece of information about Norway – have been collected over the last 150 years in the *Diplomatarium Norvegicum* I-XXII (Christiania and Oslo, 1849–1990). For some years now, these texts have been available on a full-text database – in their original Latin or Old Norse language – with search possibilities on words either in the text itself, on the regests, date, or volumes.

¹⁶ In addition to the thirteen persons in Jørgensen and Saletnich, *Synder og Pavemakt*, we have now, on the advice of Stefán Karlsson, Reykjavík, also identified *dominum Simonem* mentioned in our entry n. 94 as Sveinn Pétursson, bishop of Skálholt, 1466–1476.

mentioned in the ten supplications from Skálholt are already listed in *Íslenzkar Æviskrár*.¹⁷

As for the individuals from the Norwegian mainland, the vast majority seem to step out of the shadows of history for the first time in these texts. To identify persons on the basis of the latinised, often very distorted, representations of their original Norwegian names in the penitentiary protocols is not an easy task.¹⁸ Searches on names in the data base of the *Diplomatarium Norvegicum* combined with some creative imagination on how names could be spelt will probably give at least some positive results.

Kinship and family relations

Although the registrations under the *de matrimonialibus* cases are generally rather short, their value is quite significant on a number of points. First of all, some of these texts add substantial information on persons about whom we possess some knowledge in advance, but whose marriage and family relations have not yet been fully clarified. An example of such useful information is given in a supplication from 1484, about the noble member of the Norwegian national council, Arild Kane, and his marriage to Ingrid Erlendsdotter, the widow of Olav Guttormson, also a member of the same council.¹⁹

Secondly, these texts offer some indications about the matrimonial customs of the second to fourth degree of *consanguinitas* and *affinitas* as actually practised in the historical Norwegian setting. An interesting difference between Norway and Iceland becomes discernable with the help of this material. In Iceland, all these supplications came from people who were already aware of their – consumed or not yet consumed – forbidden relations. In Norway, the majority of the petitioners stated that they were not. As seen together with other historic material, this underpins the general idea of Iceland as an extremely transparent society compared to Norway.

¹⁷ *Íslenzkar Æviskrár: frá landnámstímum til árloka 1940* [Icelanders' life stories. From the land-taking time until the end of 1940], I-IV, ed. Páll Eggert Ólason (Reykjavik: Íslenzka Bókmenntafélag, 1948–1976).

¹⁸ To exemplify this, I will mention that in the papal documents from the time we have found the name of Stavanger, which after all was a name of a diocese, spelt in more than 20 different ways: Stavuangre, Stawange, Stawarge, Stawagre, Stawage, Stawrangar, Stavantz, Staffnagar, Stawanger, Stadhangre, Staffuangre, Stawangher, Staunagle, Slanangre, Stalbangie, Stabbangre, Stauangre, Stauangrie, Stauagre, Stangrane, Stavanger. Torstein Jørgensen and Gastone Saletnich, *Letters to the Pope; Norwegian Relations to the Holy See in the Late Middle Ages* (Stavanger: Misjonshøgskolens Forlaget, 1999), 45, note 30.

¹⁹ ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 34, fol. 18r; Jørgensen and Saletnich, *Synder og Pavemakt*, 80, 148.

Colourful glimpses into actual episodes of life

When looking at the contents of the penitentiary supplications there is no doubt that the *de declaratoriis* texts are the most informative and interesting. These texts, together with some cases under the *de diversis formis* group, are generally long, up to three folios, with a longer narrative section as their most substantial part. Here, the Norwegian material seems, not surprisingly, to be fully in line with that from other countries, as the standards for these texts were set in Rome and not in the local communities. Even with the low number of such Norwegian texts it is quite easy to make overviews and to harvest from the different points of their contents.

The particular format of this group of supplications renders, with its narrative part, short, but often quite detailed and colourful glimpses into life episodes of the persons involved. If not unique, such actual descriptions of the acts and doings of identifiable persons in something between daily life and exceptional situations are quite rare amongst the already existing Norwegian texts from that period. The texts provide short zoomed-in snapshots of one, two or a few more persons in all the texts with a perpetrator and a victim as the main figures and with a clergyman in both of the roles or in only the first. These persons jump out of darkness into the light of history, stay there for a little while, and then disappear again. But during this little while we see them the picture can be quite sharp. Above all, one receives a description of the different aspects of the actual event causing the address to the Holy See, the rise and increase of a conflict ending up in violence or killing. The texts also add valuable pieces of information to our knowledge about weapons, tools, clothing, means of transport, housing, food, and social customs. In a few cases, the Latin texts even enable us to recognise remnants of words from the Norwegian language of the time.

An example from the text material – the case of Simon Andreasson

Among the longer narrative texts of the kind mentioned above, the following supplication from Stavanger cleric Simon Andreasson makes a good example. As an illustration of the richness of these texts I will quote this petition *in extenso* and in English.

First of all, the narrative of the chain of dramatic incidents is an exciting story in itself. Along the way, the text gives valuable small notes on patterns of social gatherings, different kinds of weapons, indirect indications of heavy drinking, clothing, and reasons for disputes combined with prestige and status, as well as references to Civil Law. In good accordance with the standards of these texts, the document also offers a detailed account of a priest who became involved in unintentional murder. The unfortunate priest's name was Simon Andreasson (*Simon Andree*), and the parish in which he served was Spangereid (*Spangerydk*)

near Lindesnes, at the very southern point of Norway.²⁰ In addition to the name of the petitioner the document mentions three other names: that of the victim, Nikolas Eyvindsson (*Nicolaus Ewindi*); that of the host, Sigvart Beruldsen (*Siwardus Beruldi*), at whose house Simon and Nikolas were guests at a banquet, and finally the first name of one of the witnesses, Karl (*Karolingus*), a friend of the priest's.

We are also well informed about the cause of the conflict. The object of the strife is described as dealings about a piece of land that Nikolas Eyvindsson claimed to have had the right to rent and which the priest had rented out to someone else in the meanwhile. The name of the farm is mentioned as *Dipla* (*dipla*), a name which is also known from other Norwegian sources. The property was obviously church land and not the priest's private property. The bishop, not a magistrate, is referred to as the one who could have tried the mortgage deeds Nikolas claims to have had on the property.

The supplication text also gives further details about some of the weapons in use at the time: the lance, dagger, and axe, all evidently easily at hand. The fact that people in their daily life carried different sorts of weapons for the sake of their safety confirms what we know from other sources, that the last decades of the fifteenth century were insecure times.²¹

An interesting connection can be seen between the event of this supplication and a conflict between the clergy and common people that is known to have taken place in the very same area.²² In 1484, peasants in the district gathered for a meeting at which they wrote a letter of protest to the bishop in Stavanger complaining that the representatives of the Church in the area had seized properties,²³ and requesting that the old order of ownership be re-established. The judicial basis of the complaint was the book of land registers, the so-called *jordebok*, drawn up by a former bishop of Stavanger.²⁴ The case also included other grievances, and it was not settled until a meeting in Bergen on July 31, 1486, when archbishop Gaute de-

²⁰ Spangereid is referred to in several Norwegian documents from the Late Middle Ages; see *DN XV*, n. 101.

²¹ The second half of the fifteenth century was characterised by a weak royal power during the reigns of Christian I (1450–1481) and Hans (1483–1513); by the dominance of Hanseatic merchants, who on several occasions proved that they did not recoil from using force when their interests were at stake; by piracy along the coasts; and finally by attempts at revolt in different places.

²² The following documents show how disputes about land were resolved by civil magistrates in the same area and at the same time as in the case of the conflict between Simon and Nikolas: *DN XVIII*, n. 94; *DN VI*, n. 615; *DN IX*, n. 377; *DN XXI*, n. 657.

²³ From *DN XV*, n. 101, of September 8, 1476, we know that the name of the ecclesiastical "ombudsman" of the Spangereid church (*Spangareidh kyrkio*) and adjacent properties was Thore Aslaksson, and that he had held this office for the preceding three years. The document confirms that the bishop had received the accounts from the church properties in Spangereid from him. Thus, there is a good possibility that Nikolas Eyvindsson's tenant agreement during the time of Thore Aslaksson was in order, and that the priest, Simon Andreasson, had changed this to Nikolas' disfavour. See also *DN XV*, n. 110, of August 3, 1487, about the "ombudsman" for church properties in Bjelland.

²⁴ Bishop Botolf (1355–1380).

cided in favour of the requests of the peasants.²⁵ It is highly possible that Simon Andreasson and his counterpart, Nikolas Eyvindsson, were also active participants in this conflict. The fact that it also included a case of murder indicates how strong this strife must have been. Since the date of the Penitentiary supplication is December 12, 1487, the killing of Nikolas Eyvindsson must have taken place around the time of the meeting in Bergen the year before.

Simon Andreasson, priest of the parish church of Spangerydk in the diocese of Stavanger, says that he was once a guest at the house or inn of Sigvart Beruldsen, a layman from the same diocese. One day after lunch-hour, the late Nikolas Eyvindsson, a layman from the same diocese, told the petitioner, whom he had come upon in the sitting-room: "The Lord have mercy with you, who have rented out the property" – called diþla in the native tongue – "to someone else!" He claimed that according to mortgage deeds in his possession, the land had to be rented to him. The petitioner told Nikolas to produce the letter, and once the letter had been examined by the bishop he would render him what was rightfully due. Nikolas, however, maintained that the affair lay within the petitioner's own discretion and that he could, if he so wished, implement the said transfer even without the bishop's permission. In turn the petitioner responded that this was not the case. After this dispute between the petitioner and Nikolas, Nikolas left the sitting room of the house, mounted his horse in the courtyard and rode away.

A little later the petitioner likewise took his horse intending to ride home together with Karl, a layman of the same diocese. Having travelled for a while from the aforementioned inn, the said Nikolas, on foot and in arms, silently stepped out of the woods somewhere near the road along which the petitioner and his friend Karl were coming, intent, as it seemed, on doing harm to the petitioner. He called on Karl to stay away saying that he had to speak with the priest, i.e. the petitioner. On Karl's admonition he calmed down for a moment, but the former exchange of words flared up again until Nikolas wielded the lance he held in his hand and said to the petitioner: "A while ago you trusted in the bishop, now look at the weapon in my hands in which I trust!" Taken by fear the petitioner returned to the inn he had just left where Nikolas followed him unnoticed and attacked him with these words: "Mary curse you, devil's priest!" The petitioner, making the sign of the cross, answered: "The Lord have mercy with you!" Nikolas repeated his curse another time: "The devil have mercy with you in hell!" and again the petitioner answered: "The Lord bless you!" whereupon Nikolas answered: "The devil bless you!" But the petitioner exclaimed: "The laws protect me

²⁵ DNI, n. 951.

against you!" They continued to argue back and forth until Nikolas brandished a lance in his left and a dagger in his right hand and would have stabbed the petitioner if he had not been impeded from doing so by the people surrounding them. As Nikolas continued to go after the petitioner in a hostile manner the petitioner averted violence by violence and hit Nikolas with an axe which by chance was lying on the ground and wounded him on his upper right forearm and in the armpit of the same hand, holding the dagger just raised to stab him. Nikolas died from this wound about three weeks later.

Although the petitioner was not guilty of this death other than in the aforementioned manner, but regrets it deeply, etc., and wishes to serve the Lord in the mentioned vocation, some people, however, etc., assert that he had thus committed the crime of homicide and become irregular; to silence the voices of these detractors the petitioner now asks for a declaration stating that he, when the mentioned incidents took place, neither committed the crime of homicide nor incurred any stain of irregularity, and unhindered by the mentioned incidents, can serve, etc.

Granted as below, Jul., bishop of Bertinoro, Regent. The letter is to be examined by the bishop of Nocera, Jul. The case is to be committed to the ordinary who, provided that the necessary inquiries prove that the petitioner wounded Nikolas in defending himself from mortal danger, shall declare as has been requested. Rome, at Saint Peter's, 12 December 1487.²⁶

If we cast a glance at the concluding phrases of the supplication, the imprint of a canon law scholar is clearly visible. Most likely we see here the pen stroke of one of the official Apostolic proctors in Rome. These proctors were trained to know which buttons to press in order to make the case as favourable for the suppliant as possible. The supplication text in this section consists largely of fixed formulas. In a case like the one of Simon, the petitioner could plead guilty or not guilty. When it comes to Simon, he chose, probably on the advice of the proctor, to plead not guilty. His request, therefore, was for a papal declaration to confirm his innocence, and to be held up against accusations of guilt stated by people normally referred to as simple and ignorant. Following the normal procedure in these cases, Simon's petition was committed to be tried by Simon's ordinary, that is, his local bishop. By granting grace on the condition that the local ordinary confirmed the facts of the case, the papacy, at least to some extent, had a safeguard against too-biased resolutions based solely on the subjective versions of the petitioners. The ordinary who received Simon's case was Eiliv Jonsson, bishop of Stavanger 1481–1512. In this case, there is an irony in it, as Eiliv was one of the counterparts of the peasants mentioned above. One may probably con-

²⁶ ASV, *Penitenzieria Ap.*, Reg. *Matrim. et Div.*, vol. 37, fol. 228r-v. For the original Latin version see Jørgensen and Saletnich, *Synder og Pavemakt*, 161–162.

clude that his evaluation of Simon Andreasson's role in the killing of Nikolas Eyvindsson was not stricter than necessary.

The concluding formulas of the supplication state that the petition was signed by the then-*Regens*, *Julianus*, bishop of Bertinoro.²⁷ In accordance with the normal procedure for such cases it was left to the *Auditor*²⁸ for judicial examination.

Canon law and indigenous judicial systems

No systematic studies exist of the status of canon law and other papal regulations in their relations to the different areas of national law codes and practices in the cases of Norway and Iceland. For the actual period, one knows that the civil judicial system was indeed in operation. The *Diplomatarium Norvegicum* contains case after case treated by tribunals at different levels, such as disputes about wills and inheritance, rights to land, farming, fishing, etc., as well as different kinds of criminal cases.

When it comes to ecclesiastical law and the so-called reserved cases many circumstances of a political and practical nature must be taken into account when trying to establish a survey of the actual state of affairs. Our general impression is, however, that the general right of the clergy to *privilegium fori* was in power. But in Norway, as elsewhere, one has to consider that the force of muscles and arms in many cases was more decisive than the power of tribunal decisions. An interesting event in the case of Norway at the time was the National Council Convent in Oslo in 1478, with King Christian I and all the Norwegian bishops present.²⁹ At this meeting the council made an attempt to draw a demarcation line between the jurisdiction of king and Church, especially concerning marriage, incest, adultery and oaths/perjury. According to the council, cases of incest in the third and fourth degrees, as well as fornication and relations with concubines, were irrelevant to the king and came under the Church. Adultery, or as it is phrased "breaking into another man's wedlock", and bigamy were to be compensated, half to the king and half to the Church. More serious cases of incest in the first and second degrees and fornication against nature should result in the perpetrators being declared outlaws, their estate being shared half and half between Church and king, with the king deciding whether the perpetrator should live or not.³⁰

²⁷ *Julianus de Matteis de Volterra*, O.F.M.

²⁸ *Johannes de Ceretanis*, bishop of Nocera, 1476-1492.

²⁹ Perhaps the most important event in Norwegian medieval history on specifying the jurisdiction of the king/state versus the Church was the so-called *composicio* (in Norwegian *sættargjerd*) of August 19, 1277.

³⁰ *Norges Gamle Love*, 2.r., II, n. 166, Lars Hamre, "Erkebispedømmet i Unionstiden" [The Archbishopric in the times of the Union], in: Andreas Holmsen and Jarle Simensen, ed., *Norges nedgang - senmiddelalderen* (Oslo: Universitetsforlaget, 1979, 2nd ed.), 196-197.

An interesting case from the Norwegian supplications in which we see an overlapping of canon and civil law is the petition from the Stavanger man, Svein Igulsson, or Sweno Ygeldi, as he is called in the penitentiary protocols. According to the registered petition, Svein had made himself guilty of repeated severe incest by having intercourse with his own daughter. Because of this, the text tells that he had been imprisoned for some period, obviously on the basis of verdicts from the civil tribunal. His supplication to the Penitentiary contains a petition for absolution for incest and adultery, for a dispensation to resume his matrimonial life with his wife, and to yield and claim the normal matrimonial duties. His argument is that he considers himself too young to continue life without these goods.³¹

Concluding remarks

I have given an overview of the newly discovered penitentiary supplications from the Norwegian church province of Nidaros. I have shown that from its location in the utmost periphery on the northwestern edges of Western Christendom, the peoples of Norway, Iceland and the North Sea Islands were indeed part of the common late medieval theological, judicial and organisational setting of the Roman Catholic Church. The number of registered supplications from Nidaros is very small compared to the numbers from other provinces, but they do provide a new opening to increase knowledge about the lives of a number of individuals in this section of the *partes* in the fifteenth and early sixteenth centuries and their communication with the Holy See. Together with the penitentiary supplications from other provinces which are currently under registration, these texts represent a most valuable basis for new insights into a number of hitherto hidden elements of European history in the decades leading up to the great schism of Western Christendom.

³¹ ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 24, fol. 108v; Jørgensen and Saletnich, *Synder og Pavemakt*, 93, 159.

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and Their Communication
with the Holy See**

Edited by

Gerhard Jaritz, Torstein Jørgensen, Kirsi Salonen

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Department of Medieval Studies

Central European University

Nádor u. 9, H-1051 Budapest, Hungary

Telephone: (+36-1) 327-3024, Fax: (+36-1) 327-3055

E-mail: medstud@ceu.hu, Website: <http://www.ceu.hu/medstud/>

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Telephone: (+1-212)547-6932, Fax: (+1-212) 548-4607

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Medium Aevum Quotidianum

Gesellschaft zur Erforschung der materiellen Kultur des Mittelalters

Körnermarkt 13, A-3500 Krems an der Donau, Austria

Telephone: (+43-2732) 847 93-20, Fax: (+43-2732) 847 93-1

E-mail: imareal@oeaw.ac.at, Website: <http://www.imareal.oeaw.ac.at/maq/>

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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-

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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