

PENITENTIARY DOCUMENTS FROM OUTSIDE THE PENITENTIARY

Ludwig Schmugge

When Professor Emil Göller¹ left the German College *Santa Maria del Campo Santo* situated south of Saint Peter's Square in Rome on November 22, 1913, he was very excited, indeed. Since the fall of 1900 he had had the privilege of studying, first as a *borsista* of the Görres-Gesellschaft, later on the payroll of the Preussisches Historisches Institut in Rome, thousands of papal documents accessible to the public since Pope Leo XIII had opened the Vatican Archives to historical research. During his research Göller's special interest was more and more focussed on the *Penitentia Apostolica*, the papal office which in the later Middle Ages was crucial for granting tens of thousands of absolutions, dispensations, and licenses to men and women, lay persons and clerics alike, throughout Christendom, who had fallen into some conflict with the rules of canon law. Only after he had published his well-known *opus magnum*, the four volumes on the Penitentiary,² did he learn, talking to Cardinal Serafino Vanutelli³ (since 1899 the *Penitenziere Maggiore*), who as protector of the Campo Santo often had dinner with the members of the College, that the historical archives of the central papal office for grace, penance, and indulgences were not totally lost after Napoleon had all Vatican documents transferred to Paris in 1809. On the contrary, some 4500 volumes were found in three rooms of the *Cortile delle Corazze* in the Vatican, where they had remained hidden since returning from Paris in 1817.⁴

When he was confronted with the original documents of the Penitentiary, the papal office, *ubi morum censura et animarum salus vertitur* – as Pope Leo X

¹ For concise information about him see Remigius Bäumer, "Göller, Emil", in *Lexikon für Theologie und Kirche* 4 (1995), col. 829.

² Emil Göller, *Die päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V*, 2 vols. in 4 parts, Bibliothek des Kgl. Preuss. Historischen Instituts in Rom 3, 4, 7, 8 (Rome: Loescher, 1907, 1911).

³ See *Enciclopedia Italiana di scienze, lettere ed arti* 34 (1950), 978, and Mario de Camillis, "Vanutelli, Serafino", in *Enciclopedia cattolica* 12 (1954), col. 1026-1027.

⁴ Emil Göller, "Das alte Archiv der päpstlichen Pönitentiarie", *Römische Quartalschrift*, Supplement vol. 20. Festgabe für Anton de Waal, ed. Franz Xaver Seppelt (Rome: Herder, 1913), 1-19.

had formulated in 1513⁵ – Göller was about to leave Rome to become professor of canon law at the University of Freiburg in Germany. As far as I can tell, he never published any article using the newly discovered documents of the Penitentiary archive.⁶

Only in 1983 did Pope John Paul II give access to the registers of the Penitentiary for the medieval period. Since then the former archivist of the Penitentiary, Filippo Tamburini († 1999), has published many books and important articles, and international research has started to exploit the registers that are officially titled *Registra Matrimonialium et Diversorum*.⁷

The Northern European countries play an important role in the orchestra of international research. James J. Robertson (Scotland) was among the first to make use of the penitentiary records but, as far as I am aware, he has not yet published any study. For the province of Uppsala, that is the area of modern Sweden and Finland, Kirsi Salonen⁸ has presented her exhaustive and most informative Tampere dissertation, and together with Christian Krötzel she is the editor of a fine volume on *The Roman Curia, the Apostolic Penitentiary and the Partes in the Later Middle Ages*.⁹ I would also like to mention Mia Korpiola's collection of articles¹⁰ with important contributions concerning the topic by Per Ingesman, Agnes Arnórsdóttir, and Kirsi Salonen. Torstein Jørgensen and Gastone Saletnich are the authors of a well-illustrated volume, in which the documentation of cases from the Stavanger diocese is included.¹¹ In the meantime, many other articles making use of Northern European cases from the Penitentiary sources have been published.

Besides scholars from Northern Europe, historians from the Czech Republic, Hungary, and Poland have started intensive research into the documents of the Penitentiary. The *Bullarium Poloniae*, for a long time edited by Irena and Stanislaus Kuraś, includes the Polish supplications from the Penitentiary regis-

⁵ In his *Bulla Pastoralis cura*, ASV, *Reg. Vat.*, 1200, fol. 428r.

⁶ See the 'Nachruf' by Johann Peter Kirsch and the list of his publications by Karl August Fink in *Römische Quartalschrift* 41 (1933), 1-13.

⁷ For the publications of the late Filippo Tamburini see his last book *Häresie und Luthertum. Quellen aus dem Archiv der Pönitentie in Rom (15. und 16. Jahrhundert)*, Quellen und Forschungen aus dem Gebiet der Geschichte, N. F. Heft 19 (Paderborn: Schöningh, 2000), especially the bibliography on p. 7 ff.

⁸ Kirsi Salonen, *The Penitentiary as a Well of Grace in the Late Middle Ages. The Example of the Province of Uppsala 1448-1527*, Suomalaisen Tiedekatemia Toimituksia – Annales Academiae Scientiarum Fennicae 313 (Saarijärvi: Academia Scientiarum Fennica, 2001) (hereafter Salonen, *The Penitentiary*). Since then, Salonen has published a series of fine contributions on matters of the Penitentiary.

⁹ Kirsi Salonen and Christian Krötzel, ed., *The Roman Curia, the Apostolic Penitentiary and the Partes in the Later Middle Ages*, Acta Instituti Romani Finlandiae 28 (Rome: Institutum Romanum Finlandiae, 2003) (hereafter Salonen and Krötzel, ed., *The Roman Curia*).

¹⁰ Mia Korpiola, ed., *Nordic Perspectives on Medieval Canon Law*, Publications of the Matthias Calonius Society 2 (Saarijärvi: Matthias Calonius Society, 1999).

¹¹ Torstein Jørgensen and Gastone Saletnich, *Letters to the Pope. Norwegian Relations to the Holy See in the Late Middle Ages* (Stavanger: Misjonshøgskolens Forlaget, 1999).

ters, starting with volume 7 in the pontificate of Pius II.¹² Aleš Pořizka from the Istituto Storico Ceco in Rome published an important survey in the institute's journal on clerics from Bohemia who were ordained at the Roman curia, which touches upon the subject of *de promotis et promovendis* in the Penitentiary registers,¹³ and uses the Bohemian cases from the first three volumes of the *Repertorium Poenitentiariae Germanicum*.¹⁴ He is going to include the respective supplications to the Penitentiary from the Bohemian territories in the following volumes of the *Monumenta Vaticana res gestas Bohemicas illustrantia*. Recently, Piroska Nagy and Katalin Szende¹⁵ have outlined a research project on "Conflicts, Control and Concessions. The Archives of the Holy Apostolic Penitentiary. Hungarian Records in East Central European Context", which intends to dig mainly into the supplications *de diversis formis* and *de declaratoriis* for the period of Paul II and Sixtus IV (1464–1484). Finally, I also would like to mention the British project of Peter Clarke and Patrick Zutshi for publishing all English and Welsh petitions. This project is similar to the *Repertorium Poenitentiariae Germanicum* published by the German Historical Institute in Rome, of which my wife and I are in charge.¹⁶ The British publications will contain all supplications from the provinces of York and Canterbury up to the English Reformation in a calendared form, when the German *Repertorium* contains Latin *regesta*.

Recently Paolo Ostinelli has presented a valuable volume on the diocese of Como.¹⁷ This book may duly be called a pilot-study, because Ostinelli has for the first time compared the Vatican documents with the respective material *in partibus* of a Mediterranean area. For the northern Italian diocese of Como he has collected all the available material, charters, notarial registers and other documents from the local archives, illustrating the development of the cases before and after they were taken to the papal office.

What should be done in the near future with or around the supplications of the papal Penitentiary? As there are many problems to be resolved I shall concentrate on one item, the documents *in partibus* coming from the Penitentiary.

¹² *Bullarium Poloniae litteras apostolicas aliaque monumenta Poloniae Vaticana continens*, VI 1447–1464, ed. Irena Sulkowska-Kuraś and Stanislaus Kuraś, (Rome: École Française de Rome and Lublin: Katolicki Uniwersytet Lubelski, 1998).

¹³ Aleš Pořizka, "Ordinandi delle terre Boeme presso la curia pontificia negli anni 1420–1447", *Bollettino dell'Istituto Storico Ceco di Roma* 3 (2002), 32–55.

¹⁴ Aleš Pořizka, "Repertorium Poenitentiariae Germanicum. Středověká papežská penitenciária opět v centru pozornosti", *Mediævalia Historica Bohemica* 8 (2001), 97–120.

¹⁵ *Annual of Medieval Studies at CEU* 9 (2003), 333–339.

¹⁶ *Repertorium Poenitentiariae Germanicum*, ed. by the German Historical Institute in Rome: until today six volumes have been published by Ludwig Schmugge and collaborators, indices by Hildegard Schneider-Schmugge, covering the period from Eugene IV to Sixtus IV (Tübingen: Niemeyer, 1996 ff.) (henceforth *RPG*).

¹⁷ Paolo Ostinelli, *Penitenzieria Apostolica. Le suppliche alla Sacra Penitenzieria Apostolica provenienti dalla diocesi di Como (1438–1484)*, *Materiali di storia ecclesiastica lombarda* 5 (Milano: Ed. Unicopli, 2003) (hereafter Ostinelli, *Penitenzieria Apostolica*).

Ostinelli's valuable contribution to research in the supplications of the Penitentiary and other findings of documents related to the field of our interest in different archives of Europe have led me to speak about 'Penitentiary documents from outside the Penitentiary'. This seems to be quite contradictory at first glance, but in my opinion it opens a wide new field of interesting research possibilities regarding the ecclesiastical and social history of the later Middle Ages all over Europe.

I will try to explain my point in more detail. As we know, the Vatican Archives retain only the registered supplications sent or taken to the papal curia. We know further that the registrations have survived only from the early fifteenth century onwards¹⁸ with many years missing up to 1447. For the time before the mid-fifteenth century we can find Penitentiary documents only outside of the Penitentiary, because – as far as we know – very few documents have survived in the Vatican Archives. But, from the thirteenth century onwards and also for the time when registered supplications have survived, there is also plenty of evidence about cases in local archives all over Europe. That is why I propose looking into this kind of important Penitentiary source-material. The different types of such documents may be roughly divided into four groups: 1. original supplications; 2. *litterae ecclesiae* of the minor penitentiaries; 3. *litterae* of the *maior penitentiarius*; 4. documents related to supplications to the Penitentiary, as copies, transsumpts, protocols, notarial registration, and so on.

Original supplications

Let us first look into the original supplications. When a petitioner wished to submit a request for papal grace, he had to take care that a proper supplication describing his case would be presented to the Roman curia in a written form. In most cases the petition would have been set up through a proctor,¹⁹ who was able to write the individual request in a good Latin form according to canon law, the formularies, and the *stilus curia*. This piece of paper itself, once it had entered the administrative process of the Penitentiary, was useless as soon as the petition was granted and a *littera* confirming the positive response of the Penitentiary had been sent back to the petitioner. Therefore, an original supplication had a very tiny "Überlieferungs-Chance" ("chance of survival").²⁰ As far as we

¹⁸ From the first volume (ASV, *Penitenzieria Ap., Reg. Matrim. et Div.*, vol. 1) Monique Maillard-Luypaert has recently published the supplications coming from Belgian dioceses: *Les suppliques de la Pénitencerie Apostolique pour les diocèses de Cambrai, Liège, Thérouanne et Tournai (1410-1411)*. *Analecta Vaticana-Belgica*, première série 34 (Brussels and Rome: Institut historique belge de Rome, 2003).

¹⁹ As to proctors, see the forthcoming book by Daniel Rutz on Penitentiary proctors in the second half of the 15th century. For the moment, D. Rutz, "Pönitentielle-Prokuratoren", *Lizentiatsarbeit*, University of Zurich, 2000 (hereafter Rutz, "Pönitentielle-Prokuratoren").

²⁰ This expression was launched by Arnold Esch, "Überlieferungs-Chance und Überlieferungs-Zufall als methodisches Problem des Historikers", *Historische Zeitschrift*, 240 (1985), 529-570.

know, only one original medieval supplication has survived, which Kirsi Salonen found in the Helsinki University Library in Finland.²¹ The exceptional reason why it has survived may be that the petition had been granted *sola signatura*, meaning that the original petition, after having been signed, was taken back to the supplicant and thus ended up in the local archives.

Litterae ecclesiae of the minor penitentiaries

Almost as rare as the original supplications are the *litterae ecclesiae*. They have to be distinguished from the *litterae* of the *penitentiarius maior* (see below). Besides the tens of thousands of petitions handled by the Penitentiary office, many pilgrims and other people who went to Rome personally did not necessarily want their petition to run through the long route of papal administration. If a "Rome-runner" could make his confession directly to one of the minor penitentiaries in the three major Roman basilicas to whom the pope had delegated the power to absolve, a *penitentiarius minor* would confirm the act of confession with a written document (without, of course, naming the content of the confession), so that the petitioner could prove his absolution at home with the help of this document, called *littera ecclesiae*. The document would have been written on behalf of or by a minor penitentiary himself and handed over to the petitioner immediately. And as in the case of the original supplication, the *littera ecclesiae* was of no use after the death of the beneficiary, so that in most cases it was thrown away. Once again, it is the merit of Kirsi Salonen to have discovered such a rare *littera ecclesiae* from the pontificate of Pope Nicholas V.²²

Litterae of the major penitentiary

Much more frequent than the original supplications and the *litterae ecclesiae* are *litterae* of the *penitentiarius maior*. At the end of each petition process, a *littera* had to be issued in the name of the *penitentiarius maior* on the basis of the faculties he had received from the pope at the beginning of his career as cardinal penitentiary. These *litterae*, written on parchment with the oval seal of red wax of the Penitentiary, showing the Virgin Mary with the child on a Gothic throne, affixed at the bottom,²³ were sent to the petitioners or to persons to whom the Penitentiary had committed the investigation of the case presented to

²¹ See Salonen, *The Penitentiary*, 94, with a photo of the document.

²² Swedish National Archives, Or. Perg. (5.8.1449). Salonen, *The Penitentiary*, 311-312, 402-405; eadem "Fallet Nanne Kärling. Att kombinera biografiska uppgifter ur olika arkiv" [The case of Nanne Kärling. To combine biographic information from different archives], in *Ny väg till medeltidsbreven. Från ett medeltidssymposium i Svenska Riksarkivet 26-28 november 1999*, Skrifter utgivna av Riksarkivet 18 (Stockholm: Riksarkivet, 2002), 99-106. This *littera ecclesiae* was issued by the German minor penitentiary Johannes Calp. As to his activity see *RPG IV*, Index sub voce, and Rutz, "Pönitentiarie-Prokuratoren".

²³ See, for example, the marvelous piece published by Milena Svec, which is used as the cover of Salonen and Krötzel, ed., *The Roman Curia*.

the curia by the petitioner. In most cases, this person was the bishop as *ordinarius loci* or another ecclesiastical person in the petitioner's diocese. Thus, logically, local archives are the places where one would expect to find the *litterae* today, and we do indeed, with some luck! As the *litterae* did not fit easily into the system of medieval documents built up by modern charter-specialists as Bresslau and others, they were often put aside or overlooked. In rare cases, the text of a *littera* was also copied into the first registers of the Penitentiary. The reason why the scribes did so is not quite clear. For the German-speaking countries these registered *litterae* have been edited in the *RPG*.²⁴

In the meantime, dozens of such *litterae* have surfaced. For some German-speaking areas, Brigide Schwarz²⁵ inserted them into her *Repertorium* published for Niedersachsen, Bremen, and Baden-Württemberg. The "Censimento" of papal documents unfortunately excludes the letters of the Penitentiary. Thus Tilmann Schmidt,²⁶ who published two fine volumes of original papal documents in Germany, did not include any *litterae* of the Penitentiary. The originals are of special importance for the period before the mid-fifteenth century, because – as has already been mentioned – no registration of the supplications has survived. Thus, any documents *in partibus* from that time are the only testimonies for the graces granted by the Penitentiary. The *litterae*, mostly written on good parchment, have frequently been 'recycled' and are to be found in book-bindings or on cover-leaves of late medieval manuscripts.²⁷ Many examples have been discovered recently in different archives in Switzerland: by Milena Svec in the Kantonsarchiv of Frauenfeld and the State Archives of Basel,²⁸ by

²⁴ See, e.g., *RPG* I, n. 1, a *littera* from Nicolaus Capranica for a nun from the monastery of Münsterlingen on Lake Constance (February 29, 1438); *RPG* V, n. 2126 issued by Philip-pus Calandrinii for a priest from Utrecht (March 26, 1470).

²⁵ Brigide Schwarz, *Regesten der in Niedersachsen und Bremen überlieferten Papsturkunden 1198–1503*, Quellen und Untersuchungen zur Geschichte Niedersachsens im Mittelalter 15 (Hannover: Hahn, 1993).

²⁶ Tilmann Schmidt, *Die Originale der Papsturkunden in Baden-Württemberg: 1198–1417*, Index Actorum Romanorum Pontificum 6, 2 vols. (Città del Vaticano: Biblioteca Apostolica Vaticana, 1993); idem, "Originale Papsturkunden in Baden-Württemberg. Nachtrag", *Zeitschrift für die Geschichte des Oberrheins* 151 (2003); *Miscellanea Bibliothecae Apostolicae Vaticanae* 10 (2003); idem, *Die Originale der Papsturkunden in Norddeutschland: 1199–1415*, Index Actorum Romanorum Pontificum 7 (Città del Vaticano: Biblioteca Apostolica Vaticana, 2003).

²⁷ University Library of Bonn, S 327 contains a *littera* from Domenico Capranica (February 13, 1454). Andreas Meyer, Marburg, discovered two letters in the archives of the Cistercian monastery of Zwettl (Austria): Zwettl 337, a *littera* from Jordanus *ep. Sabinen*. (Ferrara, 1439) and another one from Jordanus *ep. Albanen*. (Florence, 1420). See Charlotte Ziegler, *Zisterzienserstift Zwettl. Katalog der Handschriften des Mittelalters*, Teil IV: *Codex 301–424* (Vienna: Schroll, 1997), 417, 420. Kirsi Salonen discovered a nice *littera* from Leonardus of Santa Susanna in the Stadtarchiv Köln, HUA 1, a large parchment 53.0 x 37.7 cm (of which 5.7 cm plica), with the seal of the Penitentiary (April 6, 1512).

²⁸ The Frauenfeld *littera* (Staatsarchiv des Kantons Thurgau 7'44'9, dated February 8, 1482) is directed to the bishop of Constance. He was ordered to look into the case of apostasy of an Augustinian nun, Barbara of Rischach, who had left her monastery in Diessenhofen. The

Barbara Vanotti in the City Archive of Rapperswil,²⁹ and by Silvan Freddi in the State Archives of Solothurn.³⁰ Paolo Ostinelli found *litterae* in the ecclesiastical and state archives of the Ticino and in Northern Italy.³¹ Even in the Vatican Library such documents do exist: Martin Bertram drew my attention to the codex Vat. Pal. lat. 1018, which on a cover sheet contains a *littera confessionalis* for Jacobus Luffigulus, priest at Trinity Church in Speyer (Germany), dating from 1447. This text is even more important than others, because the registers of confessional letters from the time of Pope Nicolas V were not registered.

Another way to discover *litterae* of the Penitentiary will be by scrutinising episcopal and chapter registers. In the archive of the Prague Metropolitan Chapter, Zdenka Hledíková, director of the Istituto Storico Ceco di Roma, found the transcription of a *littera* directed to Wenzel of Crumlauf, dean of the chapter,³² who had to investigate a matrimonial case which corresponds to the supplication printed in the *RPG* (vol. III, n. 1688). Thus, we may rightly assume that especially in the ecclesiastical archives of various countries plenty of such *litterae* will show up as well.

Documents related to a Penitentiary case

The fourth rubric consists of a great variety of documents. As petitions submitted to the pope often had a long history in the area where the petitioner lived before the request arrived in Rome, the cases sometimes have an even longer history after the petitioner received the papal grace. Local ecclesiastical and lay administrations consequently produced a huge number of sources which are connected with the decisions of the Penitentiary. This is true especially for matrimonial dispensations, but also for cases where an investigation had been ordered by the papal office through commission *in partibus*, which is expressed especially in the *de declaratoriis* cases through the words *et committatur*, followed by the name of an ecclesiastical person, mostly the local bishop. Paolo Ostinelli gives ample evidence showing how episcopal administration and sometimes even simple parochial priests produced such documents.³³ As another

respective supplication, which Barbara directed to the pope, is to be found in ASV PA vol. 31, fol. 162v; *RPG* VI, n. 3241. The *littera* from Basel (Staatsarchiv Basel, Klosterarchiv Klingental, Urkunde Nr. 2460) is a transumpt. See Milena Svec, "Apostasie und Transitus in der Registerüberlieferung und in *partibus*", in *The Roman Curia*, ed. Salonen and Krötzel, 183-200.

²⁹ Rapperswil, Stadtarchiv, C 2a I 5, C 2a II 10.

³⁰ Staatsarchiv Solothurn, charter from March 7, 1425 and June 5, 1489 (I thank Silvan Freddi for his help).

³¹ A *littera* issued by Domenico Capranica is to be found in the archives of Chiavenna directed to a canon of this church granting him a dispensation to be ordained to the priesthood at the age of 23 (February 13, 1454; Chiavenna/Italy, Archivio Capitolare Laurenziano, Pergamene 784), see Ostinelli, *Penitenzieria Apostolica*, 88-89. Another *littera* from Como, Archivio diocesano, ex *Museo*, will be discussed later.

³² Archiv prazske metropolitni kapituly, Cod. VI-5, fol. 62v.

³³ See Ostinelli, *Penitenzieria Apostolica*, 79-126.

example, I mention the many documents in the Staatsarchiv Solothurn resulting from the action taken by a certain Johannes Umbendorn, a priest from Solothurn in Switzerland, who had to tackle an impediment to his ordination because he had lost two fingers of his left hand in a fight and thus had incurred *inhabilitas* for service at the altar.³⁴

The value of all the types of documents mentioned above for our knowledge of the functioning and the procedure of administration in the Penitentiary, for the biographies of its personnel, for the form of the *litterae* issued by the office, and for the cost of graces granted to the petitioners cannot be overestimated. This may be explained in some detail with the help of one document that has come to us from the ecclesiastical archives of Como in Italy.³⁵ The *littera*, rescued from a sixteenth-century book-binding, issued in the name of the *maior penitentiarius*, Julianus della Rovere, Cardinal-bishop of Sabina, was directed to the bishop of Como. On March 2, 1481, Giacomo de Zobiis, canon of San Lorenzo in Lugano (Switzerland), asked Pope Sixtus IV for absolution from a simoniacal action connected with his benefices, for dispensation to keep his canonry, and to act as a priest in the future.³⁶

Julius, the major Penitentiary, wrote in response to the bishop of Como and commissioned the case to him or his vicar. Not only the content, which is basically the same as in the supplication, is of special interest, but also the information about the procedure and the personnel involved. First, the name of the *procurator* is given on the back of the document, a certain M. de Castello.³⁷ As a *compositio* had been imposed (which was always the fine in cases concerning simony), this was annotated in the upper right corner of the parchment (*concorda cum datario*). Before getting his *littera*, the petitioner had to contact the *datarius*, the cleric at the curia who was responsible for administering the personal income of the pope. In his supplication, the respective passage reads as *componat cum datario*. However, Giacomo de Zobiis cleverly avoided paying a considerable amount of money to the *datarius*. In the right hand corner of the document, under the *plica*, one reads: *Iuravit paupertatem, Stephanus decanus Matisconensis, datarius*. Giacomo had chosen the only way to avoid the payment of the fine, that is, by swearing the poverty oath.³⁸ No information can be garnered from the registered supplication about the taxes the petitioner had to pay. Only the original *littera* reveals the amount of money which had to be paid for the *littera*. In the Como case the indication as usual is inserted into the name

³⁴ Daniel Rutz, "Hans Umbendorn sin dispensatz der zweyen klinken vingern halb an der linken hand." Ein Werkstattbericht zur Solothurner Überlieferung einer *defectus corporis*-Dispens", in Salonen and Krötzel, ed., *The Roman Curia*, 45-51.

³⁵ Como, Archivio di Stato, *Ex Museo* 3, n. 108.

³⁶ Paolo Ostinelli has treated this case in *Penitenzieria Apostolica*, 90-91. The supplication is published there as n. 490.

³⁷ As to him see Ostinelli, *Penitenzieria Apostolica*, 150-151.

³⁸ Ostinelli, *Penitenzieria Apostolica*, 91, note 174, mentions the career of the papal *datarius* Stephanus with further references.

of the distributor: We read on the lower left side of the parchment *Je. Galba/tresdecim Tur./nus*. This was the normal way to indicate the tax, writing the amount in the middle of the name of the *taxator*, here a certain Je(ronimus) Galbanus. After the poverty oath, when impediments for his *littera* no longer existed, we learn from a note above the plica that the document was sent to the petitioner on May 26, 1481.

This Como original offers a nice example of another common procedure in the papal Penitentiary as well. Before a letter was ready to be sent to the person who had asked for grace or to a commissioner (as in our case the bishop of Como), the head of the office (or his substitute, the *regens* or the *auditor* of the Penitentiary) had to check and sign the *littera*. This is indicated in the middle of the document on top of the text, where the following words are visible: *Videat eam reverendus dominus regens*. Sometimes the text is more specific and adds *ad quintam lineam*. One may see this also from this document. Actually, at the left and right margin of the text, precisely on the fifth line, the *regens*, Bishop Julius of Bertinoro, added in his own handwriting *Visaper me* (on the left margin) and *Jul. eps. Brictonorien. regens* (on the right side). *Litterae* of minor canonical impact that did not need to be checked show a different kind of procedure. Instead of the long formula *Videat eam* with the respective signature *ad quintam lineam* by the Major Penitentiary, the *regens*, or the *auditor*, one finds a simple abbreviation: *bn.* for *bene*, with the sigla of an officer at the height of the fifth line.³⁹

* * *

Closing my few introductory remarks on the Penitentiary documents from outside the Penitentiary, I would like to express my strong conviction that many other examples of sources described in this paper still exist and are waiting to be discovered in numerous archives all over Europe. It is worthwhile going for them!

³⁹ E.g., Generallandesarchiv Karlsruhe (Germany), B IV 1650, which belongs to the *de defectu natalium* supplications in *RPG* IV, n. 1999.

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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: (+36-1)327-3138, 327-3000, Fax: (+36-1)327-3183

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

and

400 West 59th Street, New York NY 10019, USA

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

E-mail: mgreenwald@sorosny.org

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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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TABLE OF CONTENTS

Abbreviations related to the collections of the Vatican Secret Archives	7
Preface	8
Piroska Nagy, Peripheries in Question in Late Medieval Christendom	11
Kirsi Salonen, The Penitentiary under Pope Pius II. The Supplications and Their Provenance	19
Torstein Jørgensen, At the Edge of the World: The Supplications from the Norwegian Province of Nidaros	29
Kirsi Salonen, The Supplications from the Province of Uppsala. Main Trends and Developments	42
Irene Furneaux, Pre-Reformation Scottish Marriage Cases in the Archives of the Papal Penitentiary	60
Jadranka Neralić, Central Europe and the Late Medieval Papal Chancery	71
Etleva Lala, The Papal Curia and Albania in the Later Middle Ages	89
Piroska Nagy and Kirsi Salonen, East-Central Europe and the Penitentiary (1458–1484)	102
Lucie Doležalová, “But if you marry me”: Reflections on the Hussite Movement in the Penitentiary (1438–1483)	113
Ana Marinković, Social and Territorial Endogamy in the Ragusan Republic: Matrimonial Dispenses during the Pontificates of Paul II and Sixtus IV (1464–1484)	126
Gastone Saletnich and Wolfgang Müller, Rodolfo Gonzaga (1452–1495): News on a Celebrity Murder Case	145

Blanka Szeghyová, Church and Secular Courts in Upper Hungary (Fourteenth to Sixteenth Century)	151
Ludwig Schmugge, Penitentiary Documents from Outside the Penitentiary	161
Gerhard Jaritz, Patterns and Levels of Periphery?	170
List of Contributors	173

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