



Forschungen zur Geschichte und Kultur des östlichen Mitteleuropa

61

DUŠAN COUFAL AND ADAM PÁLKA

# Conflict after Compromise

Regulating Tensions in Multi-Confessional Societies  
in the Fifteenth Century



Leibniz-Institut für Geschichte und Kultur  
des östlichen Europa e.V. (GWZO)

## Forschungen zur Geschichte und Kultur des östlichen Mitteleuropa

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EDITED BY DUŠAN COUFAL AND ADAM PÁLKA

SANDSTEIN

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# Conflict and Compromise in Historiographical Perspective

## Introduction

PAVEL SOUKUP AND DUŠAN COUFAL

Wars and conflicts usually receive more attention from historians than *post bellum* situations. This also applies to medieval history, although the resolution of conflicts in the Middle Ages has been a subject of intensive research over the past few decades. Whether a conflict was resolved performatively, through ritual reconciliation or surrender, or formally via written agreement, we can suppose that the result rarely, if ever, satisfied all of the feuding parties. In conflicts that did not end with the total annihilation of one party, the post-war constellation usually demanded some legitimizing explanation for internal as well as external purposes. Some measure of compromise was necessary for societal stability, though the path to this goal was far from self-evident, especially in ideologically loaded conflicts. The following chapters collect research on such imperfect conflict resolutions and the tensions that undermined the compromises at the basis of late medieval multi-confessional societies.

It is oftentimes in conflictual situation where otherwise hidden convictions and relationships come to the fore. Such situations also have the potential to spark a political, social, or other change that attracts the attention of historians. No less importantly, controversies usually have a better chance than other aspects of the past to be documented by historical sources. This is why historians have always studied medieval conflicts, and their interpretation has followed general trends in the field of historiography and medieval studies.

Following the long-term predominance of political, legal, and institutional history, influences from social anthropology began to affect the treatment of conflicts in medieval studies in the 1970s. Medievalists abandoned the idea that conflicts have a steady choreography, and can therefore be resolved by general rules. Instead of starting from the perspective of law and the institutions guaranteeing its application, they now focused on empirical studies of individual medieval conflicts. In doing so, they applied a systemic approach to the norms inferred from, or indeed generated by, the behavior of the disputing parties.<sup>1</sup> The replacement of “law” with “order” as analytical categories led to another reconsideration of medieval conflicts: rather than a threat, they were conceived as an inherent, sometimes even a constitutive aspect of the medieval expe-

1 Warren C. Brown and Piotr Górecki, “What Conflict Means: The Making of Medieval Conflict Studies in the United States, 1970–2000,” in *Conflict in Medieval Europe. Changing Perspectives on Society and Culture*, eds. iidem (Aldershot, 2003), 2–8; Steffen Patzold, “Konflikte als Thema in der modernen Mediävistik,” in Hans-Werner Goetz, *Moderne Mediävistik, Stand und Perspektiven der Mittelalterforschung* (Darmstadt, 1999), 199–201.

rience. Here, disputes arose from the pursuit of interests, and defined the boundaries of social entities: “conflictual structures” had to be maintained as a matter of identity.<sup>2</sup>

From the 1980s on, therefore, conflict has been considered a constructive instrument used to articulate relationships, assert authority, and negotiate social situations. Its strategic value allowed a fruitful field of study to emerge, aimed at conflict management and resolution. Among its most analyzed aspects have been the rules of the medieval political “game”<sup>3</sup> and the performative acts and codes of symbolic communication in pre-modern societies.<sup>4</sup> Ritual studies have enjoyed a period of popularity followed by fundamental critique and conceptual re-evaluation,<sup>5</sup> but they nevertheless remain among the most promising approaches to the performative aspects of conflict resolution.<sup>6</sup> In the first decades of this century, cultural history has dealt with topics such as the spatial elements of pre-modern conflicts,<sup>7</sup> cohabitation and conflict between religious cultures,<sup>8</sup> the role of conflict as a catalyst for cultural integration,<sup>9</sup> and its value in interpersonal relationships.<sup>10</sup>

Recent monographs and edited volumes prove that historians find conflict (sometimes juxtaposed with “collaboration”)<sup>11</sup> a useful category through which they illuminate the inner-workings of medieval societies. This perspective has been applied to all segments of society including the

2 Patrick J. Geary, “Vivre en conflit dans une France sans État: typologie des mécanismes de règlement des conflits (1050–1200),” *Annales* 41 (1986): 1125.

3 Gerd Althoff, *Spielregeln der Politik im Mittelalter. Kommunikation in Frieden und Fehde* (Darmstadt, 1997).

4 Idem, *Die Macht der Rituale. Symbolik und Herrschaft im Mittelalter* (Darmstadt, 2003); Barbara Stollberg-Rilinger, “Symbolische Kommunikation in der Vormoderne. Begriffe – Thesen – Forschungsperspektiven,” *Zeitschrift für historische Forschung* 31 (2004): 489–527.

5 Philippe Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, 2001); *Grenzen des Rituals. Wirkreichweiten – Geltungsbereiche – Forschungsperspektiven*, eds. Andreas Büttner, Andreas Schmidt, and Paul Töbelmann, *Norm und Struktur*, 42 (Köln, 2014).

6 For the performative turn in historiography, see *Geschichtswissenschaft und „performative turn“. Ritual, Inszenierung und Performanz vom Mittelalter bis zur Neuzeit*, eds. Jürgen Martschukat and Steffen Patzold (Köln, 2003). Cf. also Joëlle Rollo-Koster, *The Great Western Schism, 1378–1417: Performing Legitimacy, Performing Unity* (Cambridge, 2022).

7 *Raum und Konflikt. Zur symbolischen Konstituierung gesellschaftlicher Ordnung in Mittelalter und Früher Neuzeit*, eds. Christoph Dartmann, Marian Füssel, and Stefanie Rüther (Münster, 2004); Ryan Lavelle, *Places of Contested Power: Conflict and Rebellion in England and France, 830–1150* (Woodbridge, 2020).

8 *Abrahams Erbe. Konkurrenz, Konflikt und Koexistenz der Religionen im europäischen Mittelalter*, eds. Klaus Oschema, Ludger Lieb, and Johannes Heil (Berlin, 2015).

9 *Bereit zum Konflikt. Strategien und Medien der Konflikterzeugung und Konfliktbewältigung im europäischen Mittelalter*, eds. Oliver Auge, Felix Biermann, Matthias Müller, and Dirk Schultze (Ostfildern, 2008).

10 *Cultures of Conflict Resolution in Early Modern Europe*, eds. Stephen Cummins and Laura Kounine (Farnham, 2016), revisiting *Disputes and Settlements. Law and Human Relations in the West*, ed. John Bossy (Cambridge, 1983).

11 *Conflict and Collaboration in Medieval Iberia*, eds. Kim Bergqvist, Kurt Villads Jensen, and Anthony John Lappin (Newcastle upon Tyne, 2020); *Negotiation, Collaboration and Conflict in Ancient and Medieval Communities*, eds. Christian Krötzl, Katariina Mustakallio, and Miikka Tamminen (Abingdon, 2022).

nobility,<sup>12</sup> cities,<sup>13</sup> and villages,<sup>14</sup> as well as the Church<sup>15</sup> and the community of scholars.<sup>16</sup> The legal aspects of conflict regulation now seem to be given renewed attention.<sup>17</sup> However, as a recent handbook of conflict resolution in the field of legal history shows, the discipline has given up its fixation on laws and courts and considers a range of alternative conflict negotiation methods, all embedded in their social, cultural, and economic contexts.<sup>18</sup>

The plurality of approaches in the recent study of medieval conflicts is clear, but certain trends can still be observed. One is the shift from conflict resolution to conflict management more generally. Instead of focusing predominantly on the settlement of disputes, historians are interested in the conduct of conflict as a whole, including its strategic use (or avoidance) in political self-interest. Resorting to violence is not necessarily considered a breach of order, but a legitimate measure according to the rules acknowledged and negotiated among the involved groups.<sup>19</sup> Conflict thus allows insight into the workings and limitations of a social order, and can even indicate its transformation.<sup>20</sup> Social order is no longer conceived as a background to political processes and interactions between persons and groups, but rather as their evolving product, generated at the intersection of the interests, convictions, and capacities of historical actors.<sup>21</sup> It has been observed that the “logic” of conflicts in late medieval cities was embedded in their polycentric political order which shaped allegiances and produced various action groups around the multiple power centers

12 Lennart Pieper, *Einheit im Konflikt. Dynastiebildung in den Grafenhäusern Lippe und Waldeck in Spätmittelalter und Früher Neuzeit* (Vienna, 2019).

13 Patrick Lantschner, *The Logic of Political Conflict in Medieval Cities. Italy and the Southern Low Countries, 1370–1440* (Oxford, 2015); Evelien Timpener, *Diplomatische Strategien der Reichsstadt Augsburg. Eine Studie zur Bewältigung regionaler Konflikte im 15. Jahrhundert* (Köln, 2017); Hansestädte im Konflikt. *Krisenmanagement und bewaffnete Auseinandersetzung vom 13. bis 17. Jahrhundert*, ed. Ortwin Pelc (Wismar, 2019); Philipp Höhn, *Kaufleute in Konflikt. Rechtspluralismus, Kredit und Gewalt im spätmittelalterlichen Lübeck* (Frankfurt a. M., 2021).

14 Peter C. M. Hoppenbrouwers, *Village Community and Conflict in Late Medieval Drenthe*, *The medieval Countryside*, 20 (Turnhout, 2018).

15 *Stilus – modus – usus. Regeln der Konflikt- und Verhandlungsführung am Papsthof des Mittelalters*, eds. Jessika Nowak and Georg Strack, *Utrecht Studies in Medieval Literacy*, 44 (Turnhout, 2019).

16 *Zwischen Konflikt und Kooperation. Praktiken der europäischen Gelehrtenkultur (12.–17. Jahrhundert)*, eds. Jan-Hendryk de Boer, Marian Füssel, and Jana-Madlen Schütte (Berlin, 2016).

17 *Landfrieden – epochenübergreifend. Neue Perspektiven der Landfriedensforschung auf Verfassung, Recht, Konflikt*, eds. Hendrik Baumbach and Horst Carl (Berlin, 2018); Anna Rad, *Minne oder Recht. Konflikt und Konsens zur Zeit Kaiser Karls IV. und König Wenzels* (Vienna, 2020); Wergild, *Compensation and Penance. The Monetary Logic of Early Medieval Conflict Resolution*, eds. Lukas Bothe, Stefan Esders, and Han Nijdam, *Medieval Law and Its Practice*, 31 (Leiden, 2021).

18 *Handbuch der Konfliktlösung*, vol. 2, *Konfliktlösung im Mittelalter*, ed. David von Mayenburg (Berlin, 2022), XXVII and 3–5.

19 *Conflict Management in the Mediterranean and the Atlantic, 1000–1800: Actors, Institutions and Strategies of Dispute Settlement*, eds. Louis H. J. Sicking and Alain Wijffels, *Legal History Library*, 39/ *Studies in the History of International Law*, 15 (Leiden, 2020), 4–5.

20 *Konflikt und Wandel um 1100. Europa im Zeitalter von Feudalgesellschaft und Investiturstreit*, ed. Thomas Kohl (Berlin, 2020), 3–5.

21 Steffen Patzold, “Bedrohte Ordnungen, mediävistische Konfliktforschung, Kommunikation: Überlegungen zu Chancen und Perspektiven eines neuen Forschungskonzepts,” in *Aufruhr – Katastrophe – Konkurrenz – Zerfall. Bedrohte Ordnungen als Thema der Kulturwissenschaften*, eds. Ewald Frie and Mischa Meier (Tübingen, 2014), 48.

of individual cities.<sup>22</sup> This argument can perhaps be extended to other milieus of medieval society as well. It seems that in the settlements of medieval conflicts, immediate efficacy was preferred to abstract and autonomous legal procedure. Normative frameworks were tested in conflicts and transformed according to the exigencies of current situations and prevailing interests, allowing even for an ambiguity in the resulting arrangements.

This volume focuses on persisting controversies and tensions in medieval societies that had to deal with protracted religious conflict. In particular, it focuses on regions with multi-confessional populations. Our inquiry is informed by the situation in the Bohemian lands after the Hussite wars, where a truce between the Hussites and the Council of Basel (the so-called Compactata) was reached between 1433 and 1436 to secure inter-faith coexistence, both within the country and in international relations. Although fixed in writing by treaties with the Emperor Sigismund and the council, this coexistence involved a number of unanswered questions. Similar challenges of inter-faith *convivencia* were faced by societies throughout contemporary Christendom, especially at its disputed boundaries, such as the Baltics and Iberia. The aim of this volume is to bring streams of research traditionally bound to specific discursive and national contexts into conversation and juxtaposition.

The situation in Bohemia and Moravia after 1436 has been described with the terms of coexistence and tolerance, yet most of the concepts put forward in historiography also take for granted the underlying permanence of conflict.<sup>23</sup> They unanimously insist that tolerance in fifteenth-century Bohemian Lands must not be confused with the modern notion of religious freedom. The purpose of mutual toleration between the Hussites and the Catholics was to ensure the basic functioning of state and society, where the minimum common ground can be described as “unity in dissension”.<sup>24</sup> Rather than the principled acceptance of plurality and equality of religious convictions, coexistence here resulted from the political stalemate which compelled the rivals to abandon violence. As with any pre-modern practice of toleration, that of the later Hussite period involved mutual disapproval and was only introduced “out of necessity”.<sup>25</sup> Systemic instability was

22 Lantschner, *The Logic of Political Conflict*, 2–10, 86 and 207.

23 An overview has been recently provided by Jan Červenka, *Literární dialogy a tolerance v české reformaci* (Olomouc, 2022), 65–81. See also idem, “Religious Toleration and Literary Dialogues in the Bohemian Reformation (1436–1517),” in *Searching for Compromise? Interreligious Dialogue, Agreements, and Toleration in 16<sup>th</sup>–18<sup>th</sup> Century Eastern Europe*, eds. Maciej Ptaszynski and Kazimierz Bem, *Studies in Medieval and Reformation Traditions*, 235 (Leiden, 2023), 169–96.

24 Winfried Eberhard, “Das Problem der Toleranz und die Entwicklung der hussitisch-katholischen Koexistenz im 15. Jahrhundert,” in *Die Hussitische Revolution. Religiöse, politische und regionale Aspekte*, ed. Franz Machilek, *Forschungen und Quellen zur Kirchen- und Kulturgeschichte Ostdeutschlands*, 44 (Köln, 2012), 93–105, quote 95. This study summarizes the results of the author’s previous publications on religious coexistence in Bohemia, such as idem, *Konfessionsbildung und Stände in Böhmen 1478–1530* (Munich, 1981); idem, “Entstehungsbedingungen für öffentliche Toleranz am Beispiel des Kuttenberger Religionsfriedens,” *Communio viatorum* 29 (1986): 129–154; idem, “Der Weg zur Koexistenz: Kaiser Sigmund und das Ende der hussitischen Revolution,” *Bohemia* 33 (1992): 1–43.

25 A term coined by František Šmahel, “Pax externa et interna. Vom Heiligen Krieg zur Erzwungenen Toleranz im hussitischen Böhmen (1419–1485),” in *Toleranz im Mittelalter*, eds. Alexander Patschovsky and Harald Zimmermann, *Vorträge und Forschungen*, 45 (Sigmaringen, 1998), 221–73.

almost an inevitable result, increased by the ambiguous character of the Compactata treaty which was the subject of incessant polemics.<sup>26</sup>

It was, however, in these conflicts after compromise where the foundations of the multi-confessional, estates-dominated state were laid, and where social and political structures lasting until the seventeenth century were formed. A view of Czech history in the fifteenth century as a series of “hot” and “cold” phases of a single conflict might help to better describe the fixed convictions and identities of both parties, which resisted the change of individual actors over time. Similarly, such an approach can shed new light on the reasons behind occasional changes in strategy, and the cost-benefit calculations behind cohabitation with dissenting groups.

The impact of specific circumstances on convictions and actions can only be evaluated in a comparative perspective. The debate about Iberian *convivencia*, for example, points in a direction similar to what has been outlined above.<sup>27</sup> The concept of *convivencia* was formulated to describe the cultural interpenetration and mutually creative influence of religions in medieval Spain. More recent contributions insist on a more dynamic vision and an inherently paradoxical character of coexistence which also embraced violence. Collaboration and confrontation, or contact and conflict, were not mutually exclusive.<sup>28</sup>

Comparison between distant regions usually casts doubt on the uniqueness of any single one among them.<sup>29</sup> The religious diversity of the Polish-Lithuanian state under the Jagiellonians offers another example worth considering. Following the conversion of Lithuania, the relationship between the Roman and Orthodox Churches, as well as the position of the Jews and (imagined or real) pagan survivors, posed a challenge to the newly established union. Much debated for the sixteenth century, the “Polish tolerance” in the late medieval period remains to be reconsidered, if this is at all possible given the existing sources.<sup>30</sup> A consistent comparison of the situation in Bohemia after the Hussite Revolution with multi-confessional societies in other regions of fif-

26 On the genesis of the compromise, see Dušan Coufal, *Turnaj víry. Polemika o kalich na basilejském koncilu 1431–1433*, Studie a prameny k dějinám myšlení v českých zemích, 20 (Prague, 2020); for later polemics, see Adam Pálka, “The Basel Compactata and the Limits of Religious Coexistence in the Age of Conciliarism and Beyond,” *Church History* 92 (2023): 534–58; idem, “The Compactata of Basel in Enea Silvio Piccolomini’s Letters, Speeches and Official Documents,” *Studia mediaevalia Bohemica* 11 (2019): 177–212; Červenka, *Literární dialogy a tolerance*, 95–110.

27 For historiographical overviews, see Thomas F. Glick, “Convivencia. An Introductory Note,” in *Convivencia: Jews, Muslims, and Christians in Medieval Spain*, ed. Vivian B. Mann, Thomas F. Glick, and Jerrilynn D. Dodds (New York, 1992), 1–9; Kenneth Baxter Wolf, “Convivencia in Medieval Spain: A Brief History of an Idea,” *Religion Compass* 3 (2009): 72–85; Ryan Szpiech, “The Convivencia Wars: Decoding Historiography’s Polemic with Philology,” in *A Sea of Languages: Rethinking the Arabic Role in Medieval Literary History*, eds. Suzanne Conklin Akbari and Karla Mallette (Toronto, 2013), 135–61.

28 An influential study in this respect is David Nirenberg, *Communities of Violence. Persecution of Minorities in the Middle Ages* (Princeton, 1996) (see e.g. the statements at 9). From recent publications, see *Conflict and Collaboration*.

29 See Anna Akasoy, “Convivencia and Its Discontents. Interfaith Life in al-Andalus,” *International Journal of Middle East Studies* 42 (2010): 493.

30 For the sixteenth century, see for instance the overviews of Janusz Tazbir, *A State without Stakes: Polish Religious Toleration in Sixteenth and Seventeenth Centuries* (New York, 1973); Paul W. Knoll, “Religious Toleration in Sixteenth-Century Poland. Political Realities and Social Constraints,” in *Diversity and Dissent. Negotiating Religious Difference in Central Europe, 1500–1800*, eds. Howard Louthan, Gary B. Cohen, and Franz A. J. Szabo (New York, 2011), 30–52; for the Middle Ages, see Janusz Tazbir, *Geschichte der polnischen Toleranz* (Warsaw, 1977), 5–17; Jan Drabina, *Wierzenia, religie, wspólnoty wyznaniowe w średniowiecznej Polsce i na Litwie i ich koegzystencja* (Cracow, 1994).

teenth-century Europe has been largely neglected.<sup>31</sup> With its selected examples, this volume shows the benefits of such a comparative perspective.

As a possible methodological basis for such research, we may turn our attention to long-term conflicts of the late Middle Ages. Rather than by their duration for any pre-defined amount of time, these conflicts are characterized by certain structural features. Disputes are often protracted due to underlying ideologies and legitimations that are difficult to abandon for the sake of conflict settlement. The resulting intransigence is probably most visible in religious controversies where concession to the rival may jeopardize the supranatural legitimacy of the parties. Yet this applies in a similar way to arguments based on national sentiments, legal and/or natural claims, violated honor, etc. Arguments based on principle often cause gridlock and impasse. When the controversy is protracted, it usually falls into a series of “hot” and “cold” phases. These in turn provide the opportunity, or create the necessity, to adapt the means of conflict management, tactics, and strategy, as well as external and internal justifications and propaganda. On the other hand, long-term conflicts also need a basic degree of coherence which keeps them running even in case of a change in leadership, or when primary actors are replaced by a new generation. This is achieved by the persistence of the cause, i.e. the ideologically grounded reason behind the conflict. Consequently, long-term conflicts already have a deep impact on the societies involved during the dispute itself, as well as after its formal resolution. The settlement of principled controversies is likely to create a need for new institutions (in the sense of both regulatory organizations and normative patterns of behavior) that would control the coexistence of the former rivals, set norms of conduct by means of codification, and form durable social bonds.<sup>32</sup>

In the first section of this volume, the authors focus on the elements that give coherence to controversies and outline several situations where faith, nationality, honor, or simply identity maintained a conflict situation despite efforts to settle it. Starting with the case of the Bohemian Lands, **Adam Pálka** shows the lingering imperfection of the agreement between the Hussites and the Council of Basel (the Compactata), which left many key concepts unexplained. Over time, Catholic theologians such as Nicholas of Cusa, Thomas Ebendorfer, Enea Silvio Piccolomini, and Nicholas Tempelfeld questioned the legality of Utraquism with arguments of Hussite infidelity to the conditions of the Compactata, since they had not united with the Church in faith and rite. In reality, however, since terms like faith and rite were not clearly defined in the Compactata, disagreements in this area of principle were a constant source of conflict.

Several royal elections also contributed to the persistent tensions in the Czech Lands in the fifteenth century. As **Václav Žurek** points out, two categories of self-identification—faith and nationality—were a source of constant controversy here. While a candidate’s faith (Catholic or

31 Among the few comparative accounts is the recent article by Martin Nodl, “Náboženská tolerance z nutnosti v jagellonských monarchiích: Čechy a Polsko,” in *Jagiellonowie i ich świat: Centrum a peryferie w systemie władzy Jagiellonów*, eds. Bożena Czwojdrak, Jerzy Spierka, and Piotr Węcowski (Cracow, 2018), 199–210.

32 Karl Acham, “Struktur, Funktion und Genese von Institutionen aus sozialwissenschaftlicher Sicht,” in *Institutionen und Geschichte. Theoretische Aspekte und mittelalterliche Befunde*, ed. Gert Melville, Norm und Struktur, 1 (Köln, 1992), 35; Karl-Siegbert Rehberg, “Institutionelle Machtprozesse im historischen Vergleich. Einleitende Bemerkungen,” in *Dimensionen institutioneller Macht. Fallstudie von der Antike bis zur Gegenwart*, eds. Gert Melville and Karl-Siegbert Rehberg (Köln, 2012), 1–18.

Hussite) clearly dominated royal election disputes during the wars, the religious peace of 1436 raised the issue of nationality to a more prominent position. In Bohemia, both Hussite and Catholic voters for the domestic candidate, George of Poděbrady, agreed that a Czech could best guarantee the status quo, but in Silesia, another part of the Bohemian Crown, the situation was different. Since the compromise stipulated by the Compactata was effectively not accepted there, local elites continued to view the choice of king through the prism of confession. The situation in the Bohemian Crown was soon affected by the abolition of the Compactata by Pius II and the subsequent counter-election of Matthias Corvinus by a part of the Bohemian and Moravian political community. With this, the category of faith returned to the forefront in the region, while nationality ceased to be decisive in the electoral act.

Not only the election of the king, but also the marriage of the monarch could stress coexistence. The long-strained political relations between Lithuania and Muscovy were to be improved in the second half of the fifteenth century by the marriage of the Grand Duke of Lithuania Alexander to Princess Helena of Muscovy. However, as **Giedrė Mickūnaitė** shows, Helena's religious-cultural otherness (her Orthodox identity) was such a resistant element in her new home that the compromise instead became a source of permanent conflict. Disagreements arose over her style of dress, the wedding ritual, and the construction of an Orthodox church near the queen's quarters in the Vilnius Castle. Just when it seemed that the outward manifestations of her faith had been eliminated, external circumstances intervened here too, with Alexander's candidacy for the Polish crown. Alexander did eventually become king, but if in Lithuania his wife's Muscovite identity was cloaked, in Poland she was altogether denied royal rank and instead acquired the nickname "the schismatic queen". Her father, Ivan III of Moscow, reacted to this humiliation by invading and ravaging Lithuania. After the death of her husband, Helena was forced to live out her life in internal exile. The dynamics of the controversy surrounding the religious identity of the grand duchess are also mirrored in the surviving visual art associated with her person.

**Přemysl Bar** also writes about identity as an accelerator of long-term conflict. He shows that the transition of Lithuania and its grand dukes from a pagan to a Christian identity in connection with the Polish-Lithuanian Union in 1386 did not dampen the strained relations with the Order of the Teutonic Knights, but in many areas actually expedited the conflict. The Order coordinated its missionary warfare according to three principles—legitimation, power, and self-identity. The Christianization of Lithuania through the domestic princes was a challenge for the Order in all these areas, but especially for its missionary self-perception which lay at the basis of its activity in the Baltics. It is for this reason that the Knights preferred a schismatic (Orthodox) ruler, who submitted to its power and influence, over a neophyte-Catholic ruler, who accepted Christianity independent of the grand master's will. In contrast, the Polish-Lithuanian delegation managed to impress the audience at the Council of Constance with its success in evangelizing an unbaptized corner of Europe (Žemaitija/Samogitia), and in their polemical writings, they were able to successfully accuse the Order of single-handedly obstructing the spread of the Catholic faith.

If we understand long-term conflict as a complex hostile interaction structured by periods of open violence and more peaceful interludes of lingering tension, then compromise is a vital part of protracted controversies. As a way of resolving conflict, compromise is far from satisfactory: since each party has to give up something of their original goals, the resulting constellation is a



loss for both of them. This, of course, increases the possibility that the compromise will collapse and conflict will re-ignite or escalate. Before this happens, however, compromise can serve as a basis for a coexistence of rival groups, including religious groups. The Middle Ages witnessed numerous situations where people of different religions lived together peacefully—certainly more often than the stereotypical image of the Dark Ages would suggest. Such coexistence did not imply religious freedom in the modern sense, based on indifference to the private matter of individual confession. It instead resulted from an impasse where none of the hostile parties was able to prevail in any decisive way, and from a deliberation that it would cost too much to keep trying.

Compromise as a fundamental part of a long conflict is examined in the second section of the volume. It focuses on peace treaties as both stabilizing and destabilizing factors in long-standing disputes. Here, **Dušan Coufal** shows that religious coexistence in Bohemia and Moravia was legally based on a problematic system of incompatible agreements concluded between the Hussites, the Council of Basel, and Emperor Sigismund. While the agreement with the council, among other things, effectively opened the way for Catholics to settle in Hussite towns, Sigismund's privileges were supposed to prevent this. The sealing of the Compactata was thus made possible at the cost of secular interference in the sphere of the Church. The council legates agreed to this under pressure from Sigismund, who promised that this tactical policy would ultimately achieve the goal of the country's recatholicization. In principle, however, the members of the council did not accept the monarch's interference in the domain of the Church, as shown by the criticism of one of Sigismund's Hussite privileges by the Viennese theologian Thomas Ebendorfer. This is further evidence that religious coexistence in Bohemia and Moravia was permanently unstable, especially because it depended on the personality of the ruler. At the time when the King of Bohemia was not elected, however, the threat of renewed conflict was even greater.

**Zdeněk Beran** shows the limits of political stability in Bohemia and Moravia during the interregnum period by analyzing 30 peace treaties and resolutions of land diets from 1439–53. In the given constellation, the common denominator was not the king, but the general idea of "togetherness" resulting from mutual friendship and respect for God's order. However, since it was common to exclude undesirable groups from treaties, war was always present as an alternative. Similarly, the wording of the treaties implies that they were only meant to be temporary, merely delaying rather than removing conflict. In some of them, we also find embedded political goals that benefitted only one of the parties. This in itself was natural, since maximizing self-interest in reconciliation was an ultimate aim. However, without a third party—the king—such peace treaties served self-interest to an extent that led to an imbalance of power and made new conflict more likely. Understandably, religious disputes with the relation to the Compactata also found their way into the peace treaties. Yet, as the arbitrators could not resolve the substance of these controversies, their remedial instructions were often general in nature, only delaying the problem and raising the potential for renewed conflict in the future.

The regulation of everyday conflicts is also the focus of **Sandra Schieweck-Heringer**, who turns her attention to the Iberian Peninsula and the late medieval Christian-Muslim border. While Castilian-Naṣrid bilateral treaties from the fourteenth and fifteenth centuries provide insight into the rules of border conflict-resolution, urban sources tell the story of actors and their functions. The sources reflect a very pragmatic approach to coexistence on a common border. As residents



from both sides were involved in the investigations, this suggests cross-border cooperation. The so-called *alphaqueques* were appointed by both sides with the task of both finding and ransoming prisoners. With regard to cattle theft, the treaty of 1410 generally refers to the institution of judges. Since, according to another treaty of 1472, the judges were to act in accordance with the applicable Christian or Muslim law, the provisions concerning the regulation of conflicts did not envisage the creation of a separate frontier law. However, even the Castilian-Naṣrid treaties and compromises had their limits. Since the 1472 treaty simultaneously legalized revenge as targeted retaliation, it seems to indicate a higher level of violence, or even a growing Castilian interest in conquering the Naṣrid emirate and thus renewing the heated phase of the long-standing conflict.

The third and final feature of long-standing religious conflict that receives focused attention in the volume is tolerance, i.e. the conviction that “coexistence in disagreement is possible”.<sup>33</sup> Understood as a practice of deliberately permitting something disapproved, tolerance contributes to the demarcation and petrification of particular beliefs rather than to religious syncretism. This applies also to the instances of religious toleration in the Middle Ages.<sup>34</sup> Admittedly, the fifteenth century generated some remarkable attempts at finding commonality rather than difference in religions, be it in theory (see, for example, the thoughts of Nicholas of Cusa and John of Segovia) or in ecclesiastical-political practice (such as the agreement between the Council of Basel and the Hussites). Nevertheless, the era of irenicism as a search for the common theological ground of confessions only came in later sixteenth and seventeenth centuries.<sup>35</sup> The limits of all pre-modern attempts at pacification consisted precisely in the fact that the claim for religious truth was never abandoned or relativized. Behind the compromises of the late Middle Ages, and to large extent also behind the early modern religious agreements, lay the longing for the ultimate dominance of one’s own confession. It is thus useful to notice that religious concords before the Enlightenment ultimately aimed at eliminating diversity. Political toleration operated under the assumption of one own’s doctrinal superiority, and in the hope to restore unity through victory as soon as the opportunity arises. Potential outbreaks of conflict and violence thus were intrinsically inscribed in the very essence of tolerant coexistence.<sup>36</sup>

33 Rainer Forst, *Toleranz im Konflikt. Geschichte, Gehalt und Gegenwart eines umstrittenen Begriffs* (Frankfurt am Main, 2003), 12–13 and 31–35 (quote 12). For a different terminological choice, see Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, 2003), 5–7.

34 Literature on pre-modern toleration is vast. For the medieval period, see e.g. István Bejczy, “Tolerantia: A Medieval Concept,” *Journal of the History of Ideas* 58 (1997): 365–84; *Toleranz im Mittelalter*, eds. Alexander Patschovsky and Harald Zimmermann, *Vorträge und Forschungen*, 45 (Sigmaringen, 1998); *Beyond the Persecuting Society. Religious Toleration before the Enlightenment*, eds. John Christian Laursen and Cary J. Nederman (Philadelphia, 1998).

35 *Conciliation and Confession. The Struggle for Unity in the Age of Reform, 1415–1648*, eds. Howard P. Louthan and Randall C. Zachman (Notre Dame, 2004); *Searching for Compromise? Interreligious Dialogue, Agreements, and Toleration in 16<sup>th</sup>–18<sup>th</sup> Century Eastern Europe*, eds. Maciej Ptaszynski and Kazimierz Bem, *Studies in Medieval and Reformation Traditions*, 235 (Leiden, 2023). For a discussion of historiography on irenicism and tolerance, see Maciej Ptaszyński, “Introduction: Searching for Compromise,” in *ibid.*, 3–9.

36 Mario Turchetti, “Religious Concord and Political Tolerance in Sixteenth- and Seventeenth- Century France,” *The Sixteenth Century Journal* 22 (1991): 15–25; Alexandra Walsham, “Toleration, Pluralism, and Coexistence: The Ambivalent Legacies of the Reformation,” *Archiv für Reformationsgeschichte* 108 (2017): 188–90; Ptaszyński, “Introduction: Searching for Compromise”, 6–7.

Nevertheless, it is worth noting that religious coexistence on the brink of conflict gradually forced a change in priorities, at least in Bohemia and Moravia: instead of enforcing confessional unity by pushing one set of religious views through as the only officially accepted version, attention turned to the political and practical benefits of coexistence. The bond of society and the guarantor of its elementary unity was no longer a shared religion, but the cultivation of so-called common good.<sup>37</sup> The prioritization of political concerns gave rise to attitudes that questioned the value of religious delineation. The worldview of a limited group of high aristocrats who tended to downplay confessional differences in favor of the political interests of the country (of which they considered themselves representatives and partners to the royal power) has been termed “supra-confessional Christianity”.<sup>38</sup> It is of course difficult to prove from the sources where toleration was a conscious stand of principle and where it was a pragmatic approach taking in consideration the economic benefit of the noble domains. Nevertheless, recent studies suggest that aristocratic society often followed traditional values, along with political and familial allegiances, to the detriment of confessional belonging.<sup>39</sup> Confession for the nobility was apparently more fluid and negotiable than in the case of clergy; far from being an intrinsic quality of an individual, it was constructed through actions and attitudes adopted in certain specific moments of noble life and social practice.<sup>40</sup> Even for the subject population, religious divisions in everyday life may have stepped back so far as to suggest confessional indifference.<sup>41</sup>

The remaining two chapters in this volume look closer at the possibilities of tolerance in fifteenth-century Bohemia. **Robert Novotný** deals with the coexistence of two confessions in Bohemian towns. After the end of the wars, most towns in the country were denominationally distinct

37 Eberhard, “Das Problem der Toleranz”, 100–101; Červenka, *Literární dialogy a tolerance*, 81–93.

38 Josef Válka, “Tolerance or Co-Existence? Relations between Religious Groups from the Fifteenth to Seventeenth Centuries,” in *Between Lipany and White Mountain. Essays in Late Medieval and Early Modern Bohemian History in Modern Czech Scholarship*, ed. James R. Palmitessa, Studies in Central European histories, 58 (Leiden, 2014), 182–96 (translation of a study from 1988).

39 Robert Novotný, “Die Konfessionalität des böhmischen und mährischen Adels in der Zeit der Regierung Sigismunds von Luxemburg,” in *Kaiser Sigismund. Zur Herrschaftspraxis eines europäischen Monarchen*, eds. Karel Hruza and Alexandra Kaar (Vienna, 2012), 57–74; idem, “Konfessionalizace před konfessionalizací? Víra a společnost v husitské epoše,” in *Heresis seminaria. Pojmy a koncepty v bádání o husitství*, eds. Pavlína Rychterová and Pavel Soukup (Prague, 2013), 233–66.

40 Petr Maťa, “Vorkonfessionelles, überkonfessionelles, transkonfessionelles Christentum. Prolegomena zu einer Untersuchung der Konfessionalität des böhmischen und mährischen Hochadels zwischen Hussitismus und Zwangskatholisierung,” in *Konfessionelle Pluralität als Herausforderung. Koexistenz und Konflikt im Spätmittelalter und Früher Neuzeit. Winfried Eberhard zum 65. Geburtstag*, ed. Joachim Bahlcke, Karen Lambrecht, and Hans-Christian Maner (Leipzig, 2006), 307–31; idem, “Constructing and Crossing Religious Boundaries. The High Nobility and the Reformation of Bohemia,” in *Diversity and Dissent. Negotiating Religious Difference in Central Europe, 1500–1800*, eds. Howard Louthan, Gary B. Cohen, and Franz A. J. Szabo (New York, 2011), 10–29.

41 Robert Šimůnek, “Tábor a jeho sousedé. Typ modu vivendi v pohusitských Čechách,” in *Jan Žižka z Trocnova a husitské vojenství v evropských dějinách*, eds. Miloš Drda and Zdeněk Vybíral, Husitský Tábor Supplementa, 3 (Tábor, 2007), 317–40; idem, “Toleration from Necessity or from Indifference? The Role of Faith in South Bohemia in the Late Middle Ages,” in *Confession and Nation in the Era of Reformations: Central Europe in Comparative Perspective*, eds. Eva Doležalová and Jaroslav Pánek (Prague, 2011), 91–111. On the other hand, the attempts of certain landlords and town magistrates toward religious unity has been described as a drive toward confessional discipline, see Martin Nodl, “Konfessionalisierung und religiöse (In)Toleranz in Prag in der zweiten Hälfte des 15. Jahrhunderts”, *Bohemia* 58 (2018): 286–309.

(mainly Hussite) and wanted to preserve their identity. For the more important royal cities, however, this idea proved difficult to realize. It was simply not possible to enclose these centers in a confessional bubble administratively, economically, or socially. With few exceptions, the kings did not interfere in the religious situations in the royal cities. The case was more complicated in liege towns, because the frequent change of overlords and their conversions made the religious situation more dynamic. A pragmatic approach can be observed from most town overlords, as the enforcement of one confession could bring considerable damage. The changes in the confessional composition of individual communities were often a gradual process lasting several decades. In the case of the different confessions of the landlords and burghers, we can observe changes especially in the residential towns. The holder usually had limited opportunity to directly intervene in existing orders and institutions, but could establish parallel structures, such as new and confessionally distinct institutions. The attractiveness of the residential court also played a role.

More dynamic was the confessional coexistence at the University of Prague, which was originally the driving force behind the ecclesiastical reform in Bohemia. As **Blanka Zilynská** shows, after the conclusion of the Compactata, the university became closer to the Roman Church and opened its doors to Catholic masters and students. Yet after the mid-fifteenth century, an internal conflict in the university began to decide its future direction. The institution was completely dominated by the Utraquist majority of masters, who once again made the pre-revolutionary religious declarations of the university the norm. The cause of the conflict between the Catholic minority and the Utraquist majority has no clear explanation. The Utraquist masters were evidently opposed to the transfer of judicial powers to the representatives of the Roman Church, and were also concerned about the loss of control over the university's economic provisions. They also had the support of King George of Poděbrady. Thus, in the case of the university, "coexistence in discord" proved impossible, probably mainly because of the close association of the masters with both the Utraquist and the Catholic Church.

In sum, this volume argues that an understanding of long-term conflict according to phases of appeasement and confrontation holds several advantages for historians. A conflict conceived in its *longue durée* can be evaluated differently from how its individual phases would be. Identifying the persistent features and elements of the conflict reveals coherence and continuity which would otherwise be obscured. Moreover, tracking the characteristic common denominators also brings to the fore the changes that occurred as the conflict evolved. Although contemporaries often made their agreements not for fixed terms but in perpetuity, hindsight allows us to recognize compromise as an unstable, problematic landmark in a protracted conflict. The present volume focuses precisely on this disfunction or unsustainability of compromise.

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I.

# Faith, Nationality, and Honor as a Stimulus of Conflict



# The Questionable Legality of Utraquism in Bohemia and Moravia after 1436

ADAM PÁLKA

The Basel Compactata of 1436 are often perceived as a legal basis of communion in both kinds in the territory of Bohemia and Moravia. This notion may lead to a belief that as soon as the Compactata were concluded in the city of Jihlava, the practice of the lay chalice became automatically valid for those inhabitants of the two regions who were accustomed to this rite. However, if one closely examines the wording of the 1436 treaty, there is hardly any doubt that for the Bohemians and Moravians to receive the communion *sub utraque specie* (Utraquism), certain conditions were to be fulfilled first. Thus, a number of (mostly Catholic) contemporaries came to the logical conclusion that it was not the sealing and proclamation of the Compactata in July 1436, but the proper fulfilment of their key provisions which legalized Utraquism as such. Consequently, these people could pose a simple yet provocative question: what if such conditions have actually never been fulfilled and as a result, communion in both kinds has never become a permitted practice in the Bohemian Kingdom and Moravian Margravate?

As with many other bones of contention related to the interpretation of the Basel Compactata, the question of their legality in relation to the lay chalice has been addressed insufficiently by historians,<sup>1</sup> in spite of the various late medieval Catholic writings openly discussing it. Therefore, the aim of this contribution is to shed more light on the legal status of Utraquism after 1436. Attention is also paid to the Utraquists' argumentation which polemizes against the Catholic objections, whether explicitly or implicitly. All in all, the study aims to deepen our understanding of how the Compactata turned out to be an imperfect peace treaty as they did not truly eliminate the long-lasting tension between Catholics and Utraquists due to their ambiguous and compromise wording.<sup>2</sup>

1 This question is not unknown, but there has been no real attempt to analyze it and demonstrate its scope. See Adam Pálka, "The Compactata of Basel in Enea Silvio Piccolomini's Letters, Speeches and Official Documents," *Studia Mediaevalia Bohemica* 11 (2019): 198; Thomas Woelki, "Theological Diplomacy? Cusanus and the Hussites," in *Wycliffism and Hussitism: Methods of Thinking, Writing, and Persuasion*, eds. Kantik Gosh and Pavel Soukup, *Medieval Church Studies*, 47 (Turnhout, 2021), 423; see also below, the chapter by Dušan Coufal in this volume, 112–14. For the Compactata in general, see František Šmahel, *Die Basler Kompaktaten mit den Hussiten (1436). Untersuchung und Edition*, MGH Studien und Texte, 65 (Wiesbaden, 2019); Rudolf Řičan, "Georg von Poděbrad und die Kompaktaten," *Communio viatorum* 8 (1965): 43–52; Winfried Eberhard, "Der Weg zur Koexistenz: Kaiser Sigmund und das Ende der hussitischen Revolution," *Bohemia* 33 (1992): 1–43; Thomas Prügl, "Die Verhandlungen des Basler Konzils mit den Böhmen und die Prager Kompaktaten als Friedensvertrag," *Annuaire Historiae Conciliorum* 48 (2016/2017): 253–57; Thomas A. Fudge, "The Hussites and the Council," in *A Companion to the Council of Basel*, eds. Michiel Decaluwé, Thomas M. Izbicki, and Gerald Christianson, Brill's Companions to the Christian Tradition, 74 (Leiden, 2017), 274–79; Adam Pálka, "The Basel Compactata and the Limits of Religious Coexistence in the Age of Conciliarism and Beyond," *Church history* 92 (2023): 534–58.

2 Cf. Woelki, "Theological Diplomacy," 413: "The Compactata [...] merely represented an essentially politically motivated, formulaic compromise. They were phrased so vaguely that both parties were able to read their own interpretations

## The Key Formulation in Cedula A

In order to fully grasp the Catholic party's point of view, we need to consider how the first part of the Compactata (Cedula A) addresses the lay chalice, specifically its permission to Bohemian and Moravian men and women accustomed to receiving communion in both kinds (*illi et illae, qui talem usum habent*). According to Cedula A—a document primarily included in *Litterae super recognitione et firmatione compactatorum* of July 5, 1436—such people will receive communion under both kinds provided that they “accept ecclesiastical union and peace truly and effectively and conform to the faith and rite of the universal church in everything else except for communion in both kinds.”<sup>3</sup> In other words, it is necessary that Bohemians and Moravians intending to receive Christ's blood from the chalice do not differ from the Catholics in anything but this very practice; those not having reached such a unity will not be worthy of the chalice.

In addition, the key section of Cedula A is not the only one to mention the acceptance of full ecclesiastical unity from the Czech side. For instance, it is possible to find them in the *Litterae executoriae* issued by the general diet of Bohemia and Moravia. Here, the issuers claim that they accept ecclesiastical unity except for the chalice and promise to observe it in concordance with *Litterae super recognitione et firmatione compactatorum*.<sup>4</sup> Concerning the legates of the council, there are actually two references in their *Litterae executoriae* to the Bohemians and Moravians being united with the Church.<sup>5</sup> Similarly, the requirement in question appears in the legates' *Mandatum archiepiscopo Pragensi et Olomucensi ac Luthomysslensi episcopis*.<sup>6</sup> Naturally, the aforementioned passages also found their way into the two ratifications of the Compactata by the Council of Basel from January 15, 1437.<sup>7</sup> Therefore, those wishing to remind the Utraquists of the “ecclesiastical unity requirement” could refer to a relatively large number of documents pertaining to the Compactata.

## An Overview of Catholic Statements

As already mentioned, several Catholic intellectuals challenged their Utraquist counterparts by claiming that the chalice had never gained a legal status in Bohemia and Moravia, since the provision regarding ecclesiastical unity had never been fulfilled. In order to comprehend this better, we shall list all relevant Catholic utterances that have been discovered so far. Apart from one anonymous treatise, where the precise dating remains unknown, the list covers works written in the 1450s–60s. Still, further research may enlarge the list.

into them.” Blanka Zilynská, “The Utraquist Church after the Compactata,” in *A Companion to the Hussites*, eds. Michael Van Dussen and Pavel Soukup, Brill's Companions to the Christian Tradition, 90 (Boston, 2020), 241: “Yet the formulation of the Compactata was not unambiguous: both sides argued for their own interpretation of their contents, and thus the Compactata remained a source of controversy between the Hussites and Catholics both within the kingdom and abroad.”

3 Šmahel, *Die Basler Kompaktaten*, 172, 183: “Suscipientibus ecclesiasticam unitatem et pacem realiter et cum effectu, et in omnibus aliis, quam in usu communionis utriusque speciei, fidei et ritui universalis ecclesie conformibus.”

4 Ibid., 192.

5 Ibid., 197, 198.

6 Ibid., 201.

7 Ibid., 208, 210, 215.

(1) Nicholas of Cusa, a letter to the Bohemian estates (1452): "These priests [i.e. Bohemian clergy] never achieved or observed those things which were to be done for the permission of that communion; on the contrary, regardless of the Compactata, they continued with things that were to be dismissed. Thus, due to their negligence, the permission for people having the custom never came into effect."<sup>8</sup>

(2) Nicholas of Cusa, a reply to Utraquist priest Martin Lupáč (1452): "The Compactata prove that you were not allowed to receive communion by the authority of the Church if you previously were not in the Catholic Church by means of conformity to faith and rite. Thus, the Compactata, from which you can not deviate any further after their sealing, statements and your various writings prove that you usurped communion in both kinds illicitly without the authority of the Church. For the Compactata do not state that 'by the authority of Christ and the Church, his wife, you received communion in the past or receive communion at present', but provided there is conformity to faith and rite with the Catholic Church 'those (men) and those (women) will receive communion' in the future."<sup>9</sup>

(3) Thomas Ebendorfer, *Contra indultum Sigismundi* (1455): "The Bohemians have continuously refused (to accept unity and peace), which is especially known about the Taborites [...]. From these it is evident that they are to be regarded not as conforming to the rites of the universal Church, but rather as persisting steadfastly in their inventions, and they are not capable, worthy, and deserving of the concession and permission of the Church, but contrarily, they are to be deprived of such grace and favor due to their ingratitude, indiscipline caused by many scandals, and the aforesaid singularity, as well as the schism awakened by them in the middle of the Church."<sup>10</sup>

(4) Nicholas Tempelfeld, a treatise on obedience to king George (1459?): "Had the Bohemians and Moravians accepted peace, unity, and Catholic faith, and conformed to the rites of the general Church, those having such a custom would have been allowed to receive communion in both kinds by the authority of Christ and his Church. However, the Bohemians

8 Nicolai de Cusa Opera omnia, vol. 15, *Opuscula III. Fasciculus I. Opuscula Bohemica*, eds. Stephan Nottelmann and Hans G. Senger, (Hamburg, 2014), 63: "Illi tales sacerdotes nunquam ea, quae fieri debebant ad permissionem illius communionis, procurarunt aut observarunt, sed non obstantibus compactatis continuarunt illa, quae dimittere tenebantur. Ideo ex eorum neglegentia permissio etiam quoad personas, quae usum habebant, non est sortita effectum."

9 Ibid., 66: "Compactata docent vos auctoritate ecclesiae non communicare potuisse, nisi prius fuissetis in ecclesia catholica per conformitate fidei et rituum. Docent itaque compactata, quae amplius declinare non potestis post sigillationes, allegationes et varia scripta vestra, quod sine auctoritate ecclesiae illicite communionem duplici specie usurpastis. Nam non dicunt compactata, quod 'auctoritate Christi et ecclesiae sponsae eius communicastis in praeteritum aut communicatis in praesens', sed praemissa conformitate fidei et rituum cum catholica ecclesia 'communicabunt' in futurum 'illi et illae.'" For Cusanus' Bohemian mission and polemic against Lupáč, see František Michálek Bartoš, "Cusanus and the Hussite bishop M. Lupáč," *Communio viatorum* 5 (1962): 35–46; Hermann Hallauer, "Das Glaubengespräch mit den Hussiten," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 9 (1971): 53–75; Woelki, "Theological diplomacy," 420–24.

10 Vienna, Austrian National Library, MS Cod. 4704, f. 292r: "Quod Boemi facere usque detractarunt, ut notum est de Thaboritis precipue [...] Ex quibus patet, quod huiusmodi non ut ritibus universalis se ecclesie conformales, sed in suis adinventionibus pertinaciter persistentes verius sunt arbitrandi nec indulgentie aut permissionis ecclesie capaces, digni aut meriti, sed econtrario huiusmodi gracia et favore privandi propter eorum ingratitudinem, scandalosis permultis abusum et singularitatem predictam ac scisma in medio ecclesie per eos suscitatum." See also below, the chapter by Dušan Coufal in this volume, 112–14.

and Moravians never accepted peace, unity, and Catholic faith, and therefore they shall not receive communion in both kinds by the authority of Christ and his Church.”<sup>11</sup>

(5) Enea Silvio Piccolomini, the final reply to the Bohemian ambassadors (1462): “Communion in both kinds was allowed for those who have the custom (i.e. communion in both kinds) and accept ecclesiastic unity in everything else except for the article of communion. However, as you never accepted Church unity and conformity, you were never worthy of the permission.”<sup>12</sup>

(6) An anonymous treatise in Prague manuscript I F 18 (date unknown): “Had they observed the Compactata, they would have been allowed to receive communion licitly and meritoriously [...] they never observed the Compactata, and for that reason they always received communion illicitly and sinned deeply and alas, they sin until this day by receiving communion; among them, some boast of the concession of the holy council, even though it does not benefit them because they do not observe the aforementioned Compactata.”<sup>13</sup> “Communicants in both kinds are in threefold distinction. The first are those who practice it out of a concession of the Apostolic See or general holy council, and these practice it licitly and meritoriously, if there are any. However, there are no Bohemians like this, as emerged above, as they did not observe the Compactata.”<sup>14</sup>

Let us point out a few observations related to the quoted passages. First, the authors promoted the idea that the 1436 treaty between the Hussites and council had never been fulfilled by the former party. They expressed such a view by simply employing the words “never” or “not” (*nunquam*, *non*), the only exception being Ebendorfer who spoke of the Bohemians’ continuous refusal to act according to the Compactata. The alleged non-fulfillment of the Compactata and the illegality of Utraquism stemming from it were almost always clearly connected to the Compactata pas-

11 *Die Denkschrift des Breslauer Domherrn Nikolaus Tempelfeld von Brieg ueber die Wahl Georgs von Podiebrad*, ed. Johann Loserth (Vienna, 1880), 141–42: “Si Bohemi et Moravi pacem, unitatem et fidem catholicam receperint et se ritibus ecclesie universalis conformaverint, ipsi sub duplici specie auctoritate Christi et ecclesie sue usum illum habentes communicare poterint. Sed Bohemi et Moravi pacem, unitatem et fidem catholicam non receperunt, ergo ipsi sub duplici specie auctoritate Christi et sue ecclesie non communicabunt.”

12 *Archiv český. Čili staré písemné památky české i moravské*, vol. 8, ed. Josef Kalousek (Prague, 1888), 362: “Concessa est communio calicis usum habentibus et unionem recipientibus ecclesiasticam in omnibus aliis preterquam in articulo communionis. Sed unionem ecclesiasticam et conformitatem nunquam receperunt, non igitur indulti fuistis capaces.” Pius’ speech of 1462 has been frequently addressed by historians. See Rudolf Urbánek, *Věk poděbradský*, vol. 4, *České dějiny*, III/4 (Prague, 1962), 531–34; Frederick G. Heymann, *George of Bohemia. King of Heretics* (Princeton, 1965), 275–77; Otakar Odložilík, *The Hussite King. Bohemia in European Affairs 1440–1471* (New Brunswick/New Jersey, 1965), 133; Šmahel, “Die Basler Kompaktaten,” 107; Pálka, “The Compactata of Basel,” 197–201.

13 Prague, National Library of the Czech Republic, MS I F 18, f. 303r: “Que compactata si servassent, licite sic communicare potuissent et meritorie [...] nunquam illa compactata servaverunt, et idcirco semper illicite communicando graviter peccaverunt et heu, usque hodie communicando peccant, inter quos aliqui de indulto sacri concilii gloriantur, cum tamen eis nichil proderit non servatis compactatis predictis.” This treatise has been referenced by Dušan Coufal, “Rukopis I F 18 a polemické dílo Jana z Hradce,” in *Kříž z Telče (1434–1504). Písař, sběratel a autor*, eds. Lucie Doležalová and Michal Dragoun (Prague, 2020), 220.

14 Prague, National Library of the Czech Republic, MS I F 18, f. 303r: “Communicantes sub duplici specie sunt in triplici differentia. Primi sunt, qui faciunt hoc ex indulto sedis apostolice aut sacri concilii generalis et hii hoc licite ac meritorie faciunt, si qui tales sunt. Non tamen tales sunt modo Bohemi quidam, ut supra patuit, cum non servarent compactata.”

sage about the Bohemians and Moravians undertaking ecclesiastical unity and peace.<sup>15</sup> Nevertheless, the treatise in I F 18 manuscript does not mention these words and speaks merely of the Utraquists not observing the treaty of 1436.

Second, when claiming that the non-fulfillment of the Compactata led to Utraquism being illegal, the authors used a variety of strengthening words. For instance, Piccolomini and Ebendorfer directly claimed that the Bohemians and Moravians were not “worthy” (*capaces/digni*) of the liturgical concession in question, the latter accusing them of ingratitude. Similarly, Cusanus accused the Bohemian clergy of negligence, also mentioning an illicit usurpation of the chalice. The harshest criticism appears to be that of the anonymous author, for he labels the Utraquists as grave and long-standing sinners who wrongfully take pride in the Compactata. Interestingly, he does not deny that there may actually be Christians drinking from the chalice licitly, but he claims that none of the Bohemians belong to this category.

Third, there are three remarkable uses of hypothetical situations: (1) Tempelfeld’s and (2) the anonymous writer’s conditional sentence in which they imagine what would have occurred differently if the Bohemians had fulfilled the Compactata, and more importantly, (3) Cusanus’s imaginative wording of the Compactata provision which aims to show that the 1436 treaty actually employs only the future tense in relation to Utraquism, thus not allowing this practice before the anticipated goal of ecclesiastical unity.

Finally, it is important to raise the question whether the Catholics writers endeavored to put forward any substantial evidence supporting their claims. Simply accusing the Bohemian party of not accepting ecclesiastical unity or not observing the Hussite-council treaty may have appeared too facile, and therefore specific examples of the Utraquists’ inappropriate behavior would have certainly been welcome for potential recipients. Such a strategy can be attested in the case of Ebendorfer, Piccolomini, and the anonymous author. When Thomas Ebendorfer claims that the Bohemians, especially the Taborites, refused to accept the unity demanded by the Compactata, he presents numerous examples in support of his argument, such as the absence of holy water in churches, their prohibition of holy images, their disregard for ecclesiastical verdicts and penalties, the appointment of unsuitable priests to churches, singing liturgical songs in Czech, etc.<sup>16</sup>

15 Šmahel, *Die Basler Kompaktaten*, 172: “Suscipientibus ecclesiasticam unitatem et pacem realiter et cum effectū.”

16 Vienna, Austrian National Library, MS Cod. 4704, f. 292r: “Quod Boemi facere usque detractarunt, ut notum est de Thaboritis precipue, qui cerimonias circa divina usque in vasis sacris et vestibus in officio misse non receperunt. Et ut de ceteris sacramentis et ritu, ut confirmacionis, extreme unicionis, ac ministracione eorundem transeam quoad residuos, racionem invenire non valeo, qualiter ipsi aquam benedictam in eorum ecclesiis non servant, benedictionem salis, palmarum et candelarum, prout universalis observat ecclesia, ymagines non admittunt sanctorum, que scripture sunt laycorum, pro quibus habendis tam dire contra Leonem imperatorem decertavit ecclesia et triumphavit, et sacramentalem eciam qualiter confessionem modicum aut nichil vel saltem valde superficialiter frequentant, qualiter in execratis ecclesiis sanguine humano pollutis aut notorie excommunicatorum sepulturis divina misteria celebrant. Ecclesie censuras et summi pontificis, vicarii Cristi in terris, pro nullo ducunt, precipue quod quendam, qui se fecit per tumultum populi archiepiscopum Pragensem nominari et temere eundem archiepiscopatum in spiritualibus amministrantem sine legitima confirmacione paciuntur tumultuare, presbiteros ad animarum curam contra sanctorum patrum instituta mittere et instituere, synodos celebrare, sine missione peregrinas doctrinas predicare et suas opiniones, ymoverius errores, dogmatizare, scismata in ecclesia et sediciones excitare in populo et alia inconveniencia palam et notorie praticare et eundem quasi ydolum adorare. Circa eciam divina officia presbiteros detruncare consueverunt, dapnatos ab ecclesia hereticos canonisant, eciam martirium nomine celebrant et in vesti-

Piccolomini offers a much shorter list. Like Ebendorfer, he criticizes the Bohemians for the manner of clerical appointment to churches. In addition, he blames the Utraquists for having violated unity with the Church by administering holy communion to infants and fatuous people (*pueros et dementes*), and also by refusing to offer burial to those not adhering to the chalice.<sup>17</sup> As for the anonymous author's treatise, it lists various obligations related to communion in both kinds that have not been upheld by the Utraquists. For instance, he claims the Compactata require that those wishing to receive communion *sub una specie* not be forced to the chalice, and that communicants from the chalice perceive their rite as unnecessary for one's salvation and believe in Christ's full presence even in one Eucharistic kind. As expected, the author also mentions communion of infants and children as being forbidden by the Compactata.<sup>18</sup> Regarding Cusanus and Tempelfeld, they do not appear to deliver any specific examples of transgressions through which the Bohemians have deprived themselves of the chalice.

Apart from the five texts addressed above, we ought to mention Henry Leubing, an influential jurist and priest in Nuremberg. When delivering a sermon in the summer of 1458, he claimed that "it was not true that the Council of Basel granted them the right to receive the holy sacrament in both kinds in the Compactata, because whoever reads these correctly (can see) that the same Compactata do not contain this."<sup>19</sup> From these words, it is impossible to determine if Leubing's argument of the illegality of the chalice was based on the same assertion as in the case of other Catholics, because the only surviving record of his speech does not specify any reason for his stance. Still, the most meaningful explanation his words remains that he was of the opinion that the Bohemians and Moravians had failed to fulfill the Compactata, specifically the crucial requirement of ecclesiastical unity.

bus non benedictis, in Bohemica vulgari lingua epistolas et ewangelia decantant in missa et plura alia inconuenientia et ritui universalis ecclesie obuiantia practicant."

**17** *Archiv český*, vol. 8, 361: "Quod autem unionem et conformitatem non fuistis amplexi, liquet ex moribus vestris, nam sacerdotes vestri non instituuntur ad titule[m] beneficii, ut moris est in aliis regnis, per episcopos et habentes potestatem, nec servaverunt umquam mandata concilii, quibus preceptum erat, ut tantum habentes usum communicarent, sed pueros et dementes communicaverunt et nolentes communicare sub utraque specie noluerunt sepelire, et aliis modis coegerunt, et multis in ritum universalis ecclesie abiecerunt."

**18** Prague, National Library of the Czech Republic, MS I F 18, f. 303r: "In quibus compactatis inter cetera fuit positum, quod solum illi, qui prius communicassent, possent sub duplici specie communicare, si saltem crederent, quod huiusmodi communio duplicis speciei non sit de necessitate salutis et quod communicantes sub una specie secundum generalem consuetudinem ecclesie et mandatum ecclesie possent salvari et quod nulli alii ad communicandum utraque specie admitterentur, qui prius sic non communicassent, nec prohiberentur illi, qui prius sub utraque specie communicassent, si vellent redire ad communionem unius speciei, ita quod penitus nullus compelleretur ad communionem duplicis speciei, sive prius sic communicasset, sive non, et quod pueri post baptismum et ante annos decem discrecionis non communicarentur, quod etiam sacerdos a communicare volentibus requirat, an crederent totum Christum sub qualibet specie esse. Hec fuerunt in ipsis compactatis expressa et ambasiatoribus Bohemorum promissa sacro concilio."

**19** Alexandra Kaar, "Das antihussitische Handelsverbot als Beispiel für Strukturbildungen in der Kontroverse" (in print): "Es wer auch nit, das denselben Beheÿm von dem concilio zû Basel in den pactaten vergont solt sein, das sie under beder gestalt das heilige sacrament entpf[an]gen mochten, dann dieselben pactata hielten das nit innen, wer die recht ansehe etc." I would like to thank the author for helping me to translate Henry's words.

## Piccolomini's Reference to *Litterae executoriae*

Nearly all the authors we have taken into consideration referred only to one part of the *Compactata*, that is *Cedula A*. Therefore, the case of Enea Piccolomini seems remarkable—when contesting the legality of Utraquism in Bohemia and Moravia in his 1462 speech, he also paid attention to the matter of the chalice as formulated in *Litterae executoriae* issued by the Basel legates. Before we present Enea's way of thinking, let us consider what *Litterae executoriae* actually say about communion in both kinds. The legates of the council ordered the (arch)bishops of Prague, Olomouc, and Litomyšl to administer the Eucharist in both kinds to those who were accustomed to this rite. When defining the communicants (*illis personis, que usum habent communicandi sub duplici specie*), the wording of *Litterae executoriae* makes it clear that this definition is in accordance with a formulation in the "said chapter" (*iuxta formam in dicto capitulo contentam*),<sup>20</sup> which is undoubtedly *illi et ille, qui talem usum habent* in *Cedula A*. Thus, it is possible to speak of a close relationship between the two documents.

Piccolomini appears to have realized that the order in *Litterae executoriae* may be of great importance for Utraquists, for it was pronounced by the Basel legates themselves and aimed at the most significant clergymen in Bohemia and Moravia. Nevertheless, depriving the order of any actual relevance was clearly not very difficult for Enea, as he was aware of the close relationship between *Litterae executoriae* and *Cedula A* contained in *Litterae super recognitione et firmatione compactatorum*. He simply pointed out that the legates' order could not help the Utraquist party, for it had been made by the power of the concession in *Cedula A*, which the Utraquists had proven to be unworthy of.<sup>21</sup> Although there is nothing really impressive about this argument as such, it is still valuable because the contestation of the legality of Utraquism by reference to *Litterae executoriae* was uncommon in Catholic treatises.

## Cedula B

It might seem that the Utraquists, especially those differing from Catholics in other things than merely communion in both kinds,<sup>22</sup> could hardly raise any objections to the arguments analyzed above. If one considers that the agreement with the Council of Basel clearly allows the chalice to those Bohemians and Moravians who accept the Catholic faith and rite *in omnibus aliis, quam in*

20 The whole passage in Šmahel, *Die Basler Kompaktaten*, 198: "Patribus archiepiscopo Pragensi, et Olomucensi ac Luthomislensi episcopis, qui sunt vel pro tempore erunt, universisque singulis ecclesiarum prelati, curam habentibus animarum, in virtute sancte obediencie districte precipiendo mandamus, quatenus illis personis, que usum habent communicandi sub duplici specie, iuxta formam in dicto capitulo contentam, sacrum eucharistie sacramentum sub duplici specie, requisiti, prout ad unumquemque pertinet aut pertinebit in futurum, ministrent, et pro necessitate plebis, ut non negligatur, faciant ministrari."

21 *Archiv český*, vol. 8, 362: "Nec id vos iuvat, quod oratores concilii mandaverunt archiepiscopo Pragensi, Olomucensi et Luthomislensi pro tempore existentibus et presbiteris, ad quos pertinet, ut populum sub utraque specie requisiti communicarent iuxta conventa: nam id factum est vigore concessionis, cuius vos fecistis indignos, ut ante diximus."

22 By these differences, I mean the communion of infants, rejection of the aspersion, belief in the necessity of the chalice, doubts about the infallibility of institutional Church, etc.

*usu communionis utriusque speciei*, and to no others, and that the majority of Bohemian and Moravian Utraquists obviously failed to fulfil such a condition, isn't there just one logical conclusion, that is, the chalice has never been legalized?

The truth is that while the crucial passage in Cedula A appears to be formulated in an unequivocal manner, certainly favorable for the Catholics, there are actually several sentences in Cedula B which modify, or rather clarify the meaning of that passage. We have not discussed these formulations above, as none of the Catholic writers addressed so far referred to them. This fact is not surprising whatsoever—as we will see in a short time, the passages in Cedula B could hardly have been beneficial to the Catholics, unlike their ideological opponents.

Before we examine these pro-Utraquist formulations, let us place them into a broader context by means of a brief historical excursus. The option of a future Hussite-council treaty, which would demand the unity of the former with the Church in all except for the chalice, emerged in mid-March 1433. During private talks in Basel, the council's representative Nicholas Cusanus asked his Hussite counterparts whether they would be willing to accept the other Prague Articles in their Catholic interpretation if the article of communion in both kinds were to be conceded to them.<sup>23</sup> A similar idea was presented by Cusanus the following day—he suggested that if the two parties concluded a treaty concerning holy communion, the other articles ought to be subsequently determined without any further disputation by the Council of Basel in cooperation with the Hussites (basically, they were to be incorporated into the council).<sup>24</sup> Strictly speaking, Nicholas was not asking the Hussites to accept the *entire* faith and rite of the church apart from communion *sub utraque specie*, but his statements approximate to such a demand, for the only difference between the two parties which he proposed was that concerning holy communion, while the Hussites were expected to conform to the Church in the remaining articles.

The idea of the chalice as the only permissible difference between the Bohemians and Moravians was subsequently employed during the Prague negotiations on June 25, 1433, albeit rather implicitly. The council's legates informed the Hussite diplomats that when the Bohemian Kingdom sent its ambassadors to Basel, they might obtain a concession of the chalice—provided that the kingdom was willing to become united with the church.<sup>25</sup>

Having heard such statements, at least some Hussite diplomats must have realized that their Catholic counterparts would do their best to ensure that the only thing in which the Hussites could

23 “Petri Zatecensis Liber diurnus de gestis Bohemorum in concilio Basileensi,” in *Monumenta conciliorum generalium seculi decimi quinti*, vol. 1, *Concilium Basileense*, eds. František Palacký and Ernst Birk (Vienna, 1857), 328–29: “Si posset disponere susceptionem articuli de communione utrisuque specie laicis libertari, utrum in aliis articulis vellemus contentari?”

24 Ibid., 329: “Si concordia in primo reperiretur articulo, quia est sacramentum unionis, ut post sine disputatione unum corpus secundum apostolum existentes iuxta iudicem electum diffinitur cum concilio ceteros articulos vos obligetis.” Cusanus's negotiations with the Hussites in 1433 have been discussed in Woelki, “Theological Diplomacy,” 415; Dušan Coufal, *Turnaj víry. Polemika o kalich na basilejském koncilu 1431–1433*, Studie a prameny k dějinám myšlení v českých zemích, 20 (Prague, 2020), 452–54.

25 “Aegidii Carlerii liber de legationibus concilii Basiliensis pro reductione Bohemorum,” in *Monumenta conciliorum generalium seculi decimi quinti*, vol. 1, *Concilium Basileense*, eds. František Palacký and Ernst Birk (Vienna, 1857), 371: “Si mitterent ambasiatores nobiscum ad concilium, sperabamus, quod obtinerent usum comunionis calicis pro laicis, si tamen vellent se ecclesie unire.” See also Coufal, *Turnaj víry*, 478.



lawfully deviate from the Church was communion *sub utraque specie*. Therefore, the Hussite negotiators were probably not taken by surprise on November 19, 1433, when the Basel legates presented to them a proposition about communion in both kinds (drafted in August in Basel by a specially established committee) containing the requirement that apart from the chalice, the Bohemians and Moravians were to accept the entire Catholic faith and rite.<sup>26</sup> The very same phrase was also employed in the first part of the Compactata, presented by the legates on November 26.

Naturally, the idea of the Compactata demanding total unity with the Catholics in faith and rite with merely one exception was hardly acceptable for the majority of the Hussite negotiators. Thus, two days later they put forth Cedula B, a document divided into four points, two of which were closely related to the requirement of ecclesiastical unity.

In these two points (nos. 1 and 2), the Hussites did not truly challenge the phrase “in everything else except for communion in both kinds” (*in omnibus aliis, quam in usu communionis utriusque speciei*), which may seem peculiar. As they desired to retain not just one, but multiple details that did not fit into the Catholic milieu, would it not have been a logical move to modify the words which allowed only one exception? Actually, such a strategy would have most probably failed, for the council’s representatives would have hardly consented to the Compactata explicitly legalizing any other “deviation” from the Catholic Church than the chalice. Instead, the Hussites cleverly decided to add explanatory sentences to the passage “conform to the faith and rite of the universal church” (*fidei et ritui universalis ecclesie conformibus*), focusing on the proper definition of the words “faith” and “rite”. For the former, they came up with a formulation that “by the word ‘faith’ placed therein they [i.e. Bohemians and Moravians] understand and wish to understand the first truth and all other truths which are to be believed, just as they are shown in a sound understanding of the Holy Scriptures and the doctrine of the Church.”<sup>27</sup>

Regarding the latter, the Hussites’ clarification in Cedula B reads: “Regarding the rites of the general Church, they understand and wish to understand not special rites which are administered variously in various provinces, but rites which are administered commonly and generally regarding divine things.”<sup>28</sup> It is important to note that these passages found their way not only into *Litterae super recognitione compactatorum*, but also, in a slightly modified form, into *Litterae executoriae*.<sup>29</sup>

The meaning of the quoted sentences was naturally open to various interpretations. Still, we can easily imagine that it was possible to claim that the definitions of “faith” and “rite” as they appear in Cedula B guaranteed that the Hussites could deviate from the Catholic Church in more than merely communion in both kinds, despite the wording of the previous Cedula. If “faith” was supposed to be in accordance with the first truth (arguably meaning God), Holy Scripture (the

26 Cf. Šmahel, *Die Basler Kompaktaten*, 172: “In omnibus aliis, quam in usu communionis utriusque speciei, fidei et ritui universalis ecclesie conformibus.”

27 Ibid., 175, 186: “Per verbum ‘fidei’ ibi appositum intelligunt et intelligi volunt veritatem primam et omnes alias credendas veritates, secundum quod manifestantur in scripturis sacris et doctrina ecclesiae sane intellectis.”

28 Ibid., 176, 186: “Cum dicitur de ritibus universalis ecclesiae, intelligunt et intelligi volunt non de ritibus specialibus, de quibus in diversis provinciis diversa servantur, sed de ritibus, qui communiter et generaliter circa divina servantur.”

29 Ibid., 192, 198. This is very similar to the frequent appearance of the provision about unity and the chalice. See page 24 above.

Bible) and soundly understood doctrines, one may argue that the Utraquists were obliged to accept only those principles of Catholic faith fulfilling these criteria. In all other respects, they were not bound to adhere to the Catholic faith, and could follow their own teaching. Likewise, if “rites” were supposed to be only those practiced commonly and generally (presumably within Latin Christendom), it could be argued that any Catholic rite which was practiced in various manners across Catholic Europe or only in certain territories could be rejected or altered by the Utraquists.<sup>30</sup>

The two provisions in Cedula B undoubtedly corresponded to the thinking of a large number of Utraquists, for only a few—namely conservative Utraquists centered around the Prague university—longed for a full unification with the Catholic Church in faith and rite in all except for communion *sub utraque specie*.<sup>31</sup> Not only the radical Taborites and Orphans, but also the moderate Praguers led by Jan Rokycana firmly believed in the necessity of the chalice, communion of infants, usage of Czech in liturgy, and fallibility of general councils and popes, among other things.<sup>32</sup> Therefore, it is debatable to assert that “in the first and second point [i.e. of Cedula B] the specifics of the radical Taborite theology and liturgy were taken into account”, as F. Šmahel has recently done.<sup>33</sup> There is nothing specifically Taborite in the first point of Cedula B. Regarding the second point, only an additional (and for this study mostly irrelevant) provision about possible non-observance of rites was probably aimed at the Taborites.<sup>34</sup> Certainly, it could have been the Taborite negotiators who drafted the wording of points 1 and 2,<sup>35</sup> but there is no reason to believe that the provisions contained in them – especially those discussed in this paper – were relevant and beneficial solely for the Taborite faction.

## The underrating of Cedula B in the Utraquist Milieu?

We have seen that a significant number of influential Catholics—including the pope himself—challenged the Utraquists by claiming the unity in faith and rite had never been realized and the chalice had thus never been legalized. Naturally, at least some Utraquist scholars living in the

**30** Concerning rites, in point 2 Cedula B includes another pro-Utraquist provision. It states that if some Bohemians and Moravians do not immediately accept generally practiced rites, it will not mean that peace and unity has been violated. Moreover, these people or people speaking in their name will be allowed to arrive at the Council of Basel and put forward evidence in favor of their position. See the provision *ibid.*, 176, 186. For an example of its use in Utraquist-Catholic polemics, see Pálka, “The Compactata of Basel,” 185–86.

**31** For the significance and thinking of the Hussite conservatives, see Jaroslav Prokeš, *M. Prokop z Plzně: příspěvek k vývoji konservativní strany husitské* (Prague, 1927); Jindřich Marek, “Major Figures of Later Hussitism (1437–1471),” in *A Companion to the Hussites*, eds. Michael Van Dussen and Pavel Soukup, Brill’s Companions to the Christian Tradition, 90 (Leiden, 2020), 146–52.

**32** A few specifics of Utraquist theology and liturgy have recently been listed by Marek, “Major Figures,” 145–46.

**33** Šmahel, *Die Basler Kompaktaten*, 45: “Im ersten und zweiten Punkt wurden die Besonderheiten der radikalen tabo-ritischen Theologie und Liturgie berücksichtigt.”

**34** See note 28 above. Since the Taborites’ rites differed greatly from those of the Catholic Church, it sounds plausible that the words about some people not having to immediately accept generally practiced rites primarily referred to the Taborite faction.

**35** “Agedii Carlerii Liber de legationibus,” 455, merely says that Cedula B was presented to the legates by certain priests and does not specify its origin.

fifteenth century must have been aware of this line of reasoning and at the same time, they were also familiar with the text of the Compactata including the potential counter-arguments stemming from Cedula B. One might therefore expect to come across many examples of Utraquist scholars employing the Compactata definitions of “faith” and “rite” so as to demonstrate that they were allowed to deviate from the Catholic Church in more than merely one matter.

However, surprisingly little evidence for such a trend has been found so far. I have been able to identify only one Utraquist writer refuting Catholic assertions regarding the unfulfilled unification in faith and rite, whether implicitly or explicitly. This was Martin Lupáč, an influential priest and former diplomat participating in the negotiations with the Council of Basel, who later turned out to be the most passionate defender of the Compactata in the post-1436 era. As discussing all his relevant arguments would take up too much space in this study, let us consider primarily two of his writings—*De communione parvulorum*, a lengthy defense of the holy communion of infants, and *Super responso Pii pape*, a polemic against Pius II's nullification of the Basel Compactata.<sup>36</sup>

In the relevant passages of the treatise on infants, written between 1439–49, Lupáč first aims to prove that if *communio parvulorum* does not appear to be based on the Compactata, one needs to scrutinize this issue in accordance with the Judge of Cheb of 1432, that is, God's law, the deeds of Jesus, the apostles, and the primitive church, and later authorities veraciously founded on them.<sup>37</sup> Then he presents a Catholic counterargument: “The Compactata have sufficiently settled everything and have sufficiently terminated future negotiations and deadened any disputations, as it recently says in the Compactata: ‘conform to the faith and rite of the universal Church in everything except for communion in both kinds.’”<sup>38</sup> Martin Lupáč does admit that this formulation seemingly binds the Utraquists to be at one with the Church in every matter pertaining to faith and rite, the only exception being the use of communion in both kinds.<sup>39</sup> However, he subsequently challenges such a notion by pointing to Cedula B. He claims that the words on conformity to rite and faith “have deceived many [...], as they do not read in the Compactata that those words where it says ‘faith and rite’ were not placed so crudely and absurdly into the Compactata, but they were well circumscribed and secured by a good explanation so that

36 For Lupáč and his work, see Bartoš, “Cusanus and the Hussite bishop”; Ota Halama, “Spis De Ecclesia Martina Lupáče z doby poděbradské,” *Theologická revue* 75 (2004): 420–35; Marek, “Major Figures,” 158–61; Adam Pálka, “Papoušek versus Lupáč: polemika o výklad basilejských kompaktát z poloviny 15. století,” *Studia Mediaevalia Bohemica* 8 (2016): 41–87; idem, *Martin Lupáč z Újezda: osobitý myslitel doby interregna a Jiřího z Poděbrad*, Doctoral Thesis, Masaryk University (Brno, 2020).

37 This principle was concluded between the Hussites and the council's legates in the city of Cheb in 1432 for the purpose of the Basel disputation. Later, its importance was strengthened by the Compactata, as can be seen in Šmahel, *Die Basler Kompaktaten*, 176, 180. Cf. also Prügl, “Die Verhandlungen,” 255–57.

38 Brno, Moravian Library, MS MK 111, f. 80v: “Compactata sufficienter omnia complanaverunt et omnibus futuris licitis sufficienter finem fecerunt et plenum silentium imposuerunt omnibus disputationibus, quia noviter dicitur in compactatis, ‘in omnibus aliis fidei et ritibus preterquam in usu communionis utriusque speciei universali ecclesie conformibus.’”

39 Ibid.: “Ubi videtur dici, quod excepto solo usu communionis utriusque speciei debemus iam in omnibus ipsis esse conformes in fide et ritibus.”

they [i.e. Catholics] would not compel us to all their contemptible rites and everything else they regard as faith.”<sup>40</sup>

Immediately after this assertion, Lupáč quotes the relevant sentences from Cedula B, starting with the matter of faith. Interestingly, next to the key formulation “the first truth” (*veritatem primam*) he places a parenthesis “id est Deum”, thus clarifying what the Hussite negotiators meant when they had come up with these words years before. The Utraquist author explains that the wording in Cedula B obliges him and his fellows to conform to only those aspects of Catholic faith which are propounded manifestly in the Holy Scriptures (which he identifies with the Judge of Cheb); thus, they may reject anything that the *ecclesia Romana* regards as faith which is not founded in these scriptures.<sup>41</sup> Also, Lupáč once again hints at the cleverness of the Hussite diplomats in 1433: “Therefore, the words ‘in everything else’ were not placed into the Compactata so simply and foolishly, but they were delimited and measured by Holy Scriptures.”<sup>42</sup> Unfortunately, when it comes to the second crucial word, “rite”, the author does not put forward any kind of explanation and presents only an accurate paraphrase of Cedula B.<sup>43</sup>

It is evident that while Lupáč dealt with Cedula B to a significant extent, he did not openly challenge any of the Catholic statements presented above, since his treatise primarily focused on the controversial issue of infant communion and not on the question of ecclesiastical unity. Still, his arguments in *De communione parvulorum* may have easily been used in response to Piccolomini, Cusanus, Ebendorfer, and others.

An open refutation of the audacious Catholic assertion occurred in 1462 when Lupáč wrote *Super responso Pii pape*, a polemic against Pius II’s treatise on the nullification of the Compactata. It must be highlighted that Lupáč’s 1462 polemic reacted directly to the above quoted statement “as you never accepted Church unity and conformity, you were never worthy of the permission.”<sup>44</sup> First, he responds to the second part of the pope’s statement, claiming that the alleged unworthiness of the council’s permission is irrelevant, for the Utraquist drink from the chalice on the basis of Scripture, not the Compactata.<sup>45</sup> Concerning the acceptance of faith and rite, Lupáč merely claims that the Utraquists observe the faith and rite according to the Compactata and “if anyone

40 Ibid.: “Hoc verbum multos decipit ad pauca respiciendo, quia non legunt in compactatis, quod illa verba, ubi dicitur ‘fidei et ritui’, non sunt sic rude et absurde in compactatis posita, sed bene circumstancionata et bona glosa munita, ne nos ad omnes ritus suos eciam abhominandos trahant et ad alia omnia, que ipsi pro fide tenent.”

41 Ibid., ff. 80v–81r: “Ex quo manifeste patet, quod pro fide sive in fide non in omnibus ipsis esse conformes obligamur, nisi in hiis, que manifestantur, id est manifeste traduntur, in scripturis sacris et iste est iudex in Egra compactatus. Alias omnia pro fide tenere, que ecclesia Romana [...] tenet pro fide, absit, absit!”

42 Ibid., f. 81r: “Non est ergo sic simpliciter et stulte hoc verbum in compactatis positum ‘in omnibus aliis etc.’, sed scripturis sacris firmiter limitatum et mensuratum.”

43 Ibid.: “De ritibus vero dicitur, quod non in omnibus ritibus conformes simus, scilicet de quibus varie in diversis provinciis diversa servantur, sed in ritibus, qui communiter et generaliter servantur circa divina.”

44 See page 26 above.

45 Vienna, Austrian National Library, MS Cod. 4302, f. 371r: “Ulterius addit papa: ‘Sed unionem et conformitatem non recepistis, nisi igitur indulti fuistis capaces.’ Iam sufficienter dictum est, quod nullo modo compactatorum, aut concilii hanc fidem et eius praxim habemus. Eciam si in eternum periret memoria compactatorum cum sonitu, fides ista manebit nobiscum, donec veniat Dominus, iudex omnium.”

could assert the opposite, which we do not assume, we are prepared to do what needs to be done.”<sup>46</sup> This was clearly a brief reference to Cedula B and its provisions about faith and rite.

The author did not provide here any details about the wording of the Compactata, but the truth is that he had already discussed this issue in a previous section of his treatise, specifically when dealing with Pius’ paraphrase of the addressees of the Compactata’s permission.<sup>47</sup> As Pius takes into account only Cedula A, Lupáč aims to demonstrate that the whole matter concerning conformity to rite and faith is much more complex. He does this in a manner similar to that in *De communione parvulorum*. The two crucial words, Martin Lupáč asserts, were not placed so barely and shortly into the Compactata, since the 1436 agreements say explicitly what is to be understood by “faith” and “rite”. In the case of the former, Lupáč clarifies once again that “the first truth” is no one else but God. Moreover, he makes it clear that the Utraquists have always observed faith as defined by the Compactata (which he did not do in *De communione parvulorum*): “In this faith we were, are, and will be conformed to the universal Church, and we teach that every human conforms to the universal Church in this under the penalty of damnation [...] not the pope, not even the whole world could justly argue that we have ever deviated from the conformity to this faith.”<sup>48</sup>

Regarding Lupáč’s remarks on rite in *Super responso Pii pape*, they are definitely more valuable than those in *De communione parvulorum*. While he agreed that Cedula B obliged the Utraquists to observe all customs practiced generally and commonly, he emphasized that there is an important exception to this rule (not explicitly mentioned in the Compactata): “We understand only rites which are distinguishable from faith, that is, which are only rite and not faith.”<sup>49</sup> In other words, any rite that is accompanied by matters of faith (such as the sacraments) is irrelevant for the provision about rites, and its place lies in the provision about faith. Thus, if there was a Catholic rite which was practiced generally, but at the same time it was supported by a doctrine incompatible with Scripture, the Utraquists would not be bound to adhere to it. This line of reasoning was also, in an unspecified period, employed in Lupáč’s treatise against the use of aspersorium. Interestingly, this work listed a number of rites which, in the author’s opinion, the Utraquists were obliged to observe, as they were practiced everywhere and had nothing in common in faith. These included the use of chasubles, religious banners, altars, and candles.<sup>50</sup> This list seems to be the only one of its kind; not even the Compactata specify the generally and commonly practiced rites in any way.

Lupáč’s writings serve as undeniable proof that the two definitions placed at the beginning of Cedula B had the potential to be used effectively in anti-Catholic polemics by showing that the

46 Ibid.: “De comformitate vero sive fidei sive rituum dicimus, quod fidem et ritus iuxta compactata servamus et si quis probabiliter posset dicere oppositum, quod non estimamus, parati sumus omnia facienda facere.”

47 Ibid., f. 368v.

48 Ibid.: “In hac fide fuimus, sumus et erimus conformes universali ecclesie et docemus omnem hominem conformari in hoc sub pena damnacionis universali ecclesie nec quovis modo ab ea discedere, eciam per ignem, nec papa, nec totus mundus potest nos iuste arguere a conformitate huius fidei aliquando discessisse.”

49 Ibid.: “Intelligimus de ritibus, qui distinguuntur de fide, id est, qui tantum sunt ritus et non fides.”

50 Prague, Archives of the Prague Castle, Library of the Metropolitan Chapter by St. Vitus, MS D 118, f. 105r–v: “Protož z kompaktát, kteříž sú kolivěk jedině ritus toliko, ritus shola, ritus, ješto nejsú víra a všudy se zachovávají, v tom se máme ve všem srovnati, jako sú v kostele ornátové, korúhve, oltáři, svíce, komže, pleše.” For another work of Lupáč dealing with faith and rite, see Pálka, “Papoušek versus Lupáč,” 78–79.

matter of unity was not treated in the Compactata as straightforwardly as it might seem from Cedula A. As already hinted above, however, it is almost impossible to identify another Utraquist writer referring to the definitions of faith and rite in response to the Catholics. Certainly relevant here are references to the beginning of Cedula B in two documents that deal with the contents of the Compactata: King Ladislaus Posthumous' mandate of 1454 (the contents of which were certainly created by Utraquists) and anonymous comments on the Compactata in Bautzen manuscript 2° 56. Even though they do not openly polemicize against any Catholic assertion, it was undoubtedly possible to employ them in such a way.

Let us briefly discuss what these documents say in relation to the relevant provisions of Cedula B. Ladislaus' mandate demands that the Compactata agreement regarding ecclesiastical unity and communion in both kinds be observed, and quotes it. It then presents another quotation from the Compactata, this time all the formulations in Cedula B dealing with the proper understanding of faith and rite. Importantly, the mandate briefly explains that this quotation is supposed to prevent others from being mistaken and interpreting the Compactata arbitrarily, thus arguably hinting at Catholics unjustly demanding that the only difference between them and the Utraquists be the chalice.<sup>51</sup>

The Bautzen treatise is actually a Czech translation of the Compactata accompanied by a large number of glosses, written by an Utraquist under the presumable influence of Lupáč.<sup>52</sup> Next to the beginning of Cedula B, he clarifies why these sentences were drafted back in 1433: "There was this difficulty that the Bohemians did not want to accept entirely what had been presented by the legates about faith and Church rite."<sup>53</sup> A similar clarification can also be found in a short introductory text to the whole Cedula B, probably not written by our glossator.<sup>54</sup> The other two relevant glosses paraphrase the crucial formulations of the Compactata—the first one says that the Utraquists are to believe in merely those "truths" founded in God's law and the "healthy doctrine

51 Vienna, Austrian National Library, MS Cod. 4488, f. 335r: "Item aby žádný se nemýlil a k své vůli nevykládal, ale tak zachoval, jakož compactáta ukazují, držál skrze slova 'viery' a 'obyčejův kostelních' takto compactáta říkú: 'Skrze slovo 'viery' tu přiložené rozumějí a rozuměti chtějí první pravdu a všechny jiné pravdy, kteréž věny býti mají, jakož oznamují se v písmech svatých a naučení cirkve pravě srozumělých. Item když se díe o obyčejích obecné cirkve, rozumějí a rozuměti chtějí ne o obyčejích zvláštních, o nichž v rozličných krajinách rozličné věci se zachovávají, ale o obyčejích, kteříž obecně a všudy při božských věcech se zachovávají.'" For more information on the mandate, see the chapter by Dušan Coufal in this volume, 109–12. It is important to note that when I analyzed a significant part of the mandate in a recent study, I incorrectly labelled it as an anonymous writing, due to the specific way in which the document is preserved in the Vienna manuscript. See Adam Pálka, "Utravistické glosy, výtahy a přepisy (ne)známých dokumentů v rukopisech z Prahy, Vídně a Budyšína," *Husitský tábor 27* (2022): 25–28.

52 See Pálka, *Martin Lupáč z Újezda*, 96–97. Interestingly, the possible influence of Lupáč can also be demonstrated on the wording of Cedula B as preserved in the Bautzen manuscript. In the passage about the meaning of faith, it says "the first truth, that is God" (Bautzen, Municipal Library, MS 2° 56, f. 221r). These three words do not actually appear in the original text of the Compactata, but as we have seen, Lupáč at least twice inserted them into his quotations.

53 Bautzen, Municipal Library, MS 2° 56, f. 221r: "Ta nesnáze byla, že Čechové nechťeli sú naprosto přijeti, co od legátův bylo podáno o viere a obyčejích kostelních."

54 It says: "Here is a moderation of the aforesaid words that the Bohemians and Moravians are to be conformed to faith and church rite in all, as they were not accepted by the Bohemians so simply." The Czech original is *ibid.*, f. 222r: "Klade se uskrovněnie oněch slov, kteráž sú svrchu položená, aby Čechové a Moravové byli srovnáni ovšem v viere a obyčejích kostelních, neb nejsou tak prostě od Čechův přijata." The very same text can be found in Prague, National Library of the Czech Republic, MS IV E 29, f. 234r.

of the Church”, while the second one states that some, but not all rites are binding for the Bohemians.<sup>55</sup> Thus, the aim of these glosses was to stress the fact that the Hussites were not obliged to observe all the Catholic faith and rite.

## Conclusion

Despite the sparse evidence of Utraquists effectively deploying the wording of Cedula B in response to Catholic claims of unfulfilled unity and the invalidity of the chalice, it is indisputable that when the Hussite diplomats pushed through their notion of faith and rite in the 1433 negotiations, they did it in order to prevent claims that the Bohemians and Moravians were obliged to accept the entire Catholic faith and rite with the exception of the chalice. The existence of the pro-Utraquist provisions in Cedula B, however, should not force us to automatically reject the arguments of Cusanus, Piccolomini, Tempelfeld, and others, that the Utraquists never reached the required unity, and thus were unworthy of communion in both kinds. While it is true that no Catholic intellectual seems to have ever referred to the added content of Cedula B regarding rite and faith, they still had the right to express concern whether the Utraquists had reached the unity as stipulated in the Compactata.

Unfortunately, the meaning of the words “fidei et ritui” was not clarified fully, leaving then (and now) room for interpretation. The same is true of many other passages of the Hussite-council agreements. Thus, it is nearly impossible for us to state firmly whether the Utraquists breached the expected unity and lost the right of the chalice by refusing to use the aspersion, not believing in the sufficiency of communion in one kind, or preferring Czech songs in liturgy instead of Latin ones. By doing so, did they fail to adhere to the faith founded in the “first truth”, and did they fail to practice generally observed rites? An answer would probably require a lengthy study of its own.

In any case, our contribution shows that the wording of the Compactata could actually strengthen religious quarrels in Central Europe (and beyond) despite the fact they were and still are considered to be peace treaties. There were simply too many compromises and too much room for one’s own interpretation in many relevant passages of the Basel Compactata, so that there was little hope that conflict, at least in its ideological (i.e. non-military) form, would perish after 1436. Besides, the Catholics and Utraquists never agreed on any official appendices or commentaries to the Compactata, although such documents could have provided clarification of the many ambiguous parts—including the seemingly explanatory sections about faith and rite. However, any serious attempts to deprive the Compactata of their ambiguity would have most probably failed, as it would have led to favoring one party over the other.

55 Bautzen, Municipal Library, MS 2° 56, f. 221r: “Čechové nejsú zavázáni, než k těm pravdám věření, kteréž se zakládají v zákoně božiem a naučení zdravém církve. Obyčejové kostelní někteří, ale ne všieckni, Čechy zavazují.”



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# The Selection of a Ruler as a Cause and a Solution to Conflict

## The Debate on the Election of a King in a Politically and Religiously Divided Kingdom

VÁCLAV ŽŮREK

After the end of the period of armed conflicts, the politically and confessionally turbulent Czech Kingdom primarily sought a compromise in both the religious and political spheres. The first was achieved by the promulgation of the Basel Compactata, and the second by the election of a king, who was meant to act as a guarantor of the political division of forces and of mutual respect between the two confessions. This chapter will examine the public debate surrounding the election of the Bohemian king. It will also trace the debate over the suitability of the candidate, and the potential for conflict such debate engendered. It will focus primarily on two categories, the confession and the nationality of the candidate, including their usage and argumentation.

## The Election of Bohemian Rulers in the First Half of the Fifteenth Century

After the death of King of Bohemia Wenceslas IV (r. 1378–1419) in the summer of 1419, the influence of the Utraquist confession in the country's political direction became fully apparent. The rightful heir to the throne, King Sigismund of Luxembourg, was rejected by most of the country's political elite because of his opposed religious beliefs and supposed intolerance towards the Hussites. After Sigismund staged a crusade against the heretical Bohemians in the spring of 1420 and was militarily defeated, he was finally rejected at the diet of Čáslav in 1421.<sup>1</sup> Throughout the next hundred years, religious issues and individual confession played an important role in domestic politics.

In earlier political thought, the idea of royal election to the Bohemian throne was related only to the situation of the dynasty's extinction, but after Sigismund's rejection it became more clearly expressed and gradually asserted. In this context, it is necessary to point to Emperor Charles IV (r. 1346–1378) who, in his confirmation of the privilege of the Golden Bull of Sicily in 1348, formulated election as a solution if neither male nor female descendants of the ruling dynasty would be available.<sup>2</sup>

<sup>1</sup> On Sigismund and the Hussite movement in first phase, see František Šmahel, *Die hussitische Revolution*, vol. 1–2, trans. Thomas Krzenck (Hannover, 2002), here vol. 2, 1007–88.

<sup>2</sup> Emperor Charles confirmed the privilege of Emperor Frederick II from 1212 and determined the electors and the circumstances in which the election was supposed to take place: *Archivum coronae regni Bohemiae*, vol. 1/2, ed. Václav Hrubý (Prague, 1928), no. 51, 43–47.

However, this principle itself became a welcome argument for rejecting the rightful heir to the throne, Sigismund of Luxembourg, in a situation of exacerbated confessional discord. In the manifesto of the Bohemian lords of April 20, 1420, they claimed that they neither elected nor crowned Sigismund, who they labeled an enemy of the Bohemian kingdom and language (in the sense of nation): "You must be aware that he has not been elected king by the Czech lords and he has not been crowned. He is the great and cruel enemy of the language [i.e. people] and kingdom of Bohemia."<sup>3</sup> Sigismund was finally crowned in July of the same year, but the closed character of the ceremony at the castle was also a matter of dispute. The rejection of Sigismund as a decision made by the higher and lower nobility, as well as the towns led by Prague representatives, opened not only the matter the new king's choice and election, but also the related matter suitable candidates, which all continued to cause disputes over the next 50 years.

In the atmosphere of the early political and military conflicts based on confessional differences, the old discourse regarding a royal candidate's dignity suddenly now emphasized two aspects related to the candidate's personality—his nationality (Czech) and his confession (Utraquist). The exacerbated mood also gave the country's elites self-confidence. The rejection of Sigismund as an enemy of divine law and a tyrant undeserving of royal dignity grew out of the Hussite theory of the just ruler, primarily the work of Utraquist priests and scholars.<sup>4</sup>

Hussite religious authorities, who played an important role in the Utraquist portion of political society, also commented on the search for a king in the early stages of the armed conflict. First of all, Jakoubek of Stříbro, a theologian and the leading Hussite figure after the death of Jan Hus, was unequivocal on the matter, using theological arguments based on the exposition of Holy Script: "In Deuteronomy XXVII it is written that the king is to be a brother, and not of a foreign nation, etc. And a brother he is, if he be of one faith, and of one accord with us in the truth, and resist the Antichrist."<sup>5</sup>

The opinion of the scholars was also confirmed by anti-Sigismund vernacular propaganda, as preserved in a composition written around 1420 in the so-called Bautzen Manuscript. Here, Sigismund is portrayed as the menace of the Bohemian kingdom and the destroyer of the true faith, and there is also talk of choosing a king on the basis of nationality and confession. Similarly, the unknown author of the composition *Porok české koruny králi Uherskému, že neřádně korunu přijal a v království České se násilím tiskne* [A Complaint from the Bohemian Crown to the Hungarian King that he improperly accepted the Crown and controls the Kingdom through violence] from

3 Archiv Český. Čili staré písemné památky české i moravské, vols. 3–4, ed. František Palacký (Prague, 1844, 1846), here vol. 3, no. 16, 210. The English translation is cited from Thomas Fudge, *The Crusade against Heretics in Bohemia, 1418–1437: Source and Documents for the Hussite Crusades* (Burlington, VT, 2002), 61. Cf. Šmahel, *Die Hussitische Revolution*, vol. 2, 1075, who points out that it was the first time that the idea of royal election to the Bohemian throne appeared in the Hussite era. Cf. also Jeanne E. Grant, "Rejecting an Emperor: Hussites and Sigismund," in *Politics and Reformations: Communities, Politics, Nations, and Empires. Essays in Honor of Thomas A. Brady, Jr.*, eds. Christopher Ocker, Michael Printy, Peter Starenko, and Peter Wallace, *Studies in Medieval and Reformation Traditions*, 128 (Leiden, 2007), 466–70.

4 Petr Čornej, *Velké dějiny zemí koruny české*, vol. 5 (Prague, 2000), 259–65.

5 Jakoubek ze Stříbra, *Výklad na Zjevení sv. Jana*, vol. 1, ed. František Šimek (Prague, 1932), 32. For more on Jakoubek see Petra Mutlová, "Major Hussite Theologians before the Compactata," in *A Companion to the Hussites*, eds. Michael van Dussen and Pavel Soukup, *Brill's Companions to the Christian Tradition*, 90 (Leiden, 2020), 114–17.

1420 suggested: “Elect for yourselves a man of honor, / as your King of Bohemia, / who has faith, love of the land!”<sup>6</sup> A similar call is also presented in the poem *Povstaň, povstaň velikého města pražské* [Arise, arise, great city of Prague]: “Therefore choose for yourself a king that is noble, / if he be a follower of the law of God.”<sup>7</sup>

These two criteria worked together here, but this was primarily a theoretical view propagated as part of the anti-Sigismund propaganda by Hussite intellectuals. In reality, it was impossible to find a foreign candidate for the throne who met both criteria. As a result, many compromises were made by the Bohemian political elites to find a suitable candidate among those who were expected to respect domestic political developments and the religious program of the dominant Utraquists formulated in the so-called Four Prague Articles.<sup>8</sup>

A king was actively sought in the family of the Polish King Władysław II Jagiełło and the related Grand Duke of Lithuania Vytautas, who eventually sent his nephew, the young Sigismund Korybut, in his place. Although he eventually resigned attempts to establish himself as ruler of Bohemia, we should still take into account of the considerations of the Bohemian Utraquist elites who sought a suitable candidate at the court of the Slavonic King Władysław. As we learn from the instructions of the Hussite envoy sent for negotiations to the Polish royal court, one of their arguments was the proximity of the two Slavonic languages or nations. At the same time, Sigismund of Luxembourg was presented as a hazard since his rule reinforced the privileged position of the German language.<sup>9</sup>

With the rejection of Sigismund of Luxembourg, the rightful heir to the Bohemian crown, and the invitation and promotion of Sigismund Korybut as administrator and even king, this may be seen as a period which more firmly established the right of nobles and towns to choose the next Bohemian royal.

However, after 15 years of domestic war and many unsuccessful crusades against the heretical Bohemians, negotiations between the Bohemian Utraquists, the Council of Basel, and Emperor Sigismund of Luxembourg finally culminated in the promulgation of the Compactata, which incorporated the Utraquists back into the Catholic Church.<sup>10</sup> This agreement allowed the previously

6 For the quotation, see the edition *Husitské skladby Budyšínského rukopisu*, ed. Jiří Daňhelka (Prague, 1952), 74. The poem also exists in a Latin version that was most probably written for the public abroad. It is known by the title *Corone regni Boemie satira in regem Hungarie Sigismundum*. For the context surrounding the creation of the two texts, see John Martin Klassen, “Images of Anti-Majesty in Hussite Literature,” *Bohemia* 33 (1992): 267–81, and most recently Petr Čornej, “Husitské skladby Budyšínského rukopisu,” *Česká literatura* 56 (2008): 301–44.

7 *Výbor z české literatury doby husitské*, vol. 1, eds. Bohuslav Havránek et al. (Prague, 1963), 323.

8 For basic information, see Frederick G. Heymann, *John Žižka and the Hussite Revolution* (Princeton, NJ, 1955), 148–63; Šmahel, *Die hussitische Revolution*, vol. 1, 636–74.

9 Václav Novotný, “K otázce polské kandidatury na český trůn,” in *Sborník Žižkův 1424–1924: K pětistému výročí jeho úmrtí*, ed. Rudolf Urbánek (Prague, 1924), 132. On Korybut see Jerzy Grygiel, *Zygmunt Korybutowicz. Litewski książę w husyckich Czechach (ok. 1395 – wrzesień 1435)* (Cracow, 2016). See also Martin Nodl, “Kráľ požádaný: symbolická komunikace Zikmunda Korybutoviče,” in *Od symbolu k slovu: podoby stredovekej komunikácie* (Bratislava, 2016), 193–213, who argued that the national aspect was openly communicated in the negotiations with the Polish and Lithuanian court.

10 František Šmahel, *Die Basler Kompaktaten mit den Hussiten (1436). Untersuchung und Edition*, MGH Studien und Texte, 65 (Wiesbaden, 2019); Adam Pálka, “The Basel Compactata and the Limits of Religious Coexistence in the Age of Conciliarism and Beyond,” *Church History* 92 (2023): 534–58.

rejected Sigismund to ascend the hereditary throne, but he died the following year (1437) without a male heir.

Although Sigismund openly expressed his wishes, and designated his son-in-law and heir Albert of Habsburg as his successor to the Bohemian throne,<sup>11</sup> his death reopened the debate on the election of the Bohemian king. This debate should be understood in the context of previous political developments in the Bohemian Kingdom.

The idea of election to the Bohemian royal title, which in the 1420s helped in rejecting the legitimate succession claim of Sigismund of Luxembourg and was connected with the desire of some Utraquists to put Sigismund Korybut on the throne, appeared and circulated with renewed intensity at the moment of Sigismund's death in the winter of 1437.

Albert of Habsburg, the Duke of Austria, held Moravia since 1423, later became the successor of Sigismund in Hungary and in Holy Roman Empire, and had the support of a large part of the Bohemian nobility and towns. He was also seen as Sigismund's respected heir in the other lands of the Bohemian crown. In Bohemia, however, there was still an influential part of the nobility that did not want him to rule, and prepared the candidacy of the Polish prince Casimir Jagiellon (later King Casimir IV between 1444–92). The communication and propaganda of this group supporting this Polish candidate was characterized by an emphasis on Slavic reciprocity and the joint anti-Habsburg position. This had great symbolic potential in the situation after the events associated with the anti-Hussite crusades.<sup>12</sup> Albert of Habsburg was accepted by a diet at the end of 1437, whereas the Polish candidate could not be elected since no election was held.<sup>13</sup> The acceptance of Albert, who considered himself the heir and natural successor to Emperor Sigismund at the diet, was perceived by many domestic political actors as an election, which was significant in later developments. However, the candidacy of Casimir and his sons as members of the Polish Jagiellonian royal family remained an available option in the decades to come, as we shall see.

Behind the Polish candidacy stood a group of nobles around the influential nobleman Hynek Ptáček of Pirkštejn, who was not satisfied with the pre-election surrender and negotiations with Albert, and began to promote the candidacy of Casimir Jagiellon to the throne at the convention of his party in Mělník on May 29, 1438.<sup>14</sup>

In terms of political discourse and the communication of the potential election of a Habsburg or Polish, it is worth noting several sources that emerged to influence contemporary public opinion. These are texts that were intended to influence potential voters or influential political players, but as the choice between multiple candidates was not organized and there was no real

11 For the acceptance of Albert and the negotiations in Hungary, see Julia Burkhardt, "Argumentative Uses of "Otherness" and "Foreignness" in Pre-Modern Political Debates in Central Europe," *Historical Studies on Central Europe* 2 (2022): 22–42.

12 Rudolf Urbánek, *Věk poděbradský*, vol. 1, České dějiny, III/1 (Prague, 1915), 303–18.

13 The perception of his contemporaries differed on this point. Albert maintained his claim of inheritance and direct appointment by Sigismund, but the representatives of the land diet, which met at the end of the year (December 27) in Prague's Old Town Hall, considered that the king had been elected and also conveyed this to Albert's envoys here on December 30.

14 Urbánek, *Věk poděbradský*, vol. 1, 315–21. For the motivation behind this group of lords in coalition with the elected Archbishop Jan Rokycana, see the chapter of Dušan Coufal in this volume.

election campaign, they can be seen as communication supporting and justifying the political actions of the influential groups. From the time around Albert's acceptance and the preparation of Casimir's counter-election, there are two sources, each of which favors one of the pretenders to the throne.

Nicholas Petschacher, a Znojmo scribe (*notulator*) working in Albert's service, tried to mitigate the rejection of Albert as a king of German origin and speech in his Latin poems. He recalls the German origin of the Luxembourg dynasty, which for him is proof that the king's nationality is of minor importance. Instead, what matters for him is Albert's piety and righteousness. Albert is said to be a second Charles to the Czechs, since both Czechs and Germans are his brothers. In Petschacher's view, that is why he alone will raise Bohemia from the dust, ensure its inner peace, fill the country's coffers, and restore the glory of the University of Prague.<sup>15</sup> At the same time, Nicholas also took the opportunity to emphasize Albert's legitimate claim to the throne through the succession of his wife and Sigismund's only daughter, Elizabeth. Petschacher did not only try to argue positively by extolling Albert's virtues, but also launched into a critique of the potential Polish counter-candidate. Firstly, he tried to challenge the possible argument of (Slavic) affinity between Bohemians and Poles. In a poem against the Poles entitled *Invectiva contra Polonos*, he ridicules them and clearly discourages the Czechs from electing a Polish king as their own ruler: "Bohemia, if you want good, do not take kings from the Polish people, they will not give it to you."<sup>16</sup>

Even more specifically, Petschacher attacked Casimir himself in a poem with the eloquent title *Poloni magna dampna fecerunt regno Boemie*. He reminds the reader of the pagan origins of Casimir's ancestors (Lithuanian duke Jogaila, who converted to Christianity to become King of Poland Władysław) and even refers to the Prophet Muhammad and the pagan faith (polytheism). Instead of Casimir, he clearly prefers Albert, who, as he points out, is also Sigismund's son-in-law.

"Est hec lex Christi vi tollere, que tua non sunt?

Non rex es exlex iam, Kazimire puer.

Sed gener Albertus heres cum coniuge magni

lure Sigismundi Cesaris ista tenet."<sup>17</sup>

[Is this the law of Christ to remove by force, which are not yours?

You are no longer the chosen king, boy Casimir.

But his son-in-law, Albert, with a wife was the great heir

And holds the rights of the Emperor Sigismund.]

15 František Šmahel, *Idea národa v husitských Čechách*, 2nd ed. (Prague, 2000), 192–96; Petschacher's compositions were edited by Johann Huemer, "Historische Gedichte aus dem XV. Jahrhundert. Nicolaus Petschacher," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 16 (1895): 633–52. On Petschacher as author see recently Konstantin Moritz Langmaier, "Der Sermo de rixis des Nikolaus Petschacher (gest. um 1445). Ein historisches Zeitzeugnis aus dem Umfeld König Albrechts II.," *Deutsches Archiv für Erforschung des Mittelalters* 72 (2016): 593–605.

16 Huemer, "Historische Gedichte", and *Geschichtschreiber der husitischen Bewegung in Böhmen*, vol. 1, ed. Konstantin Höfler, *Fontes rerum Austriacarum Scriptores*, 2 (Wien, 1856), 564: "Ergo Bohemia si bona vis, de gente Polona non habeas reges, hec tibi ne faciant."

17 Huemer, "Historische Gedichte," 642.

Casimir is here characterized as a young boy (*puer*), because he was only 11 years old at the time. Petschacher uses wordplay with the interpretation of the candidate's name (Kazimierz in Polish means literally destroyer of peace):

"Es Kazimir dictus merito destructio pacis

Zlavorum linguis hoc ydeoma notat."<sup>18</sup>

[You are rightly called Casimir, the destroyer of peace

In the language of the Slavs this is what (your) name means.]

In another poem written at this time, Nicholas exhorts the Bohemians to love Albert (*Exhortacio ad Bohemos, ut diligant dominum Albertum*). Finally, he explicitly comments on the election of the king, urging them to choose a king of the Catholic (true faith) and not to mind that he will be a German, as Emperor Charles IV of Luxembourg was. The author here makes the suggestive point that it is not nationality that matters, but true faith, righteousness, and piety.<sup>19</sup>

Petschacher's poems, which later expressed themselves in a celebratory manner on the late Albert and Elizabeth, have been preserved in several manuscripts, so we can assume they had at least a minor influence. It is clear from the author's argument that both he and Albert were aware of the arguments against which they would have to defend in Albert's bid to ascend the Bohemian throne. He was well aware that it would be argued that he was a German, and he prepared arguments against these anticipated critiques.

Indeed, such critiques played an important role in the domestic political milieu, or rather in the associated literary production.<sup>20</sup> It was commonly believed, as recorded in *Staré letopisy české* (the Old Czech Annals), that "Germans are arch enemies of the Czech, Polish, and all Slavonic languages [i.e. people]".<sup>21</sup>

The group around the powerful Bohemian nobleman Hynek Ptáček, who promoted the candidacy of the Polish nominee for the Bohemian throne, probably stood behind another remarkable literary work which faithfully represented both their intolerance of Germans and their political program. This short historical pamphlet is known under the title *Krátké sebrání z kronik českých ku výstražce věrných Čechuov* [A Short Collection from Czech Chronicles to Warn Faithful Bohemians].<sup>22</sup> This peculiar compilation of the history of the Bohemian lands is based mainly on excerpts from the Chronicle of the so-called Dalimil, a vernacular rhymed chronicle from the reign of John of Luxembourg (beginning of the fourteenth century).<sup>23</sup> The allusions and intentions of its author are

18 Ibid., 641.

19 Ibid., 644–645.

20 Šmahel, *Idea národa*, 192–99.

21 *Staré letopisy české z vratislavského rukopisu*, ed. František Šimek, *Prameny a texty k dějinám československým*, 1 (Prague, 1937), 79–80.

22 *O volbě Jiřího z Poděbrad za krále českého 2. března 1458*, ed. Rudolf Urbánek (Prague, 1958), 32–41.

23 A recent analysis of the chronicle is proposed by Éloïse Adde-Vomáčka, *La Chronique de Dalimil. Les débuts de l'historiographie nationale tchèque en langue vulgaire au XIV<sup>e</sup> siècle* (Paris, 2016), 9–233; cf. also Pavlína Rychterová, "The Chronicle of the So-Called Dalimil and its Concept of Czech Identity," in *Historiography and Identity*, vol. 6, *Competing Narratives of the Past in Central and Eastern Europe, c. 1200–c. 1600*, ed. idem and David Kalhous, *Cultural Encounters in Late Antiquity and the Middle Ages*, 32 (Turnhout, 2021), 171–206.

obvious—to denigrate everything German as foreign and hostile, especially the potential German candidate for the Bohemian throne. He constantly repeats that the Czechs, following their historical experience, should not choose a German as their ruler.<sup>24</sup>

There is no consensus in scholarship on the question of dating. According to some, such as the last editor of the *Krátké sebranie* Rudolf Urbánek, it was compiled shortly before the 1458 election of George of Poděbrady as part of an election campaign and effort to discredit George's rivals. More convincing, however, is the dating to 1437/8, when a group of influential magnates worked to denigrate Albert of Habsburg, often using the argument that he was of German origin. His foreignness thus played a significant role in the discourse on Bohemian royal power. This is also true for George's election, but here, as we shall see, it is more a positive exhortation to elect a 'native' Bohemian king.<sup>25</sup> The author selected excerpts from the Chronicle of the so-called Dalimil and the fourteenth century anti-German Latin poem *De Theutunicis bonum dictamen*.<sup>26</sup> His choice was deliberate: to preach the disadvantages of a foreign, here explicitly "German" rule. At the same time, it is obvious that the author promoted the solution of an alternative Slavic candidate if a Czech was not available. This text is easy to read as a guide to the choice of Casimir Jagiellon: "Then the Bohemians, if they cannot find a lord of their tongue, should think of another Slavonic tongue, or of any other Christian tongue under heaven, and, though he may not be rich, take him for their lord; for their tongue and liberties are better under a king of any but the German tongue."<sup>27</sup>

The poems of Petschacher and the pamphlet of *Krátké sebranie* are quoted here to show conclusively that the right of the Bohemian Estates to elect a king was already considered a political reality in the camps of both contenders in the years after Sigismund's death. The works were therefore written not to convince opponents, but to support their own candidate.

Albert eventually gained the upper hand thanks to greater political support, and was crowned in Prague on June 29, 1438.<sup>28</sup> To emphasize his victory in a performative way, a humiliating "theatrical performance" was organized. After the coronation ceremony, Albert descended into Prague's Old Town to receive its keys from officials in front of the Town Hall. In the Old Town Square, a *wagenburg* was installed; armed warriors stood on the wagon, led by a man who was supposed to represent the Polish prince. The latter cried out to Albert that he wished to be crowned King of Bohemia as well, but acknowledging that he had arrived too late for the election, he sub-

24 Cf. Martin Nejedlý, "Si vous êtes amenés à choisir un nouveau roi, je vous conseille de ne pas traverser les forêts à la recherche des bois tortueux." L'image de Jean l'Aveugle dans les sources médiévales en Bohême, *Le Moyen Âge* 128 (2022): 357–96.

25 A convincing argument for the 1437/8 dating is presented by Jaroslav Boubín, *Česká "národní" monarchie. K domácím zdrojům a evropskému kontextu království Jiřího z Poděbrad* (Prague, 1992), 72–73.

26 For the edition, see Wilhelm Wostry, "Ein deutschfeindliches Pamphlet aus Böhmen aus dem 14. Jahrhundert," *Mitteilungen des Vereines für Geschichte der Deutschen in Böhmen* 53 (1915): 193–238.

27 *O volbě Jiřího z Poděbrad*, 40. See also Václav Žůrek, "Indigenous or Foreign? The Role of Origin in the Debate about the Suitable Candidate in Electing Bohemian Kings in the Fifteenth Century," *Historical Studies on Central Europe* 2 (2022): 43–59.

28 Václav Žůrek, "The Coronations of Bohemian Kings and Queens," in *Festivities, Ceremonies, and Rituals in the Lands of the Bohemian Crown in the Late Middle Ages*, eds. František Šmahel, Martin Nodl, and Václav Žůrek, *East Central and Eastern Europe in the Middle Ages, 450–1450*, 82 (Leiden, 2022), 22–23.



mitted to Albert's mercy, whereupon the king generously gave him 40 gold ducats as compensation for his unnecessary journey to Bohemia.<sup>29</sup> Albert's party thus made its disdain of Casimir publicly clear, symbolically demonstrating its victory in the capital, even though the situation was not so clear-cut in military or political terms.

Therefore, both supportive and critical literary production associated with Albert's ascension to the throne suggest that the elective nature of the Bohemian throne was considered an important characteristic of the Bohemian royal title.<sup>30</sup> When discussing who should become king of Bohemia, it was common to discuss the choice or requirement of election.

Indeed, this soon became a burning issue once again. The early and unexpected death of Albert of Habsburg in October 1439 raised the same problem, since he died without a living male heir. Yet only four months after his death (in February 1440), his son Ladislaus, called the Posthumous, was born.

Still, this was an uncomfortable situation for the Bohemian lords, who did not want to allow for a long interregnum over the period of the new king's youth. Immediately at the beginning of 1440, before Ladislaus's birth and before his sex was known, the leading lords of the kingdom held an election and organized the Bohemian Diet. Although election to the throne had been discussed on several previous occasions, the formalities (place, procedure, electors) were not entirely settled. This is why an *ad hoc* electoral commission of the higher and lower nobility and representatives of the towns was formed in 1440, with the task of choosing between four foreign contenders (Frederick I of Brandenburg, Louis IV of Wittelsbach, Władysław III Warneńczyk, and Albert III of Bavaria).<sup>31</sup>

The result was unambiguous, and the diet elected Albert III. One of the main arguments for him was the fact that before the death of King Wenceslas IV (1419), Albert spent his childhood at the Prague court with his aunt Sophia. This was documented by a letter from Albert's secretary, Jan of Sedlec, in which he described the ideal candidate for the royal throne as a man brought up in Bohemia who knew the Czech language, and who had always been interested in the Bohemian land.<sup>32</sup>

Oldřich of Rožmberk, the Czech foreman and head of the richest noble family in the country, also praised this fact and considered it important to mention in his letter to the Council of Basel. It seems that in this case, linguistic skills were seen as important for the decision of a potential ruler.<sup>33</sup>

Yet Albert of Bavaria politely declined the crown at a meeting in Cham in August 1440. He probably did not want to antagonize the Habsburgs, especially since rule in the "heretical king-

29 "Korunování Albrechta II.," in *Fontes Rerum Bohemicarum*, vol. 7, ed. Josef Emler (Prague, s.d.), 41. Cf. Martin Nodl, *Praha 15. století. Konfliktní společenství* (Prague, 2023), 70–71.

30 Cf. Uwe Trespe, "Gewalt bei böhmischen Königswahlen im späten Mittelalter," in *Gewalt und Widerstand in der politischen Kultur des späten Mittelalters*, eds. Martin Kintzinger, Frank Rexroth, and Jörg Rogge, Vorträge und Forschungen, 80 (Ostfildern, 2015), 115–43, who considered the Bohemian title elective already since the extinction of the Přemyslids in 1306.

31 On the election, see Urbánek, *Věk poděbradský*, vol. 1, 522–33.

32 Max Prokop von Freyberg, *Aktenstücke über die Wahl Herzog Albrecht III von Bayern zum Könige von Böhmen. Sammlung historischer Schriften und Urkunden*, vol. 3 (Stuttgart, 1830), 11.

33 *Listář a listinář Oldřicha z Rožmberka (1418–1462)*, vol. 2, 1438–1444, ed. Blažena Rynešová (Prague, 1932), 81.

dom” was expected to pose a challenge. The recent birth of Ladislaus the Posthumous, as the legitimate heir of Bohemia, also changed the situation. Finally, the spread of a rumor may have contributed to Albert’s decision: apparently, the six-week-old Ladislaus was crowned King of Hungary after the dramatic theft of the crown based on the instruction of his mother, Elizabeth of Luxembourg. It was clear that even the Bohemian throne was no longer as vacant free and available as it had appeared in early 1440.<sup>34</sup>

Although the interregnum in Bohemia endured, Ladislaus the Posthumous remained as a legitimate heir, albeit brought up at the court of Frederick III of Vienna. The emperor was also offered the Bohemian throne, partly to administer the kingdom until the young Ladislaus came of age, but Frederick refused, declaring he would not deliver Ladislaus of Austria to Hungary or Bohemia until he was of age.

The failed election of 1440 and the resulting interregnum introduced a dissatisfactory situation, leading the land diet to accept young Ladislaus as king, albeit an absentee. In the spirit of the idea of royal election to the throne, this acceptance was also referred to as an election (*electio*).<sup>35</sup> This formulation was not unique, and when Ladislaus reached the age of majority many years later and travelled to Bohemia in 1453 to take the paternal throne, he was received at Jihlava by envoys of the Bohemian Estates requesting the following oath: “We Ladislaus, by the grace of God, elected King of Bohemia, entering now and being received into the same kingdom of Bohemia, do promise and swear.”<sup>36</sup>

Again, however, the unexpected changed the course of events. The sudden death of the young, recently-crowned King Ladislaus in November 1457 again plunged the kingdom into political crisis and confusion requiring a quick solution. In this situation, the option of electing a Bohemian king again presented itself, since no uncontested heir existed, and the Bohemian royal throne was still considered an elected title.

## The Election of George of Poděbrady

The development and legitimacy of the electoral procedure in Bohemia culminated in the spring of 1458, when the electoral assembly was held to find a new king.<sup>37</sup> Interest in the Bohemian throne throughout Central Europe was already evident after the extinction of the Luxembourg dynasty in Emperor Sigismund, and again after the death of Albert II in 1439. Now, one Czech and

34 On the procedure and the political context of election, see Urbánek, *Věk poděbradský* vol. 1, 502–63. On the Ladislaus coronation in Hungary and its background recently Julia Burkhardt and Christina Lutter, *Ich, Helene Kottanerin. Die Kammerfrau, die Ungarns Krone stahl* (Darmstadt, 2023).

35 Cf. the letter of Bohemian estates from March 3, 1448, see Urbánek, *Věk poděbradský*, vol. 1, 594.

36 Petr Čornej and Milena Bartlová, *Velké dějiny zemí koruny české*, vol. 6 (Prague, 2007), 112–15. On Ladislaus entry into the kingdom, see *Old Czech Annals*, the text B in *Staré letopisy české (texty nejstarší vrstvy)*, eds. Alena M. Černá, Petr Čornej, and Markéta Klovová, *Fontes rerum Bohemicarum* SN, 2 (Prague, 2003), 38. The oath is quoted in *Archiv český*, vol. 4, 419.

37 The election was in depth analysed by Rudolf Urbánek, “Volba Jiřího z Poděbrad za krále českého,” *Sborník příspěvků k dějinám Hlavního města Prahy* 5 (1932): 593–766. He published also an anthology of relevant sources in Czech translations in *O volbě Jiřího z Poděbrad*.

three foreign contenders openly expressed interest in becoming the king of Bohemia. This time the group of candidates was very diverse. The situation required compromise and a quick solution.

As had been the case for a long time, the Polish king Casimir IV was still in the running, and had the advantage of long-standing and positive relations with part of the local nobility. He was also considered Slavic according to contemporary discourse, i.e. an ethnically closer candidate than German rulers. In addition to this, Casimir had taken Ladislaus's (younger) sister, Elizabeth of Habsburg, as a wife, meaning he could also mobilize the argument of kinship with the late king. Of the foreign candidates, the most "exotic" was Prince Charles of France, son of king Charles VII (r. 1422–61), who represented an interesting alternative to the Central European contenders. This option was apparently made conceivable by the earlier contacts between the two courts during the planned marriage of Magdalena of Valois to Ladislaus Posthumous. As reported in the Old Czech Annals: "And there they made a common agreement in the diet concerning who they thought should be the king of Bohemia; for the foreigners were in favor of it, having made a great request after the death of the king: The king of France, who wanted to give his daughter to king Ladislaus as wife, [wanted] to give his son Charles as king to the land of Bohemia; also William, a prince of Saxony, stood for the kingship."<sup>38</sup>

Duke William III of Saxony, the husband of Anna of Habsburg, the eldest sister of the late king, also claimed his chance. After Ladislaus's death, he saw an opportunity to get at least part of his brother-in-law's inheritance. His main arguments were legitimist, i.e., that he was claiming a rightful inheritance on behalf of his wife.<sup>39</sup>

The fourth candidate was George of Poděbrady, a minor nobleman from a social milieu that had significantly benefitted in power and property from the Hussite wars and the subsequent interregnum. As the governor managing the Kingdom of Bohemia on behalf of King Ladislaus for many years, he had built up a powerful position in the country despite his influential opponents.<sup>40</sup>

From the outset, George emerged as a prominent frontrunner in the election due to his influential status in Bohemia and among key electors, including the nobility and town representatives. Furthermore, as an Utraquist contending against three Catholics, he was also the preferred candidate in religious terms, and additionally benefited from the support of the Utraquist Church during his persuasive election campaign. The recent election of Matthias Hunyadi, known as Corvinus, as the King of Hungary—just weeks before the Prague electoral assembly—may have also lent an air of legitimacy and inspiration to George's candidacy. Notably, George's familial connection to Matthias through his daughter Catherine, coupled with the precedent of a domestic noble elected king, likely influenced the electors' decision.<sup>41</sup>

Having already decided to take this bold step, George and his supporters were determined to use all means necessary. In their campaign strategy, they focused their communication primarily

38 *Staré letopisy české z vratislavského rukopisu*, 122–23.

39 Very extensively on William's effort, see Rudolf Urbánek, "Kandidatura Viléma Saského na český trůn (1458–59)," in idem, *Dvě studie o době poděbradské* (Brno, 1929), 141–383.

40 Frederick G. Heymann, *George of Bohemia. King of Heretics* (Princeton, NJ, 1965), 147–60; Otakar Odložilík, *The Hussite King. Bohemia in European Affairs, 1440–1471* (New Brunswick, NJ, 1965), 89–93.

41 Boubín, *Česká "národní" monarchie*, 69–81.

on two aspects: firstly, his proven experience in the administration of the kingdom, and secondly, they emphasized his Utraquist confession and Czech nationality, both critical aspects which dominated Bohemian political preferences since the rejection of Sigismund in 1420. With this focus, George's candidacy effectively took the wind out of the sails of the "Slavic" candidate Casimir. This also allowed George to concentrate his campaign more on the Saxon price, whom he probably identified as a possible threat. As a counterattack, he criticized the possibility of electing a German as king, a strategy probably directed precisely against William. This argument emerged as the main one in the very intense election campaign.

Duke William of Saxony clearly took his candidacy seriously, as shown by his correspondence about the succession claim in extant letters. His arguments drew upon historical documents related to the Bohemian royal title. An interesting piece of evidence that witnessed his legal argumentation for his claim can be found in one manuscript full of topical letters, treatises, and comments on the political situation in Central Europe, with particular reference to the allegedly heretical Bohemia. Among the treatises against the heretic George, we also find a copy of Charles IV's confirmation of the 1212 Golden Bull of Sicily, delivered on April 7, 1348.<sup>42</sup> William's keen interest in this charter is logical; Emperor Charles IV, in addition to a very general definition of the electors (*prelates, dukes, principes, barones, nobiles, communitas regni*), also stated that an election would take place only if no legitimate male or female heirs were available.<sup>43</sup> While this passage obviously gave William hope that his claim would not be disregarded, this interpretation did not gain traction in Prague, as the transferal of a principle of inheritance to daughters remained ambiguous in Bohemia. Historical precedence highlights the complex dynamics of Bohemian succession. In 1437/8, the Bohemian lords emphasized the succession of Albert II because of his marriage to Sigismund's daughter. Nonetheless, following the news of Ladislaus's death, the Bohemian envoy to the French court immediately negotiated with the king on the candidacy of his son. When asked whether William of Saxony was not the legitimate heir through his wife, the influential nobleman Zdeněk of Šternberk replied that women could not inherit the Bohemian title, and the estates had the traditional right to elect their own king.<sup>44</sup>

The campaign before the election was relatively short and thus intense, beginning shortly after the death of Ladislaus in November 1457, and culminating with the electoral diet beginning in February 1458. George and his supporters quickly grasped the opportunity and did not rely solely on George's Utraquist affiliation to appeal to the diet, where Catholic nobles still wielded considerable influence. This meant he could not merely state that a king of the Utraquist confession would protect his fellow believers from oppression by the Catholics. Instead, George had to position himself as the power that would maintain the *status quo*, not only in respecting the Compactata, but especially in respecting the rightful possession of property acquired during the revolutionary years. Ultimately, however, the decisive argument for George was that he was Czech

42 There is a copy of the charter in Leipzig, University Library, MS 1092, ff. 134r–135r preserved under the title *Bulla aurea de electione regis Bohemie*. Highlighted passages and marginal notes show the interest in the parts mentioned infra. Cf. Tresp, "Gewalt bei böhmischen Königswahlen".

43 *Archivum coronae regni Bohemiae*, vol. 1/2, no. 51, 43–47.

44 Urbánek, "Kandidatura Viléma Saského," 143; idem, "Volba Jiřího z Poděbrad," 662–65.

and, therefore, a domestic, rather than a foreign ruler, a point that was emphasized in several testimonies following the election, and was widely echoed in most surviving sources.

An illuminating example of the election campaign is a pamphlet preserved because George's formidable opponent, the preacher Nicholas Tempelfeld from Wrocław (Breslau), inserted it into his treatise protesting the validity of George's election.<sup>45</sup> The text implored the audience to recognize that George had demonstrated his capability of running the kingdom, and stressed the necessity of electing a domestic candidate who would not compromise Utraquism (as defined by the Compactata). It argued that under a German ruler the common good would be endangered, the honor of the Czech Utraquists diminished, and the kingdom potentially devastated. The pamphlet presented the election of a Bohemian as the most advantageous choice for the welfare of the entire kingdom.<sup>46</sup>

However, the campaign was characterized not by the denunciation of other contenders, but rather by the emphasis on the Czech origin of the sole domestic candidate. George's promotion and support likely also involved the Utraquist clergy who, although they had no vote in the diet, possessed effective means of influencing public opinion. Not only could they operate from pulpits, but they probably tried to influence public opinion beyond Prague. Tempelfeld's treatise from the turn of 1458/9 reports that the "Hussite" archbishop, Jan Rokycana, sent envoys to Prague's townspeople to advocate for George's election, and instructed chaplains and priests to persuade the people around the whole country. A key argument was to avoid electing a king unfamiliar with the Czech language.<sup>47</sup>

The election was held at the Old Town Hall, attended by the members of the land diet—representatives of the nobility and the towns—as electors, in the presence of Jan Rokycana. Despite religious divides, the Catholic lords, who had a substantial influence in this assembly, favored the maintenance of the status quo, including property ownership. After discussions on old privileges concerning previous elections to the Bohemian throne, George of Poděbrady was elected unanimously with acclaim.<sup>48</sup>

Other contemporary accounts suggest that the choice of a Czech king against foreign candidates resonated deeply with contemporary observers, not only domestically but also abroad, where it was often lamented that the Czechs had chosen a heretic king. William of Saxony's envoy, Henry Leubing, confirmed Tempelfeld's reports about the vigorous efforts to secure support for George, including some by Prague leaders. For Leubing, this was deemed a daring choice.<sup>49</sup>

45 Johann Loserth (ed.), "Die Denkschrift des Breslauer Domherrn Nikolaus Tempelfeld von Brieg über die Wahl Georg Podiebrads zum König von Böhmen. Ein Beitrag zur Kritik der Husitengeschichte des Johannes Cochlaeus," *Archiv für österreichische Geschichte* 61 (1880): 169–171. See Jan Drabina, *Rola argumentacji religijnej w walce politycznej w późnośredniowiecznym Wrocławiu* (Cracow, 1984); Jan Drabina, "Nikolaus Tempelfeld von Brieg und seine antihussitischen Traktate," in *Oberschlesische Dichter und Gelehrte vom Humanismus bis zum Barock*, ed. Gerhard Kosellek (Bielefeld, 2000), 103–12.

46 "Die Denkschrift des Breslauer Domherrn Nikolaus Tempelfeld," 170–71.

47 Ibid., 167–68.

48 Urbánek, "Volba Jiřího z Poděbrad".

49 *O volbě Jiřího z Poděbrad*, 57.

The election was unanimous, and some chroniclers reported this event was seen by the contemporary Czech public predominantly as a “liberation” from the domination of German monarchs. The anonymous author of the Old Czech Annals marveled at the scope of the international interest in the Bohemian throne.<sup>50</sup> In another version of the same historiographical compilation, the author highlighted the alleged joy of the Czechs at the election, supposedly ending the dominance of German kings, and emphasizing its importance in safeguarding the Utraquists from persecution.<sup>51</sup>

Despite the enthusiasm within parts of Bohemia’s political community and considerable opposition elsewhere, such as in Silesia or beyond the Kingdom of Bohemia, the election of George of Poděbrady was viewed by many contemporaries as a pragmatic solution to prevent a further interregnum and political instability. Nevertheless, harsh criticism emerged soon after.

Due to the personality of the elected king and the nature of the political climate, the election of the Hussite nobleman faced immediate criticism—the above-mentioned priest, Tempelfeld of Wrocław, wrote at least three works challenging the election’s legitimacy and questioning George’s suitability for the royal title.

Particularly noteworthy is the last of these treatises, summarizing all the criticisms that surfaced post-election.<sup>52</sup> Here, Tempelfeld expressed the greatest reservations about the election procedure: not all voters were consulted (he also refers here to the Golden Bull of Frederick II from 1212 and its confirmation by Charles IV from 1348), the election was conducted under duress from the armed forces, and the vast majority of voters were “affected by the heresy” of Utraquism, disqualifying their validity. His most severe objections, however, targeted at the elected man himself: “Because he is a heretic and a heresiarch, for he himself is the guardian, protector, supporter and defender of heretics, as his actions clearly show. And such a man is by no means fit, nay, unfit, for election, therefore such election is unlawful and impious, and inadmissible according to the law.”<sup>53</sup>

Tempelfeld’s treatises, although quite offensive, undoubtedly represented a segment of public opinion, particularly in the neighboring territories of the Bohemian Crown and the broader Catholic Church. He was active in Wrocław, the most important Silesian town, whose representatives shared his critical view of the new king.

Peter Eschenloer, a moderate chronicler from Wrocław, also expressed dissatisfaction with the election process. He criticized the exclusion of hereditary candidates, and above all, he argued that the procedure flouted tradition by foregoing a formal vote count, as in the case of a regular election of multiple candidates, in favor of what he described as a mere suggestive acclamation

50 *Staré letopisy české z vratislavského rukopisu*, 122.

51 *O volbě Jiřího z Poděbrad*, 66–67.

52 “Tractatus contra Georgium Podibrat assertum regem Bohemiae,” in Max Jordan, *Das Königthum Georg’s von Poděbrad* (Leipzig, 1861), 372–88, cf. especially the first part *De invalida electione*, *ibid.*, 372–76: “Respondetur, quod talis electio est invalida, illicita et penitus nulla.” Cf. Drabina, *Rola argumentacj*, 39–42.

53 Drabina, *Rola argumentacj*, 40: “Nam ille est hereticus et heresiarcha, nam et ipse est hereticorum tutor, conservator, fautor et defensor, ut actus manifeste ostendunt. Et talis nullomodo est eligibilis, immo ad electionem inabilis, ergo talis electio illicita est et prophana et iure cessanda nulla.”

by George's supporters.<sup>54</sup> Eschenloer also highlighted concerns about the alleged coercive environment in which the election was conducted, which he undoubtedly perceived as a severe breach of its legitimacy: "Many words were spoken about this election, as it had been done by force, and all Christian lives worthy of the church had been forced to do so. [...] Anyone who had objected to the election was to have been executed."<sup>55</sup>

The principal grievance was centered on the king's status as a heretic. Moreover, he was criticized for having non-royal blood in his veins. At the same time, as the chronicler tersely noted, it is not surprising that "the heretics chose a heretic".<sup>56</sup>

The election of George thus elicited predictable and understandable reactions among his contemporaries: the Czech Utraquists were pleased, and apparently, so was the domestic Catholic nobility who also preferred not to see an unpredictable foreigner ascend to the throne. Conversely, in other regions of the Lands of the Bohemian Crown, particularly in Silesia, there was considerable discontent and revulsion at the choice of a "heretic".<sup>57</sup>

## The Conflict after the Failure of Religious Compromise

The belief that the election of a domestic Utraquist king would ensure respect for the Compactata, and bring permanent stability to the Kingdom and its people of two confessions, was illusory. Over time, King George's position deteriorated both internationally, where he faced numerous complications, and domestically, leading to his gradual political isolation. Initially, Pope Pius II (1458–64) supported him, hoping that George could aid him with his main concern—the fight against the Turks. However, George's steadfast adherence to the Utraquist confession, and refusal to limit communion to one kind in Bohemian churches as the papal curia had hoped, caused a rift. Instead, George wanted to preserve the Compactata and maintain the coexistence of the two confessions. Consequently, Pius II revoked the Compactata's validity in 1462, and when George remained resolute, he was branded a heretic. Finally, Pope Paul II (1464–71) declared an anathema on King George in 1466, stripping him of his authority.<sup>58</sup>

This development significantly impacted the Bohemian Kingdom, providing a pretext for the burgeoning noble opposition, uniting the dissatisfied (especially Catholic) nobility. They joined officially under the League of Zelená Hora in 1465, openly contesting the king's authority.<sup>59</sup> These events once again ignited discussions regarding the election of rulers to the Bohemian throne. The League accused the king (among other offenses) of attempting to establish a hereditary dynasty by positioning his son on the royal throne, threatening their rights and freedoms (for instance,

54 Peter Eschenloer, *Geschichte der Stadt Breslau*, vol. 1, ed. Gunhild Roth, Quellen und Darstellungen zur schlesischen Geschichte, 29 (Münster, 2003), 208.

55 Cf. Tresp, "Gewalt bei böhmischen Königswahlen".

56 Peter Eschenloer, *Geschichte der Stadt Breslau*, 207–8.

57 Heymann, *George of Bohemia*, 147–60; Odložilík, *The Hussite King*, 89–93. For the contemporary commentaries, see *O volbě Jiřího z Poděbrad*.

58 Pálka, "The Basel Compactata"; Odložilík, *The Hussite King*, 161–89.

59 Odložilík, *The Hussite King*, 190–221.

their electoral right).<sup>60</sup> Given his complicated situation, however, George probably knew that his son would not be king of Bohemia, and tried to secure his future in other ways, for example, by princely titles in Silesia and profitable marriages.<sup>61</sup>

Nevertheless, this assertion is notable in one aspect: it underscores the nobility's view of their inalienable right to elect the Bohemian king, a practice they sought to reaffirm over the years. Zdeněk of Šternberk, a prominent spokesman and figure in the League and a former ally of King George, epitomized this sentiment. As tensions in Bohemia escalated into armed conflict, Šternberk, along with others, sought a candidate willing to challenge George militarily, with the support of the emperor or the pope and the Catholic Church.

In 1467, the Polish king Casimir declined an offer of the Bohemian crown by Šternberk's messenger (an act supported by the Catholic opposition and the Curia) due to his reluctance to engage in war with George. Similarly, Frederick II, the Margrave of Brandenburg, rejected the crown in February 1468. Eventually, the discontented nobles of the League of Zelená Hora approached Matthias Corvinus, the ambitious, elected King of Hungary, who accepted and energetically pursued the Bohemian crown with strong support from the papal curia.<sup>62</sup>

The initial idea of defeating King George in a military conflict did not succeed. Despite Matthias gaining control of a significant part of Moravia, military efforts did not lead to a clear victory. Subsequent diplomatic negotiations also failed to resolve the conflict. Therefore, to formally install Matthias as king, his Czech and Moravian supporters organized a new election in Olomouc, Moravia's largest city and the seat of the bishop. On May 3, 1469, Matthias Hunyadi, called Corvinus, the King of Hungary (1458–90), was elected King of Bohemia by estate representatives from the Catholic Church, Bohemia, Moravia, Silesia, and elsewhere.<sup>63</sup>

The procedure was akin to the previous ceremony where only one candidate was elected—all representatives of the opposition, including but not limited to the lords, affirmed their choice through the acclamation question posed by Šternberk: "Prelates, lords, knights, and towns! We have elected and accepted the brightest lord Matthias, King of Hungary, for the Kingdom of Bohemia. Is it your will and your word?" The answer was "It is."<sup>64</sup>

From this address to the prelates, it may be inferred that the ecclesiastical representatives of Moravia, Silesia, and the adjacent countries of the Bohemian Crown were also included here among the electors, unlike in earlier Bohemian elections such as George's.<sup>65</sup> However, this eccle-

60 For the edition of the so-called second complaint letter of the Bohemian lords, see Boubín, *Česká "národní" monarchie*, 128–29.

61 For example, Hilarius of Litoměřice in his letter reminded George that if he had converted to Catholicism, the establishment of a dynasty would have been possible. See Václav Žurek, "Konvertiten raten dem Ketzerkönig. Zwei volkssprachliche Schriften für König Georg von Podiebrad," *Bohemia* 58 (2018): 250.

62 For a recent biography with a strong focus on Matthias's engagement in the Czech lands, see Antonín Kalous, *Matyáš Korvín (1443–1490). Uherský a český král* (České Budějovice, 2009).

63 Kalous, *Matyáš Korvín*, 135–39.

64 *Urkundliche Beiträge zur Geschichte Böhmens und seiner Nachbarländer im Zeitalter Georg's von Podiebrad (1450–1471)*, ed. František Palacký, *Fontes rerum Austriacarum*, 20 (Wien, 1860), 582.

65 Čornej and Bartlová, *Velké dějiny*, vol. 6, 260–61.



siastic inclusion aligned with the aforementioned confirmation decreed by Charles IV in 1348.<sup>66</sup> This situation illustrates the paradox in lands of the Bohemian crown where the king was elected only in Bohemia (by the Bohemian Estates), but merely accepted elsewhere.<sup>67</sup>

Yet historians have interpreted the wording of the address to mean that both traditions were respected: the Bohemian Catholic opposition, led by Zdeněk of Šternberg, elected Matthias Corvinus as King of Bohemia in Olomouc, while the representatives from other crownlands (Silesia, Lower and Upper Lusatia) accepted him as the monarch.<sup>68</sup> Notably, the term *electio* had been used previously in the acceptance of Albert or Ladislaus, suggesting that even the papal legate and bishop of Wrocław, Rudolf of Rüdersheim, might have considered himself as part of the unanimous election.<sup>69</sup> The distinctive aspect of Matthias's election was the invitation extended to representatives of adjacent countries.

The preserved text of Šternberg's speech in Olomouc is notable for its alignment with the tenor of the Catholic Church and the Silesian opponents, emphasizing the need to crown a Christian rather than the heretic George, focusing on the king's religion rather than his origins.

Although preserved knowledge about the election is minimal, it merits closer attention. This is particularly true of Šternberg's speech, which was to be delivered three times, asking those present whether they wanted Matthias as king. The speech began with a symbolic reference to the coronation order of the kings of Bohemia, where the acclamation of those present was traditionally expressed by shouting three times "Rádi" (instead of the Latin *Fiat!*).<sup>70</sup> At the same time, this practice reflects the transformation of post-revolutionary Hussite Bohemia, as seen in the coronation of Albert II, whose acceptance by the diet was also interpreted as an election. In that case, however, the election and the moment of approval came at the coronation, where certain roles traditionally performed by the archbishop were notably usurped by noblemen. One example is the placing of the crown on the king's head, a crucial symbolic act, along with the address to those present at the acclamation.<sup>71</sup>

This practice was probably also followed in other occasions. Nonetheless, we do not know the exact procedure of the election of George of Poděbrady; only later critical sources record information on it, namely that it was by acclamation instead by the counting of votes from the individual candidates whose representatives were present.

66 Kalous, *Matyáš Korvín*, 135–39. Sources provide very little detail about the election: Peter Eschenloer, *Geschichte der Stadt Breslau*, 758–59 and *Urkundliche Beiträge*, nos. 481 and 482, 571–82.

67 On the complex political and administrative structure of the Bohemian crownlands, see recently Lenka Bobková, "Corona Regni Bohemiae. The Integration of Central Europe as Conceived by the Luxembourgs and their Successors," in *Unions and Divisions: New Forms of Rule in Medieval and Renaissance Europe*, eds. Paul Srodecki, Norbert Kersken, and Rimvydas Petrauskas (London, 2023), 295–310.

68 Čornej and Bartlová, *Velké dějiny*, vol. 6, 260–61.

69 *Urkundliche Beiträge*, no. 484, 583–84: "Nos ceterique praelati et barones [...] concorditer et unanimiter in regem Bohemiae elegimus."

70 Žůrek, "The Coronations of Bohemian Kings."

71 We know from the record that in the case of Albert's coronation (1438) it was Oldřich of Rožmberk, generally respected as the most powerful Bohemian magnate, who addressed those present with the similar words "Czech lords! See the Bohemian crown! Is it your will for us to place it on the king's head and crown him Bohemian king?" See "Koronování Albrechta II.," 40.

In the humanist work *Dialogue* (1469) by Jan of Rabštejn, we learn that a respected leader of the nobility, in this case Zdeněk of Šternberk, initiated the acclamation at George's election.<sup>72</sup> Here, this role of initiating acclamation is portrayed as contentious, where the author's representative and moderate Catholic Vilém of Rabí confronts Šternberk, the leader of the League of Zelená Hora, for initially supporting and then opposing George.<sup>73</sup> When Šternberk criticizes King George and reviews why he is unworthy of the royal throne, Vilém reproaches him for being the first to elect him and thus stemming the tide of acclamation. "Zdeněk: George became king unworthily and was fully dethroned [by the pope]. Vilém: so why did you vote for him? We know that you have been working with him since the capture of Prague, and even in the election, you first suggested George."<sup>74</sup>

The surviving brief descriptions of Matthias's election in Olomouc suggest that Šternberk repeated this kingmaker role, urging the assembly three times to acclaim the new king Matthias Corvinus. In charters that Matthias issued to Hungarian recipients to announce his election, he emphasized the political "utility" of this election for both the Hungarians and the "matters of faith", echoing the support of the papal curia.<sup>75</sup>

Corvinus's election in the Olomouc cathedral, concluding with an oath and the singing of the *Te Deum*, was slightly reminiscent of George of Poděbrady's election a few years prior, though Corvinus was never crowned due to his inability to secure control over Prague or Karlštejn where the crown jewels were held.<sup>76</sup>

The counter-election thus extended the conflict, rather than resolving it. The positions were clearly divided—Matthias gradually gained acceptance across the Bohemian crownlands (Silesia, Upper and Lower Lusatia, and Moravia) and also found supporters in Bohemia. Conversely, George maintained a firm hold in Bohemia, and negotiated with King Casimir of Poland about his son Vladislaus's succession, instead of conferring with Matthias.

Upon King George of Poděbrady's death in March 1471, Matthias saw an opportunity to control all the lands of the Bohemian crown, including Bohemia with Prague, and to acquire the crown jewels. However, his election in Olomouc was not recognized by the Bohemian Estates, and he could not openly come forward as a new candidate, since this would challenge his own prior election in Olomouc. In any case, those of the Bohemian Estates loyal to Poděbrady did not accept Matthias. Although he sent his envoys to the diet in Kutná Hora in May 1471, it instead elected the Polish Prince Vladislaus Jagiellon as the new king of Bohemia.<sup>77</sup>

72 Jana z Rabštejna *Dialogue*, ed. Bohumil Ryba (Prague, 1946), 20, 28.

73 Ibid., 30.

74 Ibid., 26.

75 Pod osmanskou hrozbou. *Pramene k dejinám Slovenska a Slovákov*, vol. 6 (Budmerice, 2004), no. 31, 81: "Moved by their pleas, on the advice of the most worthy lords envoys of the Apostolic See, we consented to this election for reasonable reasons, hoping that no small benefit may arise from it, not only for our Hungarian kingdom, but also for the affairs of the (Christian) faith."

76 Petr Čornej, "Pohaslý lesk panovníckého majestátu v porevolučních Čechách," in *Lesk královského majestátu ve středověku: pocta prof. PhDr. Františku Kavkovi, CSc. k nedožitým 85. narozeninám* (Prague, 2005), 112–14.

77 For the most substantial description of the election, see Roman Heck, "Elekcja kutnohorska 1471 roku," *Śląski Kwartalnik Historyczny*. Sobótka 27 (1972): 193–235.

Vladislaus Jagiellon's election was supported by his assumed maintenance of the status quo of property ownership and respect for the domestic estates, his Slavic origin, and unlike Matthias, his commitment to respect the religious compromise in the country. In further disputes over the election, the confession of the candidate clearly played no role, and even his national origin was secondary.<sup>78</sup>

This election solidified the status of two competing elected kings in the lands of the Bohemian crown for nine years. With the death of Matthias Corvinus in 1490 came a unified rule under one king, whose reign extended until his death in 1516, and was succeeded by his son.

## Conclusion

During the fifteenth century, election of the king was increasingly seen as a traditional privilege of the Bohemian Estates. It was viewed not only as a resolution to political rivalry and a means to prevent an interregnum and a vacant throne, but also as a compromise to ensure stable royal rule. Additionally, it was an opportunity to affirm the validity of the main compromise, the Basel Compactata, thus fostering religious coexistence in Bohemia. The election of a king in fifteenth-century Bohemia thus became an opportunity to define priorities for shaping political and religious coexistence in a country divided since the outbreak of the Hussite Wars. It is intriguing, therefore, to observe how the fundamental categories of religion and nationality shifted in the discourse evaluating the candidates. Initially, during the period when the Compactata were widely recognized, emphasis was on nationality (preference for a king who was Czech and who understood the Czech language). However, after the abolition of the Compactata during the reign of George of Poděbrady, the focus shifted to securing the status quo in both religious and proprietary matters. At the same time, the electoral process introduced the notion of a new election if dissatisfaction with the monarch arose. This ultimately fostered instability in royal power, as shown by the election of King George of Poděbrady, the subsequent conflicts, and the dual election of rival kings. This scenario demonstrated that even seemingly democratizing and consensus-building solutions in times of political uncertainty might fail in the long term or may not establish a political regime based on strong legitimacy.

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<sup>78</sup> See the contemporary record of the election in *Volba Vladislava Jagellonského českým králem. Edice pamětního zápisu v kutnohorské knize sentencí z roku 1471*, eds. Marie Kapavíková and Lubomír Vaněk (Kutná Hora, 1972).

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# Trice a Foreigner: Helena of Muscovy, Grand Duchess of Lithuania

GIEDRĖ MICKŪNAITĖ

In its popular understanding, marriage frequently serves as a token for conflict after compromise, the topic that the essays in this volume discuss. This stereotyped understanding might be applied aptly to the marriage of the Grand Duke of Lithuania Alexander Jagiellon (1461–1506) and Princess Helena of Muscovy (1476–1513).<sup>1</sup> Typically of its time, this wedding was a diplomatic arrangement, set against the background of Lithuania's huge territorial losses to Muscovy since the mid-fifteenth century. The agreement<sup>2</sup> was concluded under the condition that Helena would retain her Orthodox faith after marrying the Catholic Alexander.

Although cross-confessional marriages were generally exceptional in late medieval society, they had quite a regular precedent among the highest elites of the confessional border zones. Matrimonial policies and practices in Byzantium, where emperors married Latin wives and 'exported' Greek brides, have received continuous scholarly attention.<sup>3</sup> However, examples of cross-confessional marriages in Central and Eastern Europe remain a topic of national historiographies. As for Lithuania, confessional "flexibility" seemed to be quite widespread in the marriages of grand dukes and the nobility in the Middle Ages.<sup>4</sup> However, after the conclusion of the Union

1 Aleksandras Jogailaitis, LT/ Aleksander Jagiellończyk, PL; Elena, LT/ Helena Rurykowiczówna, PL/ Elena Ivanovna, RU/ Olena in Old Slavonic; herein I use Anglicized versions of the personal names as a compromise of numerous spellings in national traditions.

2 On Lithuania's political and confessional situation in the fifteenth century, see Robert Frost, *The Oxford History of Poland-Lithuania*, vol. 1, 1385–1569 (Oxford, 2015), 309–25. For an overview of source evidence related to Helena and Alexander, see Giedrė Mickūnaitė, "United in Blood, Divided by Faith: Elena Ivanovna and Aleksander Jagiellonczyk," in *Frictions and Failures. Cultural Encounters in Crisis*, ed. Almut Bues, Deutsches Historisches Institut Warschau. Quellen und Studien, 34 (Wiesbaden, 2017), 181–200.

3 For the Byzantine perspective on mixed marriages between Greeks and Latins, see Nicol Donald MacGillivray, "Mixed Marriages in Byzantium in the Thirteenth Century," in *Byzantium: Its Ecclesiastical History and Relationship with the Western World* (London, 1972), 160–72 and Dionysios Stathakopoulos, *Sister, Widow, Consort, Bride: Four Latin Ladies in Greece (1330–1430)* (London, 2018). For the discussion of the cross-confessional exchange of brides, with more attention to the Catholic spouses of emperors, see Sandra Origone, "Marriage connections between Byzantium and the West in the age of the Palaiologoi," *Mediterranean Historical Review* 10 (1995): 226–41.

4 See Stephen C. Rowell, "Pious Princesses or the Daughters of Belial: Pagan Lithuanian Dynastic Diplomacy, 1279–1423," *Medieval Prosopography* 15/1 (1994): 3–80; idem, "Whatever Kind of Pagan the Bearer Might Be, the Letter Is Valid. A Sketch of Catholic-Orthodox Relations in the Late-Mediaeval Grand Duchy of Lithuania," *Lithuanian Historical Studies* 18 (2013): 47–65; Darius Baronas, "Julijona – Lietuvos didžiojo kunigaikščio Algirdo žmona ir jo vaikų motina," *Lietuvos istorijos metraštis* 2 (2019): 5–39; Darius Baronas and Stephen C. Rowell, *The Conversion of Lithuania. From Pagan Barbarians to Late Medieval Christians* (Vilnius, 2015), 379–402.

of Florence (1439) and the fall of Constantinople (1453), the issue of the confession of ruling elites was suspended, regaining its relevance only during the Reformation.

Therefore, the heterodox marriage of Alexander and Helena was quite odd for Europe at the turn of the fifteenth century. What is more, it was rather unusual given the power positions of the spouses. On the one hand, in patrilineal societies it was “natural” for women, who moved to other countries, courts, and households, to be the “other” family member,<sup>5</sup> and this otherness was bridged only through giving birth to children. However, looking at the marriage of Alexander and Helena through the lens of power and difference, one sees that the bride was quite an atypical “other”: already defined by gender as the weaker party, she remained such since the marriage remained sterile. Isolated within the marital court because of her Orthodox creed, Helena was considered a representative of Muscovy and supported in this role by her natal family. The compromise that Lithuania sought through this marriage was the conclusion of a lasting truce, while peaceful relations with Muscovy remained an aspiration. Muscovy endeavored to transform its power from the constant menace at the borders into a permanent confessional and political presence at the center, the Lithuanian grand ducal court. Therefore, in all the roles that sources and titles ascribed to Helena, she was a passive figure, even on the occasions when records spoke in her name.

In this essay, I will focus on how the roles assigned to Helena were made manifest, and what countermeasures were undertaken against them. I consider Helena’s public visibility as an indicator in the dynamics of the political compromises and conflicts around her. Guided by the modes of how Helena was displayed and seen, given and deprived of voice, in what follows I arrange the source evidence more topically than chronologically; therefore, before proceeding further, I offer a very concise biography of the grand duchess.

Born in 1476 to Ivan III of Moscow (1440–1505) and his second wife Sophia Zoe Paleologue (1455–1503), Helena was betrothed in 1494 to Alexander Jagiellon, grand duke of Lithuania, reigning from 1492. In 1495, their bi-confessional wedding was celebrated in Vilnius. In 1501, Alexander was elected and crowned king of Poland, but Orthodox Helena was denied royal coronation and queenship. In 1502, having learned of the papal insistence on Helena’s conversion, Ivan III waged war against Lithuania, declaring himself a defender of Orthodoxy. In letters to her Muscovite family, Helena pleaded for peace and against bloodshed in Lithuania. Alexander died in 1506 and was buried in Vilnius. Helena received lands close to the Muscovite border as her widow’s share. In 1511, she was detained upon an attempt to leave for Muscovy, taken to Vilnius, and ordered to stay in her manors in central Lithuania. Helena died on January 29, 1513, and was buried in the Orthodox Church of the Most Pure Virgin in Vilnius. Her grave does not survive.<sup>6</sup>

5 On the otherness of Hungarian queens, see János M. Bak, “Queens as Scapegoats in Medieval Hungary,” in *Queens and Queenship in Medieval Europe*, ed. Anne J. Duggan (London, 1997), 223–33; reprinted in János M. Bak, *Studying Medieval Rulers and Their Subjects: Central Europe and Beyond*, eds. Balázs Nagy and Gábor Klaniczay, Variorum Collected Studies Series (Aldershot, 2010), X.

6 For Helena’s biographies, see Elena F. Turaeva-Tsereteli, *Elena Ivanovna velikaya kniaginia litovskaya, koroleva polskaya. Biograficheskii ocherk v sviazi s istoriei togo vremeni* (St. Petersburg, 1898); Józef Garbacik, “Helena (1476–1513),” in *Polski Słownik Biograficzny*, vol. 9 (Wrocław, 1960–1961), 359–62; Krystyna Chojnicka, “Helena, Wielka Księżna Litewska, Królowa Polski,” in idem, *Narodziny rosyjskiej doktryny państwowej: Zoe Paleolog – między Bizancjum, Rzymem a Moskwą*



## Shown and Seen

Betrothed by proxy to Alexander in Moscow upon the condition that she would remain Orthodox in her marital home,<sup>7</sup> Helena left for Lithuania with a large retinue and wagons of goods. The accoutrement list compiled upon her departure from Moscow on January 15, 1495<sup>8</sup> included not only the full wedding garb for the bride and textiles for the nuptial chamber, but also a Muscovite costume for the groom, not to speak of the gifts from the in-laws. Records have indicated the size of Helena's provisions, and Russel E. Martin, having analyzed their value, concluded that "the exorbitant cost of this wedding, if accurately reported in the inventory, must have put a pinch on finances for quite some time afterward".<sup>9</sup>

On February 15, 1495,<sup>10</sup> Helena approached Vilnius, instructed and equipped to remain a Muscovite princess in her future role as grand duchess of Lithuania.<sup>11</sup> As the bride neared the Lithuanian capital, the groom sent her a chariot driven by eight dapple-grey horses, but Helena refused to change vehicles and continued her journey on Muscovite wheels. Three miles out of the city, Alexander rode to greet his bride, and the nuptial train continued together as it entered Vilnius, splitting after passing through the city gates. Helena and her entourage diverted for the Orthodox Church of the Most Pure Mother of God. There she was greeted by Metropolitan Makarii and the bridal rituals were performed. Alexander proceeded to the Roman Catholic Cathedral of Sts. Stanislaus and Wladislaus to wait for his bride. Helena and her retinue, led by Priest Foma carrying an Orthodox cross, approached the cathedral, where the Bishop of Vilnius Albert Tabor stood holding a Latin cross, ready to conduct the Catholic wedding.

(Cracow, 2001), 157–97; Margarita E. Bychkova, "Velikaya kniazhna Elena Ivanovna v Moskve i v Vil'no," in *Didysis Kuni-gaiškis Aleksandras ir jo epocha*, eds. Dalia Steponavičienė and Robertas Petrauskas (Vilnius, 2007), 86–92.

7 The earliest direct reference to negotiations comes from a letter of Jan Zaberezinski to Ivan Yur'evich on November 11, 1492, *Sbornik Imperatorskogo Russkogo Istoricheskogo Obshchestva*, vol. 35, *Pamiatniki diplomaticheskikh snoshenii drevnei Rossii s derzhavami inostrannymi* (St. Petersburg, 1882), no. 17, 71; to be followed by a note in Lithuanian Chancellery of November 6, 1493, *Lietuvos metrika*, vol. 5, *Užrašymų knyga 5 (1427–1506)*, eds. Algirdas Baliulis, Artūras Dubonis, and Darius Antanavičius (Vilnius, 2012), no. 307, 195; and finalized in the note of thanks to Alexander's envoy Litovar Khrebtovich, Vilnius, June 11, 1494, *Lietuvos metrika*, vol. 6, *Užrašymų knyga 6 (1494–1506)*, ed. Algirdas Baliulis (Vilnius, 2007), no. 34, 72.

8 A fragment of the four folios of the original list of accoutrements is preserved, and has been published by Anna L. Khoroshkevich, "Iz istorii dvortsovogo deloproizvodstva kontsa XV v. Opis' pridanogo velikoi kniazny Eleny Ivanovny 1495 g.," *Sovetskie arkhivy* (1984), [www.vostlit.info/Texts/Dokumenty/Russ/XV/1480-1500/Elena\\_Ivanovna/opis\\_pridanogo\\_1495.htm](http://www.vostlit.info/Texts/Dokumenty/Russ/XV/1480-1500/Elena_Ivanovna/opis_pridanogo_1495.htm) [accessed June 12, 2020]. Two later copies of the list have been preserved in the Library of the Russian Academy of Sciences in St. Petersburg, MS 16.15.15, ff. 1r–26v (later seventeenth c.) and MS 32.4.21 "O Brakakh drevnikh", ff. 6r–23v (later eighteenth c.). For the English discussion of the content of these lists, see Russell E. Martin, "Gifts for the Bride: Dowries, Diplomacy, and Marriage Politics in Muscovy," *Journal of Medieval and Early Modern Studies* 38 (2008): 119–45. The accuracy of the copies should not be doubted, as the content coincides with the surviving fragment of the original, and other items are mentioned in the wedding report. See *Sbornik*, vol. 35, no. 35.1, 186.

9 Martin, "Gifts for the Bride," 129.

10 Records say that Helena entered Vilnius on Sunday. Hence, it should have been February 17, 1495.

11 *Sbornik*, vol. 35, no. 31.III, 163.



The Muscovite report, which is the only account on the ceremony,<sup>12</sup> informs of two rites performed separately for the groom and the bride, and the two confused escorts balancing on the verge of conflict. While the Muscovites complained and recorded the “wrongs” of the Lithuanian party, the latter spoke of the wedding celebrated “as appropriate for such high lords”.<sup>13</sup> Apparently, Helena did not understand the foreign rites of her own wedding and remained clad in her bridal outfit for four days in a row,<sup>14</sup> as if she was not wed. Perhaps she did not recognize her husband as wed, since Alexander, who accepted the gifts brought from Moscow, did not wear the Muscovite groom clothes he was presented with. Hence Ivan’s idea—to have the wedding of his daughter in Vilnius which looked as if it was celebrated in Moscow—not only failed, but also exposed the foreignness of the bride and her entourage. That this foreignness was not appreciated in Helena’s marital home became evident from the fact that members of Alexander’s immediate family<sup>15</sup>—Queen Mother Elizabeth, brother Cardinal Frederick,<sup>16</sup> as well as sisters Barbara and Elizabeth—arrived to Vilnius only after the Muscovite guests had departed. Lithuanian narratives tell that they were received with honors, joy, and largesse, were introduced to Grand Duchess Helena, and left for Poland loaded with precious gifts.<sup>17</sup>

With celebrations over, efforts were made to diminish foreign appearance of the grand duchess. According to Russel E. Martin, who examined Helena’s accoutrement list, “[g]iven all the clothing she had brought with her, it appears she (or her father) intended all along that she would dress in Muscovite garb rather than adopt the fashions of her new homeland”.<sup>18</sup> This interpretation indeed accords well with Ivan’s reproaches in the letter from May 1495: he accuses Alexander of ordering “to put his own dress on our daughter,” sending back Helena’s Muscovite courtiers, and replacing them with local Catholics.<sup>19</sup> While Lithuania did observe the agreement mandating that Helena remained within her “Greek law”, and that all the local ladies of her entourage come from the Orthodox denomination,<sup>20</sup> efforts were made to diminish the Muscovite presence at the court

12 Ibid., no. 35.I, 186. For English summaries and Orthodox interpretations of the wedding ceremony, see Martin, “Gifts for the Bride,” 127; idem, “Ritual and Religion in the Foreign Marriages of Three Muscovite Princesses,” *Russian History* 35 (2008): 363–65, and idem, *A Bride for the Tsar. Bride-Shows and Marriage Politics in Early Modern Russia* (Illinois, 2012), 35.

13 *Polnoe sobranie russkikh letopisei*, vol. 32, *Khroniki Litovskaya i Zhomoitskaya i Bykhovtsa*, ed. Nikolai N. Ulashchik (Moscow, 1975), 164.

14 *Sbornik*, vol. 35, no. 35.I, 187.

15 On the Jagiellonian family, see Uwe Trespe and Agnieszka Gąsior, “Eine ‘famose und grenzenlos mächtige Generation’. Dynastie und Heiratspolitik der Jagiellonen im 15. und zu Beginn des 16. Jahrhunderts,” *Jahrbuch für Europäische Geschichte* 8 (2007): 3–28.

16 On Frederick, see Natalia Nowakowska, *Church, State and Dynasty in Renaissance Poland. The Career of Cardinal Fryderyk Jagiellon (1468–1503)* (Aldershot, 2007), on his activities regarding Helena, see *ibid.*, 134–38.

17 *Polnoe sobranie*, vol. 32, 164.

18 Martin, “Gifts for the Bride,” 36.

19 *Sbornik*, vol. 35, no. 36.II–III, 190–92.

20 On Helena’s court, see Krzysztof Pietkiewicz, “Dwór Litewski wielkiego Księcia Aleksandra Jagiellończyka,” in *Lietuvos valstybė XII–XVIII a.*, eds. Zigmas Kiaupa, Arturas Mickevičius, and Jolita Sarcevičienė (Vilnius, 1997), 94.

starting with the appearance of the grand duchess.<sup>21</sup> In her marital home, the grand duchess was clad according to local modes and surrounded by courtiers from her new realm.

On the other hand, aware of Ivan's attention to the Orthodox identity of his daughter, Lithuanian diplomacy took care to reconfirm Muscovite expectations. Hence in 1502, the Hungarian legate to Moscow Sigismund Zanthay received the following instructions from Vilnius: he was to tell the Muscovites that he had witnessed her royal majesty going to a Ruthenian church to attend the Greek Mass, which was celebrated with greater solemnity and ringing of bells than he had never seen or heard before. After the service, her royal majesty returned to the palace with the large entourage of matrons and virgins who had accompanied her to the church.<sup>22</sup>

Yet freedom of his daughter's religious practice was not enough for Ivan III. Already during the grand ducal wedding, the Muscovite envoys demanded an Orthodox church be built close to Helena's quarters in the Vilnius Castle.<sup>23</sup> Alexander denied this request, explaining that the construction of new Orthodox churches was against Lithuanian laws.<sup>24</sup> Ivan stated he did not care about Lithuanian laws<sup>25</sup> and never ceased his demands. Clearly, had an Orthodox church been built within the principal residence of Lithuanian grand dukes, it would have stood as an architectural manifesto of Muscovite power in Lithuania. Therefore, Alexander was firm not to let it happen, and was successful in eliminating Muscovite visibility at the grand ducal court. As the compromise of Helena's faith—Orthodox without any Muscovite forms—seemed successful, the question of Helena's identity was once again brought to the forefronts of political agendas by the death of King John Albert (June 17, 1501) and Alexander's candidacy for the Polish throne.

## The "Schismatic Queen"

Despite the success of disguising Helena's Muscovite identity by making her Orthodox faith a private matter, and in securing provisions adequate to her dowry and the status of the grand duchess, Alexander was aware that his Orthodox spouse would be an obstacle on his path to the throne. In his letter to Cardinal Frederick, the grand duke asked his brother to intercede on his behalf with Queen Elizabeth and thus to support his candidacy for the Polish crown. As he promised, "Her Majesty should not think that our consort maintains those habits, which had displeased Her Majesty. Should they continue displeasing Her, Her Serenity is willing to improve them."<sup>26</sup> There is no evidence as to contents or form of these improvements, yet Alexander was

21 Aleksander's accounts from 1498–1500 record the purchase of ribbons for the grand duchess, *Didžiojo kunigaikščio Aleksandro Jogailaičio dvaro sąskaitų knygos (1492–1504)*, eds. Darius Antanavičius and Rimvydas Petrauskas (Vilnius, 2007), 22, 26, 38, 52, 70.

22 *Akta Aleksandra króla polskiego, wielkiego księcia litewskiego i t.d. (1501–1506)*, ed. Fryderyk Papée (Cracow, 1927), no. 108, 151. The Muscovite records of Sigismund's legation do not contain this passage on Helena, cf. *Sbornik*, vol. 35, no. 73, 341–61.

23 *Sbornik*, vol. 35, no. 35.II, 187; further Muscovite demands to build the church are found in *Lietuvos metrika*, vol. 5, nos. 319, 322, 323, 325.

24 *Lietuvos metrika*, vol. 5, no. 326, 206.

25 *Sbornik*, vol. 35, no. 36.III, 191.

26 *Akta Aleksandra*, no. 19, 18.

elected and on December 12, 1501 crowned king of Poland. It must be noted however, that Alexander was the only participant in the royal elevation; Helena arrived to Cracow almost two months after the coronation of her husband.<sup>27</sup> Evidently, her treatment advanced in the opposite direction of her consort: if in Lithuania her Muscovite identity was cloaked, in Poland she was denied not only queenship, but also public visibility. Given neither wreath nor status, Helena was nicknamed the “schismatic queen”, and as such she triggered a conflict on a much broader scale. Hence Pope Alexander VI, who had already insisted on Helena’s conversion,<sup>28</sup> exclaimed in a letter to Cardinal Frederick that it would be a shame to have a schismatic woman called the queen of such an illustrious realm.<sup>29</sup> The refusal to crown Helena did not settle the issue of the king’s wife, and the papacy insisted that her situation should be considered by the Chapter in Cracow.<sup>30</sup>

Once rumors of Helena’s possible conversion reached Moscow,<sup>31</sup> Ivan III invaded Lithuania to “protect” Orthodoxy. As the renewed conflict required a quick solution, the clergy of Cracow united with the diplomats in consolidating their efforts for peace. Cardinal Frederick, informed of the disasters caused by the Muscovite army,<sup>32</sup> wrote to Alexander with a letter enclosed to Helena, written in the name of the entire Polish episcopate, asking the queen [sic!] to intercede with her father on behalf of her husband and his realms.<sup>33</sup> Helena responded favorably, acknowledging that this war between Christians upset her greatly, and promising to act within her powers and with the approval of her husband King Alexander.<sup>34</sup>

In December 1502, Helena’s oration was copied into the *Lithuanian Metrika*, and in March 1503, the Lithuanian Chancellor Ivan Sapieha delivered it to Moscow.<sup>35</sup> In the name of the queen and grand duchess, Sapieha spoke of devastated lands, shed Christian blood, and emptied Orthodox churches, gradually focusing on the personal guilt of a daughter who had unknowingly angered her father: many considered her responsible for Ivan’s fury which caused the bloodshed, yet “for ages, it is unheard-of a father causing troubles to his children”.<sup>36</sup> Afterwards, Sapieha handed four letters addressed individually to Helena’s parents and brothers.<sup>37</sup> In the address to Ivan III, Helena lamented the broken agreements that her father and her husband had concluded by “the kissing

27 Maciej Miechowita, *Chronica Polonorum* [m] (Cracow, 1521), 363.

28 *Brevia Romanorum Pontificum ad Poloniam spectantia*, vol. 1, *Brevia saeculi XV (quae extant)*, ed. Henryk D. Wojtyńska, *Elementa ad fontium editiones*, 64 (Rome, 1986), no. 152, 1013 and no. 153, 103.

29 *Ibid.*, no. 154, 105.

30 This is clear from Alexander’s address to Cardinal Frederick, *Akta Aleksandra*, no. 60, 65.

31 *Lietuvos metrika*, vol. 5, no. 507, 310.

32 *Akta Aleksandra*, no. 95, 121.

33 *Ibid.*, nos. 103–4, 142–44.

34 *Ibid.*, no. 111, 156.

35 *Lietuvos metrika*, vol. 5, no. 511, 317; *Sbornik*, vol. 35, no. 75.III, 367.

36 *Lietuvos metrika*, vol. 5, no. 511, 317; for the Muscovite copy, see *Sbornik*, vol. 35, no. 75.III, 367.

37 *Sbornik*, vol. 35, no. 75.IV.a–g, 368–76. Herein I refer to the letters according to their more extensive copy published in *Akty sobrannye v bibliotekakh i arkhivakh Rossiiskoi Imperii Arkheograficheskoyu ekspeditsiyu Imperatorskoi Akademii Nauk*, vol. 1, 1294–1598 (St. Petersburg, 1836), no. 138, 104–10.

of the cross and establishing the love-and-blood bondage.”<sup>38</sup> However, the saddest thing was that she had brought grief to her in-laws and their realm:

“Everybody expected that goodness, eternal peace, love strengthened by blood, friendship, and help against paganism would come with me from Moscow. Everybody sees the opposite, father my lord, everything bad came with me: war, plunder, sieged and burnt towns and lands, the shedding of Christian blood, wives turned into widows, children into orphans, screams, shouts, cries, and moans. Such is your, my lord, paternal care and love to me!”<sup>39</sup>

The Muscovite response was quick and clear: Ivan III rebuked Helena for getting involved in matters that did not concern her, warned her to stay firmly within her Greek faith, and threatened to never stop plundering Lithuania should she enter the Roman law.<sup>40</sup> On the other end of the confessional front, diplomats in Rome worked to try to settle the issue of Helena’s “Ruthenian sect”. In 1505, they managed to secure the postponement of her conversion until Ivan’s death from Pope Julius II (r. 1503–13).<sup>41</sup> Ivan III died the same autumn, and Alexander followed his father-in-law in less than a year (August 19, 1506). The king’s last will left Helena in custody of her husband’s brother and successor, Prince Sigismund (1467–1548).<sup>42</sup> These transfers of power served as a pause to the wars of the inimical neighbors and, as far as Lithuania and Poland were concerned, allowed a return to the established patterns of public conduct. For Helena, who got her widow’s share, this meant invisibility in public, even at her husband’s funeral in Vilnius,<sup>43</sup> and implied her service as a symbolic border guard against her native Muscovy with the allocation of the Castle of Bielsk and the towns of Surozh and Briansk.<sup>44</sup>

However, once again Lithuanian diplomacy under-estimated Muscovite actions. Helena’s brother Vasilii III (r. 1505–33) succeeded his father, and adopted the same paternal manners and patterns in guarding his sister’s Orthodox creed.<sup>45</sup> The widowed grand duchess was quite inde-

38 Ibid., no. 138.I, 104.

39 *Sbornik*, vol. 35, no. 75.IV.a, 369. The rhetoric of Helena’s letters stands in sharp contrast to both Muscovite and Ruthenian epistolary traditions, on which see respectively Yakov S. Lur’e, “Elena Ivanovna, koroleva Pol’skaya i velikaya kniaginia Litovskaya, kak pisatel’ publitsist,” *Canadian-American Slavic Studies* 13 (1979): 111–20; Raimonda Ragauskienė, “Rusėniška XV a. pab. – XVI a. Lietuvos Didžiosios Kunigaikštystės moterų – valdovių ir didikų – korespondencija,” *Istorija* 76 (2009): 21. However, it does accord well with samples on the expression of sorrow as provided in epistolary manuals which circulated in Poland, e.g., *Libri Formularum saeculi XV<sup>mi</sup>*, ed. Bolesław Ulanowski, *Starodawne prawa polskiego pomniki*, 10.1 (Cracow, 1888), 6.

40 *Akty sobrannye*, no. 138.V, 109.

41 *Vetera monumenta Poloniae et Lituaniae: Gentiumque finitimarum historiam illustrantia maximam partem nondum edita ex tabulariis Vaticanis deprompta collecta ac serie chronologica disposita*, ed. Augustin Theiner, vol. 2, *Ab Ionne pp. XXII. Usque ad Pium pp. V., 1410–1572* (Rome, 1861; reprint Osnabrück, 1969), no. 351, 319.

42 Marcin Starzyński (ed.), “Ultima voluntas Alexandri Regis,” *Lietuvos istorijos metraštis* 2014, 1 (2015): 34.

43 All known records on Alexander’s burial are silent on Helena, including Miechowita, who provides a quite detailed account (Miechowita, *Chronica Polonorum*[m], 372). The accuracy of his description is supported by the records of Sigismund’s expenses, *Ūčty dvora prince Zikmunda Jagellonského (1493) 1500–1507*, ed. Petr Kozák (Opava, 2014), 612, 614.

44 *Lietuvos metrika*, vol. 8, *Užrašymų knyga 8 (1499–1514)*, eds. Algirdas Baliulis, Romuladas Firkovičius, and Darius Antanavičius (Vilnius, 1995), no. 189, 187.

45 For Vasilii’s request to keep Aleksander’s promise regarding Helena’s faith, see *Lietuvos metrika*, vol. 7, *Užrašymų knyga 7 (1506–1539)*, eds. Inga Ilarienė, Laimonas Karalius, and Darius Antanavičius (Vilnius, 2011), no. 15, 73.

pendent in managing her vast possessions and significant income. She continued supporting Orthodox churches<sup>46</sup> and, in 1509, bought a house in the Lower Castle of Vilnius, which later records labelled a Muscovite lodge.<sup>47</sup> Obviously, she was still regarded as a Muscovite, and suspected of conspiring with her natal home. In 1511, Helena was accused of attempting to flee to Moscow; she was initially detained in Vilnius, and later was forced to stay at her manors of Birštonas and Stakliškės<sup>48</sup> in central Lithuania.

Helena died on January 29, 1513<sup>49</sup> and was buried in the Orthodox Church of the Most Pure Mother of God in Vilnius. The complete silence of the records regarding Helena's funeral attests to her invisibility in death as in life. What is more, targeted concerns about the treasury of the late grand duchess imply attempts to control her memory. Thus Friar Jan of Komorowo reported that Helena's treasury, kept in the Bernardine convent and in the Orthodox Church of the Most Pure Mother of God, consisted of sixteen chests worth 400,000 golden florins.<sup>50</sup> The entry in the *Lithuanian Metrica* from 1514 recorded that the mint of Vilnius was given silver of "the late Queen Her Majesty Helena" for reminting.<sup>51</sup> Records specify neither the form nor amount of the silver received, but the reminting itself implies an attempt to clear these items of any association with the "schismatic queen" and thus deny her memory through objects.<sup>52</sup> Quite predictably, the Muscovite family demonstrated a keen interest in Helena's treasures<sup>53</sup> and demanded their transfer to Moscow. These requests must have been persistent, as still in 1520, King Sigismund instructed Lithuanian legates to remain silent if the Muscovites should raise the issue of Helena's possessions.<sup>54</sup>

## Memory and Oblivion

While the shift from invisibility to oblivion seems smooth, this would be too simple a scenario for Helena's historical afterlife. Summing-up the life of the late grand duchess, the Lithuanian and Polish narratives included the following opinions: "for Lithuanians, the Russian Helena brought

46 E.g., the privilege to the Monastery of the Holy Trinity in Vilnius confirmed by King Sigismund, *Lietuvos metrika*, vol. 8, no. 475, 345.

47 *Lietuvos metrika*, vol. 1, *Užrašymų knyga 1 (1380–1584)*, eds. Algirdas Baliulis and Romuladas Firkovičius (Vilnius, 1998), no. 108, 42.

48 *Sbornik*, vol. 35, no. 84.XXXI–XXXII, 497. Ioannes de Komorowo, "Memoriale ordinis fratrum minorum," in *Monumenta Poloniae historica*, vol. 5 (Lviv, 1888), 306.

49 The date of Helena's death has been noted in *Acta Tomiciana: epistolarum, legationum, responsorum, actionum et rerum gestarum serenissimi principis Sigismundi Primi Regis Poloniae, Magni Ducis Lithuaniae per Stanislaum Gorski canonicum Cracoviensem et Plocensem collectarum*, vol. 2 (Poznań, 1852), 142.

50 *Monumenta Poloniae*, vol. 5, 309–11.

51 *Lietuvos metrika*, vol. 8, no. 156, 162.

52 Apparently precious items were dismantled and metals melted. I have suggested that part of textiles might have been countersigned to be disassociated with Helena, see Giedrė Mickūnaitė, *Maniera Greca in Europe's Catholic East. On Identities of Images in Lithuania and Poland (1380s–1720s)* (Amsterdam, 2023), 137–38.

53 During the peace negotiations mediated by Sigismund of Herberstein, Grand Duke Vasilius requested that Helena's treasury, as well as the towns given to her by Alexander, be returned [sic!] to Muscovy, *Sbornik*, vol. 35, no. 85.X, 517.

54 *Lietuvos metrika*, vol. 7, no. 199, 377.

fortunes similar to the Greek one for the Trojans;”<sup>55</sup> “she was not called a queen, but a Muscovite, did not have a dower in Poland, and did not live long there; she left for Lithuania and perished there.”<sup>56</sup> Predictably, in Muscovy she was praised in every aspect. For example, the *Book of Royal Degrees*<sup>57</sup> states:

“Helena stems from the root of the apostle-like Vladimir of the steadfast faith, and is related to him by the sixteenth degree. She inherited the true Christian law and love for pious deeds from her most devoted parents. She was indifferent to the Latin charms followed by her husband, whom she loved dearly, yet withstood in his unlawful will, and refused to adopt the Latin rite. She merited the beauty, glory, power, and perishable goods of this world for nothing else except for the love of God, and she always spoke with divinely-enlightened words. She pushed away all those who, despite the shame of God, flattered her, thus once again confirming her firm adherence to the Orthodox faith, and she expelled all Jews, the murderers of God, from the land of Lithuania.”<sup>58</sup>

While the expulsion of Jews in spring 1495, in the aftermath of Alexander’s and Helena’s marriage, invites for more thorough research,<sup>59</sup> the non-perishable goods are closer to the focus of this essay.

Records from the seventeenth and nineteenth centuries tell of two icons of the Mother of God believed to have been brought by Helena from Muscovy. Both were taken to Russia during the First World War and have been considered lost ever since. This loss is even greater since none of the nine icons listed among Helena’s accoutrements can be identified today, although it includes just two icons of the Virgin and Child.<sup>60</sup> Perhaps this is not merely a numerical coincidence?

According to historian Albert Wijuk Kojalowicz, SJ (1609–77), the Greek-Catholic Church of the Holy Trinity in Vilnius had a miracle-working icon of the Mother of God, which Helena had brought as part of her dowry. Its value can be estimated from the fact that the Muscovites

55 Albert Wijuk Kojalowicz, *Historiae Lituaniae pars posterior, seu de rebus Lituorum, a coniunctione Magni Ducatus cum Regno Poloniae ad Unionem eorum Dominiorum libri octo* (Antwerp, 1669), 264.

56 *Dyaryusze sejmów koronnych 1548, 1553 i 1570 r.*, ed. Józef Szujski, *Scriptores rerum Polonicarum*, 1 (Cracow, 1872), 215.

57 On the genre, function, and contexts of the books, see “*The Book of Royal Degrees*” and the *Genesis of Russian Historical Consciousness*, eds. Gail Lenhoff and Ann Kleimola (Bloomington, IN, 2011).

58 *Polnoe sobranie russkikh letopisei*, vol. 21.2, *Kniga Steneniya tsarskogo rodosloviya (11–17 stepeni grani)* (St Petersburg, 1913), 573.

59 Upon the orders of Alexander, Jews were expelled from the Grand Duchy of Lithuania in May 1495 (the decrees are known from references in other documents only) and invited to return in 1503 (the general privilege from April 1503, known from later transumpta, Sergei A. Bershadskii, ed. *Russko-evreyskii arkhiv. Dokumenty i materialy dlya istorii evreev v Rossii*, vol. 1, *Dokumenty i registry k istorii Litovskikh evreev (1388–1550)* (St Petersburg, 1882), no. 40, 63–64). Although the marriage and the expulsion were very close in time, scholars generally denied causality of the two events (e.g., Krzysztof Pietkiewicz, *Wielkie Księstwo Litewskie pod rządami Aleksandra Jagiellończyka: studia nad dziejami państwa i społeczeństwa na przełomie XV i XVI wieku* (Oświęcim, 2014), 191). Recently, however, Arvydas Maciulevičius has convincingly argued that the Muscovite interests to fight the Judaizing heresy lay behind the expulsion, Arvydas Maciulevičius, “Kodėl 1495 m. iš Lietuvos Didžiosios Kunigaikštystės buvo išvaryti žydai? Apie žydų išvaymo sąsajas su judaizavimu judėjimu,” in *Istorijos šaltinių tyrimai*, vol. 5, ed. Artūras Dubonis (Vilnius, 2014), 57–83. For discussion of this issue in English, see Arvydas Maciulevičius, “The 1495 Expulsion of the Jews from Lithuania and the Judaizing Movement in Russia: Was there a connection?” <https://vu-lt.academia.edu/ArvydasMaciulevi%C4%8Dius> [accessed July 7, 2023].

60 St Petersburg, Library of Russian Academy of Sciences, MS 32.4.21, ff. 7r and 15v; Martin, “Gifts for the Bride,” 125.

offered fifty Lithuanian noble captives in exchange for it in 1569.<sup>61</sup> Later graphic reproductions, copies, photographs, and descriptions indicate that the icon featured Hodegetria and was covered with elaborate setting, parts of which might have dated to the fifteenth century (Fig. 1).<sup>62</sup> Although photographs<sup>63</sup> and lithographs of the icon reveal significant over-paintings, and written evidence attests to its major repairs,<sup>64</sup> the size (approx. 116 × 71 cm)<sup>65</sup> and iconography of the image are comparable to the “large gem-encrusted icon of the Mother of God and Child” intended for the nuptial chamber of the Muscovite bride.<sup>66</sup> While it is impossible to tell whether the venerated icon was indeed the one listed among Helena’s accoutrements, references to its medieval setting and its ancient stones (four garnets and one amethyst all with the size of a big bean)<sup>67</sup> enhance the credibility of the suggestion that parts of the icon’s jewelry were preserved from the Middle Ages. Copies of the icon suggest that the 1839 abolishment of the Church Union<sup>68</sup> in the Russian Empire affected not only believers, liturgy, church buildings, and possessions, but also the icon, which was stripped of its medieval appearance and reworked to suggest a Muscovite provenance (Fig. 2).

The association between Helena and the icon held in the monastic Church of the Annunciation in Supraśl<sup>69</sup> first appeared in the captions under the photograph from 1864 (Fig. 3),<sup>70</sup> which read: “Image of the Mother of God brought to Lithuania by Helena Ivanovna, daughter of Grand Duke of Moscow Ivan III.”<sup>71</sup> In 1892, Abbot Nikolai Dalmatov (r. 1881–1906) indicated that the icon representing the Mother of God of Vladimir was painted on canvas fixed onto a wooden

61 Albert Wijuk Kojalowicz, *Miscellanea rerum, ad statum ecclesiasticum in Magno Lituaniae Ducatu pertinentia* (Vilnius, 1650), 15. Kojalowicz’s information has been repeated in Heinrich Scherer, *Atlas Marianus sive Praecipuae totius orbis habitati imagines*, vol. 3 (Munich, 1737), 123.

62 For a thorough reconstruction of the history and cult of the icon, see Rūta Janonienė, “Vilniaus Dievo Motinos ikona ir jos kultas Švč. Trejybės cerkvėje,” *Menotyra* 24 (2017): 1–16, on the setting, see *ibid.*, 9–10 and 14.

63 The icon’s photograph has been published in Aleksandr Vinogradov, *Putevoditel’ po gorodu Vil’ne i ego okresnostiam* (Vilnius, 1904), 64 and 67.

64 Janonienė, “Vilniaus Dievo Motinos ikona,” 4.

65 *Ibid.*

66 Martin, “Gifts for the Bride,” 125; St Petersburg, Library of Russian Academy of Sciences, MS 32.4.21, f. 15v.

67 Janonienė, “Vilniaus Dievo Motinos ikona,” 9–10.

68 In 1596, the Union between the Orthodox and the Catholic Churches in the Polish-Lithuanian Commonwealth was concluded in Brest Litovsk. For an in-depth study on its development and legacy, see Borys A. Gudziak, *Crisis and Reform: The Kyivan Metropolitanate, the Patriarchate of Constantinople, and the Genesis of the Union of Brest*, Harvard Series in Ukrainian Studies (New Haven, 2001).

69 The confessional status of the monastery has been disputed. Founded in 1498 (or 1495), it was established in the spirit of Florentine Union, and throughout the sixteenth century it shifted between Orthodoxy and Unianism depending on the position of the abbots and metropolitans. For a more thorough discussion, see Genutė Kirkienė, “Supraslio vienuolyno konfesinės priklausomybės ir pobūdžio klausimas XVI amžiaus pradžioje,” *Lietuvos istorijos studijos* 18 (2006): 39–50. In 1602, the monastery joined the Brest Union and remained within it until 1839, Marek Zalewski, “Krótka historia Supraleskiego klasztoru,” in *Supraśl 1913. Dokumentacja fotograficzna Józefa Jodkowskiego cerkwi Zwiastowania Najświętszej Marii Pannie* (Warsaw, 2016), 169–72.

70 “Supraslio stačiatikių vienuolyno fotografijų rinkinys, 1864,” Vilnius University Library, digital collections, <https://kolekcijos.biblioteka.vu.lt/supraslio-staciatikiu-vienuolyno-rinkinys> [accessed June 23, 2023].

71 *Ibid.*: “Образъ Божей Матери привезенный въ Литву дочерью Великаго Князя Московскаго Иоанна III Еленой Ивановной.”





Marceli Januszewicz, Icon of the Mother of God from the Vilnius Church of the Holy Trinity, 1837/40, indian ink and water colour on paper (14,9 × 10 cm); National Museum in Warsaw, 145073/170; image in public domain, <https://cyfrowe.mnw.art.pl/pl/katalog/709783>



Icon of the Hodegetria of Vilnius, lithograph, 1874, Lithuanian National Museum of Art, LNDM G 804/13, image in public domain: [www.limis.lt/valuables/e/805180/20000002960144?searchId=24615199](http://www.limis.lt/valuables/e/805180/20000002960144?searchId=24615199)



*Eleusa* icon of Supraśl, photo 1864; Vilnius University Library, image in public domain, [https://kolekcijos.biblioteka.vu.lt/objects/VUB01\\_000385233#00001](https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000385233#00001)

panel. Heads of the Virgin and Child were surrounded with silver gild wreaths, and the panel was clad with silver setting bearing 46 uncut stones. The entire piece measured  $8\frac{1}{2}$  by  $6\frac{1}{2}$  *ver-shok* (approx.  $37.8 \times 28.9$  cm). Monastic legend and a Polish inscription on the backside of the panel identified the icon as a gift of Helena, queen of Poland, daughter of the Tsar of Muscovy Ivan III, to Joseph Soltan (ca. 1450–1521), bishop of Smolensk (from 1507), on the occasion of the establishment of the monastery in Supraśl in the beginning of the sixteenth century. The abbot concluded that there is no other written evidence concerning this image.<sup>72</sup> In 1913, historian Józef Jodkowski (1890–1950) repeated the abbot's account with a sole exception—he identified the icon as Mother of God *Eleusa*,<sup>73</sup> rather than that of Vladimir. The fact that the icon bore a Polish inscription suggests that its association with Helena predated the abolishment of the Union in 1839. In 1882, Abbot Nikolai inserted the icon into a larger metal frame inscribed with the story of its origins in Cyrillic, which pushed the date of donation to the end of the fifteenth century.<sup>74</sup> None of the surviving monastery's inventories, the earliest dating from 1557, mention Helena's name.<sup>75</sup> However, they do list gifts received from Bishop Joseph Soltan including three icons of the Mother of God clad with silver gild settings and adorned with precious stones and pearls.<sup>76</sup>

While art historical examination of the icon's photograph would be a digression from the topic of this essay, it is sufficient to say that the appearance of the painting and its setting show a large chronological gap. I propose the following hypothesis on the reworking of the image: the old icon was renewed by painting the new image on canvas, which was fixed onto the old panel of the *Eleusa* icon. The new painting closely followed the size and the composition of the *Eleusa* since it had to fit the existing setting, decorated with unpolished gems, which is very likely to date from around 1500. Perhaps the icon with this setting, as Joanna Tomalska has suggested, was listed in the inventory from 1645 as a Muscovite icon clad in silver gilt setting, decorated with 45 big and small gems and many pearls.<sup>77</sup> It is unclear when and under what circumstances the reworked image became associated with Helena, the story of which acquired political currency in the nineteenth century.

72 Nikolai Dalmatov, *Suprasl'skii Blagoveshchenskii monastyr'*. *Istoriko-statisticheskoe opisaniie* (St Petersburg, 1892), 466.

73 Józef Jodkowski, "Cerkiew Zwiastowania w Monasterze Supraskim. Fragment publikacji: 'Tserkvi, prisposobleniye k oborone v Litve i Litovskoi Rusi,'" in *Supraśl 1913. Dokumentacja fotograficzna Józefa Jodkowskiego cerkwi Zwiastowania Najświętszej Marii Pannie* (Warsaw, 2016), 264.

74 The inscription has been quoted in Joanna Tomalska, "Ikonostas w cerkwi w Supraślu," in *Supraśl 1913. Dokumentacja fotograficzna Józefa Jodkowskiego cerkwi Zwiastowania Najświętszej Marii Pannie* (Warsaw, 2016), 222–23. It is well captured in photographs from 1913, *ibid.*, 136–37.

75 Icons mentioned in the inventories have been discussed in Joana Tomalska, "Ikony cerkwi Zwiastowania w Supraślu w świetle archiwalnych opisów z XVI–XVII w.," *Białoruskie Zeszyty Historyczne* 39 (2013): 99–117.

76 *Ibid.*, 102.

77 Dalmatov, *Suprasl'skii Blagoveshchenskii monastyr'*, no. 33, 527 ('Inventar' tserkvi Suprasl'skago monastyria, napisannyi pri mitropolite Gavriile Kolende Suprasl'skom arkhimandrite 1668 godu, oktiabria 6 dnia'). Dalmatov identifies this icon with the one given by Helena to Joseph Soltan, *ibid.*, no. 18, 527; Tomalska, "Ikonostas w cerkwi w Supraślu," 222–23.

## Conclusion

Even after marrying Alexander, Helena remained foreign in her creed and origins. As her husband became king of Poland, Helena's title of grand duchess of Lithuania also indicated her foreignness, and the nickname "schismatic queen" further highlighted her alienation. Helena's foreignness contributed significantly to erasing her historical memory, yet Muscovite interests kept this alive. With the partition of the Polish-Lithuanian Commonwealth and the Russian occupation of the grand duchy, Helena's foreignness was forgotten, and she was granted remembrance and visibility through icons celebrating her Muscovite and Orthodox identity.

Regardless of the truthfulness of the associations between the icons and Helena, their visual history falls within the dynamics of compromise and conflict between Orthodoxy and the United Church, as if extending the controversies that surrounded Helena's life and memory. Here, foreignness was the only stable denominator.

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# Strategic Alliances and Religious Rivalries

## The Teutonic Knights and Lithuanian Dukes

### PŘEMYSL BAR

The promising development of the Teutonic Order's state ("Ordensstaat") in the Baltic was in conflict with local political entities from the beginning.<sup>1</sup> The Teutonic Knights pursued an obvious Christian mission with the sword against the Prussian, Lithuanian, and other non-Christian tribes. For the Order, other Catholic monarchies were much more often rivals than partners.<sup>2</sup> Attempting to reunify the former Piast territory under his rule, the king of Poland clashed with the grandmaster over certain disputed territories for years. The beginning of this long-lasting conflict is marked by the occupation of Danzig Pomerania by the Teutonic Order in the beginning of the fourteenth century, a territory which the king of Poland claimed to be an integral part of the Polish crown.<sup>3</sup>

The dukes of the officially pagan Gediminid dynasty were, in turn, the object of systematic efforts of coerced baptism by Western courts and the papal curia.<sup>4</sup> At the same time, the Order and its allies organized regular military expeditions into the territory of the Grand Duchy of Lithuania, undertaken throughout the fourteenth century during the reigns of the grand dukes Gediminas (d. 1341), Kęstutis (d. 1382), and Algirdas (d. 1377).

1 The dominion of the Teutonic Order in Prussia can be characterized as a monastic or religious state "combining the role of sovereign state with an ecclesiastical structure". See Roman Czaja and Andrzej Radzimiński et al., *The Teutonic Order in Prussia and Livonia. The Political and Ecclesiastical Structures 13th–16th c.* (Toruń, 2015), 13–30, cf. Marian Biskup and Roman Czaja, *Państwo zakonu krzyżackiego w Prusach. Władza i społeczeństwo* (Warszawa, 2008), 357–69. Due to the strong political and economic influence of the archbishop of Riga, the position of the Order in Livonia was distinct.

2 The grandmaster and the Order in Prussia maintained diplomatic relations with the German Empire, the papal curia, Poland, Denmark, Sweden, and the Hanseatic League. See Biskup and Czaja, *Państwo*, 110–23, 233–331, where the long-term diplomatic relations with the pope are underestimated. Cf. Jan-Erik Beutzel, *Der Generalprokurator des Deutschen Ordens an der römischen Kurie. Amt, Funktionen, personelles Umfeld und Finanzierung* (Marburg, 1999).

3 Marian Biskup, *Wojny Polski z zakonem krzyżackim (1308–1521)* (Oświęcim, 2017), 15–22. Besides battle, truces, and peace treaties, attempts to settle the dispute included (mostly failed) trials before the papal curia and international arbitrators. See Přemysl Bar, "A Tortuous Path to Reconciliation and Justice. Sigismund of Luxembourg as Arbiter in the Dispute between the Teutonic Knights and Poland (1412–1420)," *Zeitschrift für Ostmitteleuropa-Forschung* 66 (2017): 3–40; Paul Milliman, "The Slippery Memory of Men". *The Place of Pomerania in the Medieval Kingdom of Poland*, East Central and Eastern Europe in the Middle Ages, 21 (Leiden, 2013), 94–138; Zenon Hubert Nowak, *Międzynarodowe procesy polubowne jako narzędzie polityki Zygmunta Luksemburskiego w północnej i środkowowschodniej Europie, 1412–1424* (Toruń, 1981), 22–47, 61–123.

4 See 86 below. Cf. Darius Baronas and Stephen C. Rowell, *The Conversion of Lithuania. From Pagan Barbarians to Late Medieval Christians* (Vilnius, 2015), 158–61 on the claim that some Lithuanian dukes embraced the Greek Orthodox faith of their Greek Orthodox subjects.



The Order's military life, like its entire *raison d'être*, was based on the idea of crusade, and military expeditions were accompanied by liturgical elements. Masses were held before campaigns began, the eucharist was served on the battlefield after victory, and the Marian cult and the relics of the Holy Cross all were utilized to sacralize the Order's warfare. In the terminology of the sources, the campaigns were most often denoted by the term "reyse".<sup>5</sup> The unique narrative source for the military activity of the Order against the Lithuanians is the chronicle of the Teutonic grandmaster Wigand of Marburg, composed in 1391–94 from the Order's perspective, and covering the years 1311–94.<sup>6</sup>

The grandmaster apparently approached the two political formations—Poland and Lithuania—differently. The question is how he and his Order conceived of these distinct approaches, and how he put them into practice in his diplomacy. While the ideological contrast between Christians and non-Christians can be considered a very important element in this, the question is whether religion was the only decisive criterion, or if the distinction included other details as well. There are many reasons why it is worth reflecting on this issue, especially in the context of 1385/6, when the region experienced a major political and civilizational transformation.

## The Establishment of the Polish-Lithuanian Union as a Turning Point?

In the long historiographical tradition, the years 1385/6 are considered a turning point in the history of Central Eastern Europe. The events that took place in these years are traditionally referred to in historiography as the establishment of the Polish-Lithuanian Union (or Commonwealth), although research in recent years has tended to nuance the reading of this phenomenon. The truth is that the interpretation of historical sources is hindered by their fragmentary nature, and thus the real intentions of the individual protagonists involved are often unclear to us.<sup>7</sup>

5 Krzysztof Kwiatkowski, *Wojska zakonu niemieckiego w Prusach 1230–1525. Korporacja, jej pruskie władztwo, zbrojni, kultura wojny i aktywność militarna*, with the collaboration of Maria Molenda (Toruń, 2016), 49–52, 219–95; cf. Janusz Trupinda, *Ideologia krucjatowa w Kronice Piotra z Dusburga* (Gdańsk, 1999), 99–137. On the current debate on the definition of the idea of "crusade," see Paul Srodecki, "Crusading on the Periphery in the High Middle Ages. Main Debates, New Approaches," in *The Expansion of the Faith. Crusading on the Frontiers of Latin Christendom in the High Middle Ages*, eds. Paul Srodecki and Norbert Kersken, Outremer, 14 (Turnhout, 2022), 29–52.

6 Wigand von Marburg, *Nowa kronika pruska*, eds. Sławomir Zonenberg and Krzysztof Kwiatkowski (Toruń, 2017), 13–102. On the participation of the western nobility in these expeditions, see Werner Paravicini, *Die Preussenreisen des europäischen Adels*, vols. 1–2 (Sigmaringen, 1989, 1995); idem, *Adlig leben im 14. Jahrhundert. Weshalb sie fuhren? Die Preußenreisen des europäischen Adels*, vol. 3 (Göttingen, 2020). The broader historical background, see Jarosław Nikodem, *Litwa* (Poznań, 2018), 293–418; Stephen C. Rowell, *Lithuania Ascending. A Pagan Empire within East-Central Europe, 1295–1345* (Cambridge, 1994), 189–288.

7 Recently see Rimvydas Petrauskas, "The Emergence of the Polish-Lithuanian Union," in *Unions and Divisions. New Forms of Rule in Medieval and Renaissance Europe*, eds. Paul Srodecki, Norbert Kersken, and Rimvydas Petrauskas (London, 2023): 83–96. From the immense quantity of literature on the subject, I refer only selectively to Baronas and Rowell, *The Conversion of Lithuania*, 256–60; Robert Frost, *The Oxford history of Poland-Lithuania*, vol. 1, *The making of the Polish-Lithuanian Union, 1385–1569* (Oxford, 2015), 47–57; Jarosław Nikodem, *Jadwiga król Polski* (Warszawa, 2009), 157–200; Grzegorz Błaszczyk, *Dzieje stosunków polsko-litewskich. Od czasów najdawniejszych do współczesności. Trudne początki*, vol. 1 (Poznań, 1998), 195–252. The following paragraphs are based on these references unless otherwise indicated.

Based on reliable sources, we can state the following: an official Lithuanian envoy led by duke Skirgaila (d. 1394 or 1396), trusted brother of the grand duke of Lithuania Jogaila (d. 1434), arrived in Cracow on January 18, 1385. His goal was to negotiate the terms of marriage between the grand duke and the 11 year-old Hedwig of Anjou (d. 1399), daughter of the queen dowager Elizabeth of Bosnia (d. 1387) and recently crowned Polish princess. Since it was formally necessary to obtain Elizabeth's consent to the planned marriage, a legation (without Skirgaila) was dispatched to Hungary. Grand duke Jogaila gave his consent to the terms of the marriage on August 14, 1385 in the presence of the Polish and Hungarian envoys at his castle Krewo,<sup>8</sup> and after this there remained no obstacle to his marriage or to his accession to the throne of Poland. Jogaila met the Polish legation enroute in Vaukavysk on January 11, 1386, where a pre-election document was issued to accept the grand duke as King of Poland.<sup>9</sup> This official approval took place on February 2 at the general assembly of the Polish kingdom in Lublin, and ten days later, a solemn Lithuanian entourage entered Cracow.

After this, events moved rapidly. On February 15, Jogaila was baptized, along with those among his entourage and family who had not been previously baptized as Greek Orthodox Christians. At the ceremony he received the name Władysław. Three days later, the wedding ceremony of the duke to Hedwig was celebrated in Cracow's cathedral. The coronation ceremony, conducted by the archbishop of Gniezno as the final step of the whole process, did not take place until March 4.<sup>10</sup>

Many generations of scholars have extensively debated several issues: who was the initiator of the negotiations, the Polish or the Lithuanian side? How should this alliance be defined—as an incorporation of Lithuania into the Polish kingdom, or as a union? If so, what kind of union (personal, dynastic, or real one)?<sup>11</sup> Which side benefitted more from this alliance? Numerous and often contradictory interpretations have been presented in older historiography and, although consensus has been reached on some issues, different perspectives still prevail concerning others.

At the very least, it seems clear that there was no incorporation of the Grand Duchy into the Polish kingdom.<sup>12</sup> Jogaila, now as Władysław Jagiełło, remained the supreme ruler of Lithuania, and at the same time became King of Poland. On the other hand, Jogaila's vaguely worded promise, to forever unite his Lithuanian and Russian lands with the Polish crown, also suggested that this

8 In earlier studies, the famous charter was referred to as the Krewo Union, but now it is more commonly referred to as the Krewo Treaty (or Act). In fact, it is a prenuptial agreement. See Frost, *The Oxford history*, 49. It is now preserved in the archives of the Cracow Cathedral Chapter and published in Jūratė Kiaupienė (ed.), *1385 m. rugpjūčio 14 d. Krėvos aktas* (Vilnius, 2002), 17–20 or *Akta unji Polski z Litwą 1385–1791*, eds. Stanisław Kutrzeba and Władysław Semkowicz (Cracow, 1932), no. 1, 1–3.

9 *Akta unji*, no. 2, 3–4.

10 Nikodem, *Jadwiga*, 197–98; Jadwiga Krzyżaniakowa and Jerzy Ochmański, *Władysław II Jagiełło* (Wrocław, 2006), 96–97.

11 For various types of unions and their differences, see Paul Srodecki, "Medieval and Renaissance Political Unions. Terminology and Research History," in *Unions and Divisions. New Forms of Rule in Medieval and Renaissance Europe*, eds. idem, Norbert Kersken, and Rimvydas Petrauskas (London, 2023), 3–32; Frost, *The Oxford history*, 36–46.

12 The idea of Lithuania's incorporation into the Polish kingdom was characteristic of Polish historiography, cf. Grzegorz Błaszczyk, *Dzieje stosunków polsko-litewskich*, vol. 2, *Od Krewa do Lublina*, part 1 (Poznań, 2007), 11–31.



was arguably more than a short-term alliance.<sup>13</sup> Yet only the following decades would show how this alliance or “union” was to be realized.

For the position and prestige of the grand duke and king himself, the alliance represented a major strengthening, both in internal Lithuanian affairs and internationally. This personal perspective of the new Polish king seemed to be decisive. A few years earlier, Jogaila was elevated to the position of grand duke after the death of his father Algirdas (d. 1377), leading to a conflict with his uncle Kęstutis. The latter was eventually imprisoned on Jogaila’s orders and soon died (in 1382). Jogaila’s grand ducal reign was under constant pressure from ambitious ducal kinsmen, at that time especially Vytautas (d. 1430), son of Kęstutis, and Andrei of Polotsk (d. 1399), the eldest son of Algirdas. Among external threats, the greatest danger was posed by the Teutonic Order and the Grand Duchy of Moscow. The fears were even more justified because both powers supported the malcontent Lithuanian dukes, who were eager to ask them for help.<sup>14</sup>

This does not mean that the Polish side (represented by the nobles of Lesser Poland) did not see any advantages in this alliance, otherwise they would not have agreed to it. However, the Order did not pose the greatest threat to the Polish political elites at the time, as both sides observed the so-called Kalisz Treaty of 1343. Among other things, the treaty resolved the ownership of the disputed territories, i.e. Danzig Pomerania, which stayed in the hands of the Order.<sup>15</sup> Since the time of King Casimir the Great (d. 1370), therefore, the attention of the political elites was instead focused eastwards, on Red Ruthenia and Podolia.

These events themselves did not yet suggest a historical breakthrough, but they did mark the beginning of a fundamental change, starting with the closer cooperation, alliance, and later even union between Poland and Lithuania. This alliance was accompanied by one very significant change: a year after the coronation of the Lithuanian duke (1387), the entire Duchy of Lithuania officially adopted Catholicism, as manifested with the foundation of a Catholic bishopric in Vilnius.<sup>16</sup> Therefore, although the slowly emerging Polish-Lithuanian union was very fragile and passed through many crises, it overall commanded a fundamental and decisive influence on the historical development of the respective region in the following centuries.<sup>17</sup>

These two new historical phenomena—the connection of Poland and Lithuania under one ruler, and the Christianization of Lithuania—seem to have had fatal implications for the domain of

13 *Akta unji*, no. 1, 2: “Jagalo dux [...] promittit terras suas Litvaniae et Rusiae coronae regni Poloniae perpetuo applicare.” Frost, *The Oxford history*, 56–57, like some others, points out the difference, i.e. the Lithuanian and Russian lands are to be attached to the Polish crown (*corona Poloniae*), not the Polish kingdom (*regnum Poloniae*). The term “Polish crown” was meant to refer to the supra-personal concept of monarchy, and to include a cluster of non-Polish lands, such as Red Ruthenia.

14 Krzyżaniakowa and Ochmański, *Władysław*, 54–74.

15 Stanisław Szczur, “Traktat pokojowy Kazimierza Wielkiego z Zakonem Krzyżackim z 1343 roku,” *Zapiski Historyczne* 56 (1991): 7–43.

16 Baronas and Rowell, *The Conversion of Lithuania*, 261–93; Tadeusz Krahel, “Die anfängliche Organisation der Kirche in Litauen,” in *La cristianizzazione della Lituania. Atti del Colloquio internazionale di storia ecclesiastica in occasione del VI centenario della Lituania cristiana*, Roma, 24–26 giugno 1987 (Città del Vaticano, 1989), 159–74, esp. 162–66.

17 For an overview of the Polish-Lithuanian Union up to 1569, see Frost, *The Oxford history*. For a detailed analysis of the events of the fifteenth century, see Błaszczuk, *Dzieje*, vol. 2/1, although some of his interpretations are controversial.

the Teutonic Order in Prussia and Livonia. Three aspects must be taken into consideration: legitimation, power, and self-identity. The official baptism of the Lithuanians in 1387 called into question the legitimacy of the traditional crusades against infidels. Secondly, the formation of the Polish-Lithuanian alliance, in turn, created a dangerously large and powerful bloc around the territory of the Order.

The third aspect seems to be the most challenging. There is no doubt that for the Teutonic Knights, Catholic Christianity was a very important benchmark simply due to the religious self-identity that was common to the military religious orders. Besides the spiritual life within the community, meaning the following of Christ manifested by the hospitaller ministry and the special relationship with the Virgin Mary and other saints, a key element of their self-perception was their identity as God's chosen warriors (*milites Christi*), as the new Maccabees whose task was an irreconcilable struggle with the pagans to avenge the disgrace of Christ caused by their idolatry.<sup>18</sup> In other words, they thought proudly of themselves as the best representatives of Christianity, and considered their mission in the region indispensable.<sup>19</sup>

The grandmaster and the main representatives of the Order were certainly aware of the great threat posed by both the emergence of the Polish-Lithuanian alliance, which gradually developed into a union, and the Christianization of Lithuania. Therefore, the grandmaster refused to accept Jogaila as a monarch reigning in Poland and Lithuania simultaneously. For the same reason, he refused to acknowledge the validity of the baptism which Christianized him and his pagan countrymen. Instead, the grandmaster considered these only as expedient means for Jogaila to gain more strength for his attacks against the Order. Initially, historical circumstances did not force the grandmaster to change his attitude and policy towards Poland and Lithuania. Moreover, the reign of the grand duke in Lithuania remained unstable. As already mentioned, although he was the supreme ruler, Jogaila was challenged by the ambition of his ducal relatives striving for sovereignty, or at least autonomy from his rule. This was exploited with pleasure by the grandmaster to reinforce separatist tendencies in the duchy.

Regardless, Władysław Jagiełło was able to put the Order at a disadvantage with a single move, as in a game of chess. The official baptism of Lithuania called into question not only the Order's aggressive policy, but also the very legitimacy of its existence. Moreover, the new king used the 1343 Kalisz peace treaty between Poland and the Order to seemingly extend its validity to Lithuania, though the grandmaster rejected this. The peace with the Order might have been jeopardized by the promise made by the king in Krewo, to seek the reintegration of territories

18 Marcus Wüst, "The Chronicles of the Teutonic Order in Prussia in the Fourteenth and Fifteenth Centuries," in *Historiography and Identity*, vol. 6, *Competing Narratives of the Past in Central and Eastern Europe, c. 1200–c. 1600*, eds. Pavlína Rychterová and David Kalhous (Turnhout, 2021), 371–400; idem, *Studien zum Selbstverständnis des Deutschen Ordens im Mittelalter* (Weimar, 2013).

19 Some interesting aspects of this issue have already been pointed out by William L. Urban, "The Teutonic Order and the Christianization of Lithuania," in *La cristianizzazione della Lituania. Atti del Colloquio internazionale di storia ecclesiastica in occasione del VI centenario della Lituania cristiana, Roma, 24–26 giugno 1987* (Città del Vaticano, 1989), 105–35, although his characterization of some of the figures is not accurate.

unjustly alienated from the Polish crown.<sup>20</sup> This promise initially referred to eastern territories claimed by Poland, but it undoubtedly opened up the possibility of reclaiming the territories once ceded to the Order, namely Pomerania.

## Shared Values or Contradictions?

While acknowledging the significance of the events initiated between 1385–87, scholarly analysis suggests minimal change in the enduring relationships between the grandmaster and the Teutonic Knights, and the Lithuanian dukes and boyars. By the 1990s, studies by Lithuanian historians underscored the nuanced dynamics at play, extending beyond mere military encounters even before 1386. However, Nikžentaitis' thesis (1993) positing an exceptionally peaceful coexistence between the Order and Lithuania during 1345–60 lacks persuasive evidence. During this period, both sides intermittently brokered truces (only twice) while conducting numerous war campaigns (25 in total). As long as the Lithuanian dukes adeptly employed diplomacy—often promising baptism—to diminish the Order's influence, their success was notable.<sup>21</sup>

R. Petrauskas and D. Baronas have provided more reliable arguments and convincing examples from the sources, highlighting numerous peaceful contacts between Lithuanian dukes, prominent boyars, and the commanders (*Komture*).<sup>22</sup> From the second half of the fourteenth century, political elites on both sides appeared to share a common chivalric culture, ethics, and customs related to warfare and diplomacy. This era saw the emergence of new forms of communication aimed at establishing codes of conduct governing aspects such as the chivalric struggle, the treatment of war captives, ransom procedures, terms for truces, and more.<sup>23</sup> Within this framework, scholars have described the phenomenon as a *war economy* (R. Petrauskas), which notably did not entail total war aimed at the complete destruction of the enemy, nor did the Teutonic Order seek to conquer the entirety of Lithuania.<sup>24</sup> The baptism of Lithuania, and the subsequent Polish-Lithuanian bond (1386/7), did alter the regional dynamics, although their long-term consequences only

20 Akta unji, no. 1, 2: "Dux Jagalo magnus promittit et spondit, universas occupationes et defectus regni Poloniae, per quorumvis manus distractas et occupatas, propriis laboribus et expensis reintegrare."

21 Alvydas Nikžentaitis, "Die friedliche Periode in den Beziehungen zwischen dem Deutschen Orden und dem Großfürstentum Litauen (1345–1360) und das Problem der Christianisierung Litauens," *Jahrbücher für Geschichte Osteuropas* NF 41 (1993): 1–22.

22 Rimvydas Petrauskas, "Litauen und der Deutsche Orden vom Feind zum Verbündeten," in *Tannenberg – Grunwald – Žalgiris 1410. Krieg und Frieden im späten Mittelalter*, eds. Werner Paravicini, Rimvydas Petrauskas, and Grisca Vercamer (Wiesbaden, 2012), 237–52; Darius Baronas, "Lietuvių ir vokiečių taikaus bendravimo bruožai XIV a. karo sukuryje," *Lituanistica* 56 (2010): 2–18; Rimvydas Petrauskas, "Der Frieden im Zeitalter des Krieges. Formen friedlicher Kommunikation zwischen dem Deutschen Orden und dem Großfürstentum Litauen zu Beginn des 15. Jahrhunderts," *Annaberger Annalen über Litauen und deutsch-litauische Beziehungen* 12 (2004): 28–42.

23 The influence of chivalric culture in the Lithuanian milieu, exemplified by the release of captives on oral oath and the role of guarantors, is demonstrated by Antanas Petrilionis, "Auf die Hand praktika: belaisvių lygtiniai paleidimai tarp Vokiečių ordino ir Lietuvos (XIV a. pabaiga – XV a. pirma pusė)," *Lietuvos istorijos studijos* 45 (2020): 31–46.

24 Urban, "The Teutonic Order," 120.

became evident over time. Throughout these changes, the contemporary protagonists adhered to established behavioral patterns and adapted to new realities only cautiously.<sup>25</sup>

Evidence of shared cultural habits between the Lithuanian dukes and Teutonic Knights includes instances such as joint banquets and hunting expeditions attended by both parties, but it is important to acknowledge that these are isolated examples. In 1377, Wigand of Marburg, a contemporary chronicler of the Order, reported that during the invasion of the Order's army deep into the Lithuanian hinterland and in the midst of truce negotiations, the dukes Algirdas and Kęstutis hosted a joint banquet for the Order's dignitaries.<sup>26</sup> During the same campaign, Kęstutis asked the Order's marshals for permission to share a meal with the Commander of Brandenburg, Günther of Hohenstein. Though the Lithuanian duke received permission, it was conditioned by the issuance of a safe conduct letter.<sup>27</sup> The choice to meet with this particular commander was not coincidental, as Günther of Hohenstein was the godfather of Kęstutis' daughter Danuta, who was baptized and married to the duke of Masovia (1371–73).<sup>28</sup>

Among all the Lithuanian dukes of the time, Kęstutis seems to have had the most frequent interactions with members of the Order, leading some to speculate that he may have been fluent in German. One incident that supports this notion occurred during his escape from captivity at Marienburg in 1361, where he is said to have greeted a Teutonic knight disguised as a brother of the Order, who failed to recognize him.<sup>29</sup> Some scholars have suggested that the duke's escape was deliberate, as his imprisonment offered no benefit to the Order in terms of ransom or political leverage. Instead, the Teutonic Knights had more to gain from the ongoing war between pagans and Christians.<sup>30</sup>

Kęstutis, traditionally regarded by historians as a pagan ruler who staunchly upheld the customs of his ancestors, defended Lithuanian independence, and fiercely opposed the Order, emerged as a central figure. He stood in stark contrast to his nephew Jogaila, whose dealings with the Order were seen as treacherous. In his case, too, there was symbolic communication in the

25 Petrauskas, "Litauen," 240–42.

26 Wigand von Marburg, *Nowa kronika*, 410: "Welaw opidum igne consumitur preter terciam eius, quod christiani fecerunt pro salute et in sortem regis Algard; qui cum huiusmodi sentiret, vocat marschalkum, commendatorem magnum, ut in honorem eis gustarent cibum atque potum suum. Atque cum eis Gunterus de Hoenstein, de Katzenelbogen comes Eberhardus multique alii nobiles, qui omnes curiam commendabant." The joint feast took place after the destruction of two-thirds of Vilnius, which is why some scholars (Baronas and Rowell, *The Conversion of Lithuania*, 232) interpret the act of hospitality towards the enemy troops as an effort to protect the rest of the city from the devastating fire. But the point is that such a feast between hostile parties was at least conceivable, cf. Petrauskas, "Litauen," 239.

27 Wigand von Marburg, *Nowa kronika*, 414: "Rex [i.e. Kęstutis] vero: volo ut mecum commedat; et marschalkus: ordinabo hoc sub salvo conductu. Transiitque ad exercitum [...] vocatque fratrem de Hoenstein [i.e. Günther of Hohenstein], qui ad votum regis venit castrum, ubi a rege honorifice est suspectus, et letatur cum eo." Petrauskas, "Litauen," 239, interprets the joint feast in symbolic categories that imply close friendship.

28 Janusz Grabowski, *Dynastia Piastów mazowieckich. Studia nad dziejami politycznymi Mazowsza* (Warsaw, 2012), 92; Jan Tęgowski, *Pierwsze pokolenia Giedyminowiczów* (Poznań, 1999), 218.

29 Wigand von Marburg, *Nowa kronika*, 280–82; cf. Darius Baronas, "Die Flucht des litauischen Fürsten Kęstutis (Kynstut) aus der Marienburg 1361 und die Frage, ob der Deutsche Orden an seiner Gefangenschaft interessiert war," *Annaberger Annalen über Litauen und deutsch-litauische Beziehungen* 12 (2004): 9–27.

30 Baronas and Rowell, *The Conversion of Lithuania*, 147.

form of joint hunting in 1380, when Jogaila asked the grandmaster Winrich of Kniprode to send his envoys on a joint hunt (*dirigeret fratres ad venationem*). According to the chroniclers, the grandmaster, the Commander of Elbing, and the Bailiff (*Vogt*) of Dirschau (Tczew) were treated like royalty (*regaliter tractat*). On the third day, the hunt took place, followed by a meal and then negotiations leading to the armistice.<sup>31</sup> This shared enthusiasm for hunting later materialized in mutual permits to hunt in the border forests, known as *hunting letters* (the so-called *jagdbriefe*).<sup>32</sup>

Nevertheless, it is undeniable that brutal killings took place on both sides, targeting not only warriors but also women and children. The portrayal of the Lithuanians as fierce and barbaric pagans was firmly rooted in the Order's narrative sources, especially before 1386, though not exclusively. The cruelty towards captives continued beyond this period, involving both sides. This fact also sheds some light on shared cultural values, as the following two episodes illustrate.

In 1390, a significant event took place when the army of the Teutonic Order marched to Vilnius and besieged it to help duke Vytautas, who wanted to claim his inheritance as Jogaila's cousin. The defense of the castle fell to Jogaila's younger brother, known as Karigaila (baptized Kazimierz), who tragically lost his life during the siege. Soon after, accusations were made by the Poles that the duke had been deliberately murdered. The grandmaster of the Order refuted this claim, stating that the duke's death was accidental and occurred during the capture of the castle, where he was not recognized.

A notable aspect of the grandmaster's defense was the logical argument in favor of capturing the duke rather than killing him. This strategy, the grandmaster argued, would have allowed the Order to demand a high ransom or negotiate an exchange for their own captives.<sup>33</sup> Despite this explanation, the Polish narrative persisted, particularly in polemical writings during the Council of Constance in 1416. According to this story, the king's brother was not only executed, but subjected to a particularly gruesome display—his severed head was impaled on a lance or spear, and displayed to glorify the military prowess of the camp.

The veracity of these accusations remains uncertain, and it is impossible to definitively confirm whether such a barbaric act took place. Nevertheless, the Polish-Lithuanian side accused the Teutonic Order to highlight the alleged brutality, which they claimed surpassed even the practices of pagans.<sup>34</sup> In their defense, the Teutonic Knights claimed that such an act would be unthinkable in their ranks. Furthermore, they countered with the argument that it was Vytautas who had authorized the beheading of three Teutonic Knights after the Battle of Grunwald (known as Žalgiris or Tannenberg) in 1410.<sup>35</sup>

31 Wigand von Marburg, *Nowa kronika*, 454–6; cf. Petrauskas, "Litauen," 242.

32 Klaus Neitmann, "Jagdbriefe im diplomatischen Verkehr des Deutschen Ordens mit Polen-Litauen um 1400," *Preußenland* 24 (1986): 25–33 considers these letters to be (in terms of diplomatic categories) close to the safe conduct.

33 See the grandmaster's letter (1391) to Queen Hedwig, *Codex diplomaticus Prussicus. Urkunden-Sammlung zur älteren Geschichte Preussens aus dem Königl. Geheim-Archiv zu Königsberg nebst Regesten*, vols. 4–6, ed. Johannes Voigt (Königsberg, 1853, 1857, 1861), here vol. 4, no. 97, 140.

34 *Codex epistolaris Vitoldi Magni Ducis Lithuaniae, 1376–1430*, ed. Antoni Prochaska (Cracow, 1882), 1009–10.

35 Further, see Antanas Petrilionis, "Viduramžių detektyvas: kaip žuvo kunigaikštis Karigaila? 1390 m. rugsėjo įvykiai ir jų atmintis," *Naujasis Židinys – Aidai* 2 (2018): 38–44.

Among the decapitated was the Brandenburg commander Marquard Salzbach,<sup>36</sup> whose life and relationship with duke Vytautas marks both a typical illustration of similar values, as well as certain differences that may not necessarily have resulted from the contradiction between Christianity and paganism. According to the Polish chronicler Długosz, the commander was beheaded because of his arrogance and an old insult he allegedly once inflicted on Vytautas and his mother.<sup>37</sup> The king of Poland expressly wished to preserve the life of such an important captive, but the Lithuanian duke nevertheless ordered the execution due to the words of Marquard himself: “The present fate does not make me afraid at all. Its favorable effects flow equally to one side and the other. And as fortune turns, tomorrow it will give us, the defeated, what you are enjoying today as the victors.”<sup>38</sup>

The execution is even more astonishing considering Commander Marquard’s long-standing allegiance to Vytautas. They had been comrades for many years, standing side by side against the Tatars in 1399, and against the duke of Moscow in 1408. Marquard was not just an occasional visitor, but a frequent guest at Vytautas’s court. Their collaboration dates back to 1382, when Vytautas first sought the grandmaster’s help in his struggle against Jogaila. However, the ties between Marquard and Vytautas were strengthened even further when the latter left the Order two years later, was reconciled with his cousin, and returned to Lithuania. There he brought with him captives from the Order, including Marquard, who then spent six years at Vytautas’s side. Despite a failed coup around 1389–90, which caused Vytautas to leave Lithuania again, he was readmitted by the grandmaster, with Marquard taking an active part in the unsuccessful campaign to take Vilnius. Even in 1392, when Vytautas tried to lure Marquard back with promises of castles in Lithuania, the stalwart commander remained loyal to the Order and chose to remain in Prussia.<sup>39</sup>

The cooperation of Vytautas with the Order changed when he, as grand duke of Lithuania, negotiated a permanent peace treaty with the grandmaster in 1398, including the cession of Žemaitija (also known as Samogitia) to the Order. The long and friendly relationship between Vytautas and Marquard seems to have fostered a climate of openness and honesty between them.<sup>40</sup> However, Vytautas’s behavior and activities regarding the transfer of Žemaitija to the Order were considered inappropriate by the grandmaster, leading Marquard to openly accuse him of disloyalty and even treason. Vytautas, highly sensitive to any perceived insult to his honor,

36 The only study about this figure is written by Antoni Prochaska, “Markward Salzbach. Z dziejów Litwy,” *Przegląd Historyczny* 9 (1909): 12–28, 121–32, but it is outdated.

37 *Joannis Dlugossii Annales seu Cronicae incliti Regni Poloniae. Lib. 10–11, 1406–1412*, eds. Christophorus Baczkowski, Danuta Turkowska, and Franciscus Sikora (Warsaw, 1997), 116–17.

38 *Ibid.*, 117: “Nihil – inquit [i.e. Marquard] – presenti fortuna deterreor, cuius successus ex equo parti utrique suffunditur, sorte commutata id nobis victis crastina die, quo vos potimini hodie, victores largitura.”

39 Wigand von Marburg, *Nowa kronika*, 558.

40 In Marienburg, they were well aware of Marquard’s extraordinary position at Vytautas’s court, see *Codex epistolaris Vitoldi*, 978 (Order’s memorandum from 1409): “Ipse [i.e. Marquard] bene per quindecim annorum tractatus parte pro maiori apud ducem Witoudum fuit, et ei multa servicia impendebant, in multiplici exercitu suus extitit procurator, cum expulsus patria esset, et annis multiplicibus apud eum fuit in Litaunia, et cum ipse ab ordine immutasset, equitavit comandator de Brandenburg inter ipsum ordinemque, et pro eo fiducialiter interpellavit, ita quod in amicitia et pace erat reconciliatus. Pre amore tante familiaritatis et integre confidentie ad eum loquebatur sine omni malo.”

interpreted this accusation as an irreparable affront.<sup>41</sup> This sequence of events sheds light on the brutal executions described above and, at the Council of Constance, the Order's delegation brought charges against Vytautas, denouncing his actions as unchristian and contrary to the principles of chivalry.<sup>42</sup>

## Religious Identity and Political Partnership

The picture presented so far of the relations between the Teutonic Knights and the Lithuanian dukes could to some extent be considered consistent with the thesis that the Order did not really seek to convert Lithuanians, because they needed the pagan dukes to crusade against and thus justify their mission in the Baltic region. It should be noted, however, that this argument is in a way identical to the contemporary Polish-Lithuanian polemic with the Order's message at the Council of Constance, that the grandmaster and the Order were primarily concerned with territorial expansion, not the spread of Christianity.

The situation becomes clearer when we consider the perspectives of both the grandmaster and the Order. From their point of view, the spread of Christianity was intertwined with the expansion of the Teutonic Order's own influence and authority. Therefore, anything or anyone that hindered this mission was perceived as an opponent to Christianity itself. The Order was determined not to allow any competition in this regard. On the other hand, the maintenance of power and sovereignty was also of paramount importance for the Lithuanian dukes, both among the Lithuanian elites and in relation to external powers. It is crucial to understand how the spread of Christianity and the acceptance of Catholicism through baptism was manipulated within this framework.

The case of the Lithuanian king Mindaugas (d. 1263), who received Catholic baptism but failed to establish Christianity in the country, shows the close interconnection of these realities. Since he was forced by external circumstances to agree to a policy hostile to the Order, it was widely rumored that he abandoned Christianity towards the end of his life, though we have no reliable evidence of this.<sup>43</sup> Further attempts (in the fourteenth century) to Christianize Lithuania followed a very similar pattern, with the initiative usually originating internally and seeking mediation from Christian rulers, such as the Polish, Czech, or Hungarian kings. It is noteworthy that we do not find a grandmaster among the mediators. Yet all attempts failed because, among other reasons, the

41 *Scriptores rerum Prussicarum. Die Geschichtsquellen der preussischen Vorzeit bis zum Untergange der Ordensherrschaft*, vols. 2–3, eds. Theodor Hirsch, Max Töppen, and Ernst Strehlke (Leipzig, 1866), here vol. 3, 267: "Her Marqwart von Salczbach, kompthur czu Brandenburg, Wytowt gescholdin hatte und geheysin eynen bosin wicht und eynen vorreter, und hette an dem ordin obel gethan." Vytautas challenged Marquard to a knightly duel, but the confrontation never materialized. The grandmaster defended himself by claiming that if Marquard had indeed insulted the duke, he had done so without the grandmaster's knowledge or approval, see *Codex diplomaticus Prussicus*, vol. 6, 174. The same sensitivity to insults against one's honor can be observed in Algirdas, see Baronas and Rowell, *The Conversion of Lithuania*, 186–87.

42 *Codex epistolaris Vitoldi*, 1033.

43 Baronas and Rowell, *The Conversion of Lithuania*, 77–118.

Lithuanian dukes conditioned their intention on political demands, in particular on the conclusion of peace with the Order, or even the return of occupied territory.<sup>44</sup>

Some attempts were spectacular. In the autumn of 1324, a papal legation arrived in Vilnius, where it was told by the grand duke Gediminas that he had never considered receiving baptism.<sup>45</sup> In 1351, Duke Kęstutis was induced to accept baptism through a joint Polish-Hungarian campaign against Lithuania, and King Louis of Hungary was willing to meet the duke's far-reaching demands. The duke confirmed his promise with a bloody ritual oath with apparent pagan and Old Testament (!?) features,<sup>46</sup> but he fled during the trip to Hungary, where the ceremony was to be performed. In the autumn of 1358, the same duke was invited to Wrocław (Silesia), where he was expected by Emperor Charles IV and King Casimir III of Poland. He did not appear but sent a demand for the cession to Lithuania of half of the territory of the Order's state.<sup>47</sup> The dukes seem to have used declarations, even promises of conversion to the Catholic faith, as tools to achieve temporary political gains.

These patterns of behavior on both sides reveal a complex interplay of religion, politics, and diplomacy, characterized by strategic maneuvering, skepticism, and the instrumentalization of religious conversion for political gain. Nothing seems to have changed after Jogaila's baptism in 1386. The Lithuanian duke invited the grandmaster Konrad Zöllner of Rotenstein (d. 1390) and the *Landmeister* of Livonia Robin of Eltz (d. 1388) to the ceremony in Cracow as his godparents. The grandmaster did not accept the invitation, but instead organized a military campaign against Lithuania.<sup>48</sup>

The reasons for refusing this invitation were apparently rooted in events that had taken place four years earlier. In 1382, a defensive and offensive alliance was concluded for four years between the grandmaster and the land master of Livonia on the one hand, and the dukes Jogaila and his brother Skirgaila on the other.<sup>49</sup> The alliance was concluded after Jogaila's struggle against his uncle Kęstutis, who died under suspicions of homicide on August 15, 1382.<sup>50</sup> The treaty included a

44 On occasion, this included demands for a royal crown and a distinctive ecclesiastical province. Before the official baptism of Lithuania (1387), six unsuccessful attempts were made to convert it to Christianity (1323–1324, 1341, 1349, 1351, 1358, and 1373), Nikžentaitis, "Die friedliche Periode," 7.

45 Baronas and Rowell, *The Conversion of Lithuania*, 119–36.

46 Ibid., 140–41.

47 Ibid., 141–43.

48 The earliest information about the dispatch from Jogaila inviting the two masters to Cracow comes from the articles of accusation of the Polish king from 1388, see *Scriptores rerum Prussicarum*, vol. 2, 714: "Das wir von den gnaden gotts vns uff den weg hatten dirhaben keen Cracaw czu entphaende dy heilge touffe, dorobir so hatte wir gemanet beteklich den homeister vnd den meistir czu Lyfflande, das sy vnsz geistliche fetir weren." Cf. Adam Szweda, *Organizacja i technika dyplomacji polskiej w stosunkach z zakonem krzyżackim w Prusach w latach 1386–1454* (Toruń, 2009), no. 1, 316–17 and Harro Gersdorf, *Der Deutsche Orden im Zeitalter der polnisch-litauischen Union. Die Amtszeit des Hochmeisters Konrad Zöllner von Rotenstein (1382–1390)* (Marburg/Lahn, 1957), 81 who do not mention that the *Landmeister* of Livonia was also invited.

49 *Liv-, esth- und curländisches Urkundenbuch nebst Regesten*, vol. 3, ed. Friedrich Georg von Bunge (Reval, 1857), no. 1184, col. 393–94. It is worth noting the title of Jogaila, a pagan duke at that time: "Von Gotis gnaden groser koning zcu Littawen."

50 Internal Lithuanian affairs in 1380–82 were not always clear, such as the extent of the Order's involvement in the discord between Jogaila and Kęstutis, and the true target of the 1380 Dovydiškiai treaty between Jogaila and the Order



promise by both dukes and their subjects to accept Catholic baptism within four years.<sup>51</sup> In his own charter, the grandmaster explicitly promised to aid both dukes against the Greek Orthodox and their subjects who opposed Christianity.<sup>52</sup> Although the document does not explicitly say from whose hand the dukes should be baptized, it may be assumed that it would have been performed by one of the Prussian bishops, and under the supervision of the grandmaster. In the following year the grandmaster recalled this promise, and even travelled to the Prussian-Lithuanian border accompanied by two Prussian bishops, but Jogaila apologetically refused the baptism, and even avoided a meeting with the grandmaster.<sup>53</sup> As some scholars point out, the fact that Jogaila eventually underwent Catholic baptism exactly within four years, albeit in Poland and under different circumstances than the grandmaster imagined, cannot be explained, except perhaps as fortuitous coincidence.<sup>54</sup>

There is no doubt that the timing and method of the Lithuanian dukes' baptisms were not a trivial matter in the eyes of the grandmaster and the Teutonic Knights. This may be confirmed by the example of Jogaila's cousin and serious political rival, duke Vytautas, who was probably the only one among the Lithuanian princes who was actually baptized three times in total.<sup>55</sup> During his first exile in Prussia, Vytautas received a Catholic baptism under the name Wigund (c. 1383).<sup>56</sup> After his return to Lithuania, he apparently accepted a Greek Orthodox baptism under the new name Alexander. Finally, Vytautas was to be baptized in Cracow in February 1386 in connection with the baptism, marriage, and coronation of his cousin Jogaila, retaining the Greek Orthodox name Alexander.<sup>57</sup> When he later travelled to Prussia a second time to ask for help (1389/90), he was forced to justify his serial baptisms before the grandmaster:<sup>58</sup> apparently, the Greek Orthodox

(potentially Kęstutis). See Wigand von Marburg, *Nowa kronika*, 454–57; cf. Nikodem, Jarosław, Witold. *Wielki Książę Litewski (1354 lub 1355 – 27 października 1430)* (Cracow, 2013), 54–69; Krzyżaniakowa and Ochmański, *Władysław*, 61–74.

51 *Liv-, esth- und curländisches Urkundenbuch*, vol. 3, no. 1185, col. 394–95. At the Council of Constance, the Order's delegation interpreted this promise of baptism as a condition for granting their military support against Kęstutis, *Codex epistolaris Vitoldi*, 1025–26.

52 The National Museum in Cracow, The Czartoryski Library, sign. 186 Perg: "Wider die Rusin vnd ouch wedir yre eygene luthe ab sie sich wider sie setzten durch des Cristenthums willen."

53 *Scriptores rerum Prussicarum*, vol. 3, 126.

54 Baronas and Rowell, *The Conversion of Lithuania*, 258–59.

55 According to Jarosław Nikodem, "Pobożność Giedyminowiczów (XIV–XV wiek)," in *Jagiellonowie i ich świat. Polityka kościelna i praktyki religijne Jagiellonów*, eds. Bożena Czwojdrak, Jerzy Sperka, and Piotr Węcowski (Kraków, 2020), 37–50, esp. 43–44, Vytautas made use of baptism in a purely instrumental way.

56 Wigand von Marburg, *Nowa kronika*, 512 did not approve of his motives: "Ut ampliore haberet inter christicolas confidenciam, baptizari se fecit in Tappiow." Cf. *Scriptores rerum Prussicarum*, vol. 3, 127.

57 Giedrė Mickūnaitė, *Making a Great Ruler. Grand Duke Vytautas of Lithuania* (Budapest, 2006), 5–6; Nikodem, Witold, 101–3.

58 His speech defence, which must have been drafted in early 1390, has been preserved under the title "Dis ist Witoldes sache wedir Jagaln vnd Skirgaln." Traditionally, the edition from the *Scriptores rerum Prussicarum*, vol. 2, 711–14 is quoted, but due to its inaccuracy I quote below according to Kazys Alminauskis, "Vytauto skundas," *Archivum philologicum* 8 (1939): 182–224, here 204–15; cf. Mickūnaitė, *Making a Great Ruler*, 21–22; idem, "From Pamphlet to Origin Theory. The Establishment of Lithuanian Dynastic Tradition," in *The Medieval Chronicle*, vol. 2, *Proceedings of the 2nd International Conference on the Medieval Chronicle, Driebergen/Utrecht, 16–21 July 1999*, ed. Erik Kooper (Amsterdam, 2002): 156–65.

baptism was forced upon him against his will by Skirgaila, Jogaila's younger brother, who had unjustly received Vytautas's patrimony. He assured the grandmaster, however, that he had received the "schismatic" baptism only in appearance, but he secretly professed the true Catholic faith.<sup>59</sup> Vytautas's explanation sounds somewhat naive, but apparently it was necessary to dispel the grandmaster's distrust after his "betrayal" and move to the Lithuanian side.

In this context, the case of duke Andrei Algirdovich (d. 1399) is significant, as it illustrates the Order's remarkable pragmatism in certain circumstances. It suggests that the grandmaster's decisions to support or withhold support for the ambitions of Lithuanian dukes vis-à-vis their rivals were driven primarily by political considerations, seemingly overlooking the religious affiliations of their political counterparts. In addition, this case serves to illustrate the Order's intended mode of interaction with the Lithuanian dukes, offering insights into a possible framework for their relationship.

Andrei Algirdovich was one of the oldest sons of the grand duke Algirdas, and therefore the older half-brother of Jogaila. Like most of the sons from Algirdas's first marriage, Andrei also embraced the Greek Orthodox faith. His father gave him the Principality of Polotsk (north-east from Lithuania) to govern, but the crucial point was that he did not nominate him to the grand ducal throne. Andrei therefore became a fierce opponent of Jogaila and, after his expulsion from Polotsk, he sought help in Moscow. The principality was restored to him by Kęstutis during his attempt to overthrow and remove Jogaila from office (1381), and Andrei presented his ambitions publicly with the title "the grand duke of Polotsk". Jogaila could not accept this situation and, after gaining the Polish crown, sent his brother Skirgaila and other dukes with an army to seize Polotsk from Andrei (1387).<sup>60</sup> Andrei was imprisoned in Poland until 1394, when his loyalty to Jogaila was guaranteed by his other brothers and cousins, and Polotsk was returned to him. Five years later he fell in the battle of the Vorskla River (1399).<sup>61</sup>

In October 1385, a remarkable event took place when duke Andrei, accompanied by the *Landmeister* of Livonia, surrendered control of his patrimony, the Principality of Polotsk, to the Livonian Order in return for a fiefdom. The Livonian Order promised to protect the duke and his descendants, and to assist in the recovery of their property should anyone attempt to dispossess them.<sup>62</sup> It is clear with a high degree of certainty that "anyone" here refers to Jogaila. It is noteworthy that neither the quoted letter nor the one addressed to the grandmaster indicated any insistence on duke Andrei's conversion to Catholicism, despite his schismatic status. Paradoxically, the grand-

59 Alminauskis, "Vytauto skundas," 211. The real reasons may have been related to the promise of acquiring a certain principality with a predominantly Greek Orthodox population (Łuck), and where Greek Orthodox baptism was required. However, it is rather doubtful that Vytautas really obtained the principality in question, see Nikodem, *Witold*, 93–96. Baronas and Rowell, *The Conversion of Lithuania*, 317 cast doubts on Vytautas' account.

60 Ludwik Kolankowski, *Dzieje Wielkiego Księstwa Litewskiego za Jagiellonów*, vol. 1, 1377–1499, 2nd ed. (Oświęcim, 2014), 53–56.

61 Yanina Ryier, "The Grand Duke of Polotsk in the 14th Century. The Narrative Title or the Political Reality?" *Byzantinoslovaca* 7 (2020): 173–184; Tęgowski, *Pierwsze pokolenia*, 67–71; Wanda Maciejewska, "Dzieje Ziemi Połockiej w czasach Witolda (1385–1430)," *Ateneum Wileńskie* 8 (1933): 1–56, esp. 3–17.

62 See the letter issued by Andrei Algirdovich bestowing his patrimonial principality on the Order (October 10, 1385), *Polotskie gramoty XIII – nachala XVI wieku*, vol. 1, eds. A. L. Khoroshkevich, S. V. Poliekhov, V. A. Voronin, A. I. Grusha, A. A. Zhlutko, Ye. R. Skvayrs, and A. G. Tiul'pin (Moscow, 2015, no. 13, 77–78, and the letter issued by Andrei Algirdovich addressing the grandmaster (October 11, 1385), *ibid.*, no. 14, 78–79.

master, in alliance with the duke of Moscow – also a schismatic – sought to counterbalance Jogaila's growing influence, as Jogaila pursued plans to undergo Catholic baptism and ascend the Polish royal throne in Cracow. In essence, the Order showed favor to the schismatic ruler who would submit to its authority and influence, over the neophyte Catholic monarch who sought to embrace Christianity while ignoring the grandmaster's will.<sup>63</sup>

## Trapped by Their Own Politics and Propaganda

After Jogaila's historic decision to accept Catholic baptism in Cracow and become King of Poland, the grandmaster and the Order fell (consciously or not) into a certain trap. On the one hand, in their polemical writings and propaganda, they polemicized on Jogaila's hypocrisy, who had accepted the Catholic faith only ostensibly to fight more effectively against the Order. They supported this with the historical narrative of analogous Lithuanian rulers who were either unsteadfast in their faith (Mindaugas), broke their oath to undergo baptism (Gediminas, Kęstutis), or repeatedly betrayed the Order and broke their pledges (Vytautas).<sup>64</sup> The latter is particularly characterized as one "whose faith and writings should not be trusted due to repeated betrayals."<sup>65</sup> In other words, the grandmaster and the Order had many compelling arguments that could have strengthened their suspicions regarding the sincerity of Jogaila's baptism. To some extent, some scholars even justify the Order's perspective, since it was based on authentic historical experience.<sup>66</sup>

On the other hand, from the perspective of the grandmaster, his Order repeatedly collaborated and concluded alliances with the same unreliable partners (see above). Indeed, it seemed incapable of acting otherwise. After Vytautas betrayed the grandmaster and the Order a second (but not final) time in 1392, Jogaila's younger brother Švitrigaila automatically turned to the grandmaster for support. Yet Švitrigaila's hour of glory did not come until slightly later, after Vytautas' death in 1430, when he made an alliance with the grandmaster that would enable him to ascend to the grand ducal throne of Lithuania. In the end, this did not happen, nor did the alliance bring the Order any substantial strategic political benefit, not least because the Knights lacked their earlier military and political power.<sup>67</sup>

**63** It is worth noting that the decision to accept Polotsk as a fief was motivated by the commercial interests of the Riga burghers and merchants.

**64** This historical narrative appears in a similar consistent form in three sources as a justification for why the grandmaster did not accept the invitation to Jogaila's baptism in Cracow: (1) in the appeal from 1403 of the grandmaster against the decision of Pope Boniface IX, who forbade the Order to organize crusades against Lithuania, see *Codex diplomaticus Prussicus*, vol. 5, no. 137, 189–91; (2) in the respond to the articles of accusations after the war 1409–11, see *Codex epistolaris Vitoldi*, no. 4, 995–997; (3) in the polemic writing at the Council of Constance in 1416, see *Codex epistolaris Vitoldi*, no. 6c, 1027.

**65** *Codex diplomaticus Prussicus*, vol. 5, no. 137, 191: "Cuius fidei et scriptis minime credendum est propter iteratas tradiciones."

**66** Sebastian Kubon, "Die Wahrnehmung der Litauer durch den Deutschen Orden um 1400 und die Rolle des kollektiven Gedächtnisses," *Studia historica Brunensia* 66 (2019): 81–92.

**67** A new account of the duke's political career was given by Siergiej Poliekhov, *Nasledniki Vitovta. Dinastichieskaia vojna v Velikom kniazhestvie Litovskom v 30-ie gody XV veka* (Moscow, 2015), 129–470; cf. Anatol Lewicki, *Powstanie Świdrigiełły. Ustęp z dziejów unii Litwy z Koroną* (Cracow, 1892).

Going back to the 1390s, it is important to note that the Order allowed the inclusion of articles advocating the spread of Christianity into relevant treaties. However, the subsequent context reveals an important caveat: this spread was to be under the sole supervision of the Order, or closely linked to its political hegemony. This condition underlines the Order's insistence on controlling the narrative of religious expansion and ensuring its service to the Knights' political agenda. The condition therefore not only highlights the Order's desire for religious dominance, but also exposes its strategic maneuvering to consolidate power under the guise of religious expansion.

In the treaty of Salynas (October 12, 1398), the grandmaster concluded a peace and alliance with Vytautas, who already then held the title of the grand duke of Lithuania. In the very first clause of this treaty, duke Vytautas promised to spread Christianity with all his strength in his territory and among his people, and to be subject to the Roman Church and the Roman Empire like any other Christian ruler.<sup>68</sup> S. Kubon stresses that this point was a prerequisite for the conclusion of the contract, and that it was beneficial to both parties: the grandmaster obtained a commitment from Vytautas to propagate Christianity according to the requirements of the Teutonic Order, and the duke in turn received acknowledgement as a faithful Christian ruler.<sup>69</sup> The promise given was evidently intended to involve active aid from the duke in bringing the region of Žemaitija under the control of the Order, and the Order in turn supported his campaign against the Tatars with a military contingent (1399). Vytautas began to cooperate actively with the Order only after the renewal of the treaty (1404), which was necessary after the first uprising at Žemaitija (1401). The Polish king was involved in the treaty promising Vytautas's promotion of Christianity. The cooperation between the grandmaster and the grand duke to consolidate the power of the Order in Žemaitija was quite effective until 1408, when disputes began to escalate concerning the Order's subjects leaving for Lithuania. Both sides accused each other of not following the agreement of 1404 in this matter. In the backdrop was also the increasingly close cooperation between Vytautas and Władysław Jagiełło which, after the uprising at Žemaitija (May 1409), resulted in a joint military campaign against the Order (1409–11).<sup>70</sup> After the Knights' defeat, the agreed peace (February 1, 1411, Toruń) included their territorial losses (such as Žemaitija), and also the reappearance of the clause mandating the spread of Christianity, but with a significant difference from the previous two treaties. Now both parties (not just duke Vytautas) committed themselves to develop the Catholic Church on their territories and promote the Christian faith among their subjects, meaning some level of cooperation in this field.<sup>71</sup>

68 *Die Staatsverträge des Deutschen Ordens in Preußen im 15. Jahrhundert*, vol. 1, 1398–1437, ed. Erich Weise, 2nd ed. (Marburg, 1970), no. 2, 10.

69 Sebastian Kubon, *Die Außenpolitik des Deutschen Ordens unter Hochmeister Konrad von Jungingen (1393–1407)* (Göttingen, 2016), 117–20.

70 Kubon, *Die Außenpolitik*, 158–87; Nikodem, Witold, 251–93; Marek Radoch, *Walki Zakonu Krzyżackiego o Żmudź od połowy XIII wieku do 1411 roku* (Olsztyn, 2011), 202–324.

71 *Die Staatsverträge des Deutschen Ordens*, vol. 1, no. 83, 88.

Yet the ultimate failure of such a cooperation was illustrated by the future of Žemaitija,<sup>72</sup> whose fate was sealed during the Council of Constance (1414–18). The Polish-Lithuanian delegation managed to impress the conciliar audience with its evangelizing successes in a hitherto unchristian corner of Europe. Moreover, in their polemical writings, they were able to successfully accuse the Order of single-handedly hindering and obstructing the spread of the Catholic faith.<sup>73</sup> This was an uncomfortable situation for the Order, but it was partly due to their traditional policy combining the spread of Christianity with the spread of its political influence. On the other hand, were not Władysław Jagiełło and Vytautas guilty of the same thing?

Against the Order's wishes, the Council successfully proposed and finally approved the establishment of a bishopric in Žemaitija in 1417.<sup>74</sup> The grandmaster was fully aware of the possible consequences of this decision for the territorial loyalty of Žemaitija. According to the terms of the Peace Treaty of Toruń (1411), Žemaitija was to return to the Order after the death of the king of Poland and the grand duke of Lithuania.<sup>75</sup> However, the establishment of a bishopric in Žemaitija based on Polish-Lithuanian initiative would probably have resulted in its subordination to one of the Polish-Lithuanian metropolitan archdioceses, such as Gniezno or Lviv.

The Order had already experienced unfavorable situations of this kind, especially in Pomerania, where part of its territory was under foreign ecclesiastical authority. Consequently, the grandmaster wanted to avoid a similar scenario in Žemaitija. In view of the resolute attitude of the duke of Lithuania and the king of Poland, there was a real danger that this territory, although formally assigned to the Order, might be lost forever by being incorporated into the diocese of Gniezno. The grandmaster therefore protested, risking the accusation of hindering the spread of Christianity. His objection included a request that the future diocese be placed under the jurisdiction of the archbishop of Riga.<sup>76</sup> The jurisdiction of the Žemaitija diocese, which was placed under the protection of Pope Martin V in 1421, was finally determined no later than 1427, when it was subordinated to the archdiocese of Gniezno. This outcome was influenced by subsequent military conflicts which ended unfavorably for the Order.<sup>77</sup>

72 There is still some value in Robert Krumboltz, *Samaiten und der Deutsche Orden bis zum Frieden am Melno-See* (Königsberg, 1890), 91–209, regarding the history of Žemaitija and its position with respect to the Order.

73 Přemysl Bar, "Eine (un)genutzte Gelegenheit? Die Polnisch-litauische Union und der Deutsche Orden auf dem Konstanzer Konzil (1414–1418)," in *Der Deutsche Orden auf dem Konstanzer Konzil. Pläne – Strategien – Erwartungen*, eds. Helmut Flachenecker, Tobias Baus, and Katharina Kemmer (Weimar, 2020), 50–53; idem, "Der Streit um die Christianisierung Litauens und Samaitens auf dem Konstanzer Konzil (1414–1418)," *Studia historica Brunensia* 66 (2019): 105–25; Baronas and Rowell, *The Conversion of Lithuania*, 347–53.

74 Duke Vytautas chose a place called Varniai (Ger. Medeniken) as the seat of the bishop because, as a foundation charter states, "non erat moris [...] gentis in urbibus habitare, quare [...] princeps [...] ad terram [...] Samaytarum personaliter veniens locum dictum Worni in districtu Medinicensi pro civitate satis aptum assignavit nomen Medniky eidem imponendo," see Walther Holtzmann, "Die Gründung des Bistums Samaiten. Ein Beitrag zur Geschichte des Konstanzer Konzils," *Zeitschrift für die Geschichte des Oberrheins* 71/ NF 32 (1917): 70–83, esp. 81.

75 *Die Staatsverträge des Deutschen Ordens*, vol. 1, no. 83, 86.

76 This affair became so widespread among the people of Constance that it was documented by the chronicler, see *Chronik des Konstanzer Konzils 1414–1418 von Ulrich Richental*, ed. Thomas Martin Buck, 3rd ed. (Ostfildern, 2013), 77–78.

77 Grzegorz Błaszczyk, *Diecezja żmudzka od XV do początku XVII wieku. Ustrój* (Poznań, 1993), 17–19; Bolesław Kumor, "Organizacja diecezji litewskich do końca XV wieku," in *Chrzest Litwy. Geneza, przebieg, konsekwencje*, ed. Marek Tomasz Zahajkiewicz (Lublin, 1990): 77–90, esp. 81–82.

## Conclusion

There is no doubt that Jogaila's marriage to Princess Hedwig of Poland marked a transformative moment in the history of the region, and the beginning of the Polish-Lithuanian Union. Despite occasional resistance and skepticism, the alliance between Poland and Lithuania, coupled with the latter's Christianization, laid the foundations for profound historical developments that would shape political, religious, and territorial dynamics for centuries to come.

Contemporaries and later historians have long observed a puzzling paradox in the Order's approach to the Lithuanian dukes, one that defies easy explanation. On the one hand, the Order's fundamental mission was to spread the Christian faith among pagan populations. At the same time, however, there was the danger that once this mission had been accomplished, the very *raison d'être* of the Order would be called into question.<sup>78</sup>

From the perspective of the Order and its leadership, however, this may not have been a real dilemma. While ostensibly committed to the spread of Christianity, their actions often betrayed motives of territorial expansion and the consolidation of their own authority. Seeing the expansion of the Christian (Catholic) world as intrinsically linked both to religious supremacy and the political hegemony of the Order, the Teutonic Knights had no hesitation in attempting to convert the Lithuanian dukes to the Catholic faith, without fear of repercussions once their mission was accomplished.

Therefore, the events of 1386, namely the baptism of Jogaila and the acceptance of the Polish crown, could be considered as a turning point in the relations between the Order and the Lithuanian dukes only in a certain way. Catholic baptism did not generally mean an abandoning of military hostilities against the Lithuanian dukes unless the latter were willing to submit to the will of the grandmaster. The main criterion for the grandmaster was fidelity to the Order and observance of the oaths given to him. The same formula was applied by the Order and the grandmaster to the Lithuanian dukes before and after 1386. A more fundamental change for him was the combination of the Polish crown and the grand ducal title in the hands of one ruler, Władysław Jagiełło.

The situation in which the Order found itself at the turn of the fourteenth and fifteenth centuries can be aptly described as a vicious cycle from which there was no apparent escape. The task of promoting Christianity was no longer exclusive to the Order, as Lithuanian neophytes began to compete for influence in this regard. When Jogaila became a Catholic ruler, he and his cousin Vytautas assumed the roles of propagators (even "apostles") of the Catholic faith in Central Eastern Europe. Instead, the Order's effort to promote its vision of Christianization only seemed to invite accusations of hypocrisy and territorial greed against them. However, such criticism may not have been entirely justified, as similar actions were undertaken by opposing parties in line with the prevailing mindset of the time. Their efforts to control the narrative of religious expansion eventually led to conflict, notably seen in the establishment of the bishopric in Žemaitija against the Order's wishes.

<sup>78</sup> Hartmut Boockmann, *Johannes Falkenberg, der Deutsche Orden und die polnische Politik. Untersuchungen zur politischen Theorie des späteren Mittelalters* (Göttingen, 1975), 50–3.

Politically, the Order had a deep-seated anxiety of the growing power of the Polish king. As a result, the grandmaster continued to support oppositional Lithuanian dukes in the hope of undermining the king's authority. Although the Order was aware of the unreliability of these Lithuanian dukes as political allies, it was forced to forge alliances with them. This dilemma stemmed from the Order's recognition of the strategic need to counterbalance the influence of the Polish king, even at the risk of collaborating with untrustworthy partners. While the Order vociferously criticized Jogaila's alleged insincerity in embracing Christianity, therefore, its actions often contradicted this stance, as it continued to cooperate with other Lithuanian dukes considered just as insincere.

The complex dynamics between the Teutonic Knights and the Lithuanian dukes reveal a multifaceted interplay of religious, political, and diplomatic considerations. Research has unveiled a continuity (before and after 1386) in the nuanced relationships between the Teutonic Order, the Lithuanian dukes, and the boyars, extending beyond mere military conflicts. Diplomatic strategies, including promises of baptism, were employed to undermine the Order's influence, while shared cultural practices, such as joint banquets and hunting expeditions, underscored a complex interplay between adversaries. Despite the occasional outbursts of brutality depicted in polemical narratives, interactions between both parties were thus characterized by strategic calculations, changing allegiances, and differing interpretations of loyalty and honor.

The Lithuanian dukes prioritized sovereignty and power, strategically declaring the acceptance of Catholicism for their political advantage. Instances such as Mindaugas's failed Christianization attempt and Kęstutis's elusive promises highlight the delicate balance between religious conversion and political maneuvering. Even after Jogaila's baptism in 1386, tensions persisted, with the Order pragmatically supporting his Lithuanian rivals regardless of their religious affiliations. The case of duke Andrei Algirdovich exemplifies the Order's readiness to align themselves with rulers who submitted to their authority, regardless of religious differences, illustrating the nuanced nature of their interactions with the Lithuanian dukes. The relationship between the Teutonic Knights and the Lithuanian dukes therefore transcended simplistic religious categorizations, reflecting a complex blend of strategic calculations and allegiances. These intricate dynamics underscored the delicate balance between religious ideology, political maneuvering, and territorial control in medieval Central Eastern Europe.

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II.

# Treaties of Compromise as (De-)Stabilizing Factors

# The Oldest Religious Privilege of Sigismund of Luxembourg for the Hussites, and Its Critique by Thomas Ebendorfer

DUŠAN COUFAL

The Viennese theologian and historian Thomas Ebendorfer of Haselbach (d. 1464) was one of the best experts on Hussitism in his time. As a legate of the Council of Basel, he was directly involved in the conclusion of the peace agreement between the Hussites, the council, and Emperor Sigismund at Jihlava in July 1436.<sup>1</sup>

Even after this date he remained a careful observer of events north of the border of the Austrian lands. This is evidenced by the tract *Contra indultum Sigismundi*, which Ebendorfer completed in Vienna on July 24, 1455, and which has so far escaped the attention of scholars.<sup>2</sup> The unpublished work is known from a single manuscript now housed in the Austrian National Library.<sup>3</sup> It is a draft, as the author added a number of marginal notes along the sides of the text mirror, by which he made stylistic and argumentative modifications and supplementations to it.<sup>4</sup> From today's perspective, the preservation of the work only in an autograph would suggest that it did not enter wide circulation. However, since the author mentions that he was asked to write the opinion,<sup>5</sup> it is unlikely that he kept it to himself.

1 Cf. Alphons Lhotsky, *Thomas Ebendorfer. Ein österreichischer Geschichtsschreiber, Theologe und Diplomat des XV. Jahrhunderts*, MGH Schriften, 15 (Stuttgart, 1957), esp. 15–32; Christina Traxler, *Firmiter velitis resistere. Die Auseinandersetzung der Wiener Universität mit dem Hussitismus vom Konstanzer Konzil (1414–1418) bis zum Beginn des Basler Konzils (1431–1449)*, Fortsetzung der Schriften des Archivs der Universität Wien, 27 (Göttingen, 2019), esp. 161–76; Dušan Coufal, *Turnaj víry. Polemika o kalich na basilejském koncilu 1431–1433*, Studie a prameny k dějinám myšlení v českých zemích, 20 (Prague, 2020), 505–33. The topic of Bohemians and Hussites in Ebendorfer's historiographical works was discussed by Emma Scherbaum, "Das hussitische Böhmen bei Thomas Ebendorfer," *Österreich in Geschichte und Literatur* 17 (1973): 141–53.

2 As far as I know, the work with the incipit "Sicut crebro luctus post gaudia" was registred only by Lhotsky, *Thomas Ebendorfer*, no. 165, 89.

3 Vienna, Austrian National Library, MS 4704, ff. 289r–300v. On the codex, which contains a number of Ebendorfer's works on Hussitism from 1433 to 1462, Harald Zimmermann, "Einleitung," in *Thomas Ebendorfer, Diarium sive Tractatus cum Boemis (1433–1436)*, ed. idem, MGH Scriptores rerum Germanicarum NS, 25 (Hannover, 2010), XIII–XV.

4 It is also worth noting that some of the "chapters" of the work are not directly related to each other, but the author has left an empty space between them.

5 Vienna, Austrian National Library, MS 4704, f. 289v: "Ideo, ut quantum utilitatis, quantum incomoditatis, profectus et iusticie cristicolis et ipsi regno Bohemie ex prefato indulto aut lege provenire possit quantamque iusticiam contineat, salva omnium pace rogatus subnotabo."

In the introduction, the Austrian states that once upon a time (he does not give the exact date) a rumour circulated that the Emperor Sigismund of Luxembourg had issued to the Bohemians, at their request, a certain privilege very harmful and offensive to the Church. When Sigismund's people were questioned about the charter, they covered the whole issue in falsehood. Since the Austrian historian quotes directly from the emperor's privilege, it is quite obvious that he is referring to Sigismund's earliest charter addressed to the Hussite Estates, which saw the light of day about July 6, 1435, in the Moravian city of Brno. According to Ebendorfer, however, the truth about the scandalous nature of the privilege became fully apparent 20 years later, when copies of it began to circulate around the world.<sup>6</sup> He explains this delay in the conclusion of the tract by saying that the emperor had only seemingly granted the Bohemians' request. Although he sealed the privilege to them, he did not hand it over to them, but deposited it in Karlštejn Castle (in central Bohemia), where it was found long after his death in 1454.<sup>7</sup>

In the wake of this "discovery", Ebendorfer took up the pen in order to assess, as a knowledgeable expert and historian, to what extent the privilege was really beneficial and fair for the Kingdom of Bohemia.<sup>8</sup> Since he gave vent to his historiographical and especially theological erudition in his work in an original way, his argumentation deserves special attention. In this chapter, however, we will deal with Ebendorfer's interpretation only to a limited extent. While we will leave a detailed analysis of his theses to another occasion, here we will focus on the reasons that led him to take up the pen. We will illuminate the genesis of Sigismund's privilege and describe its role in the coexistence of Utraquists and Catholics in Bohemia during the reigns of Sigismund of Luxembourg (1436–37) and his grandson Ladislaus Posthumous (1454–57). In this way, we will consider in a new perspective why the Bohemian lands teetered on the edge of political-religious conflict even after the conclusion of the peace in 1436.

## Genesis of the Privilege

The efforts for peace in the Bohemians lands during the 1430s had both a religious and secular dimension. Both were closely intertwined.<sup>9</sup> In the religious sphere, the Hussites negotiated with the Council of Basel on the so-called Four Articles of Prague. On the secular level, it was about the

6 Ibid.: "Cum autem celebri olim fama vulgaretur dominum Sigismundum, olim imperatorem, suorum Bohemorum ad instanciam quoddam indultum concessisse plurimum dampnosum, ymoverius irrationabile et scandalosum ecclesie, fieretque de hoc verbum eius apocrysariis, suffusi rubore rem ipsam falsitate tegebant. Que pridem emergerunt in palam, quando et huius iniquitatis copie sparguntur per orbem, in quibus orthodoxis et iustis adimitur iusticia et temerarii iustificantur, ut, que capiunt, agant impune, non iudicium veritatis, non aliorum sententiam recte videntium imitantes, sed propriam regulationem, prout eis propria libido dictaverat." About the extant exemplars and editions of the privilege in more detail below, in note 23.

7 Ibid., f. 300v: "Quod plane patet ex eorum apud Cesaream mayestatem instancia et votis, quibus satisfacere cupiens sub colore hoc, de quo prefatus sum, indultum sigillavit, sed ipsis minime tradidit, sed in Karensteyn castro deposuit, ubi et longe post eius mortem 1454 repertum extitit."

8 See above, notes 5 and 6.

9 Cf. the retrospective words of Juan Palomar in Basel in January 1437, "Ioannis de Segovia Historia gestorum generalis synodi Basiliensis, vol. I, lib. I – XII," in *Monumenta conciliorum generalium seculi decimi quinti. Concilium Basileense*, vol. 2, ed. Ernst Birk (Vienna, 1873), 927: „Affirmabat [i.e. Sigismund] negocia illa duo fidei et regni ita fuisse

acceptance of Sigismund of Luxembourg as king by all the inhabitants of the Bohemian Kingdom. As Sigismund was concentrating on the imperial coronation in the early 1430s, the Council of Basel first gave the Hussites room to agree on matters of faith.<sup>10</sup> The turning point came on November 30, 1433, in Prague, when the Basel legates shook hands with representatives of the clergy of all Hussite factions in a sign that they had found agreement on the Prague Articles.<sup>11</sup>

The deal was three-part. The most important part was the first section, which is called *capitula* in the sources. It declared the meaning of the Prague Articles and described what acts and documents were to be implemented in order to unite both sides. The other two parts—referred to in the sources as *declaraciones capitulorum* and *dubia circa capitula et soluciones*—clarified some of the concepts and issues arising from the first part. While the interpretation of the Four Articles in the first part corresponded mainly to the will and thinking of the Council of Basel, the second text tried to balance this disproportion from the Hussite side. In the third part, the legates of the council clarified additional ambiguities on which the Hussites wanted to know their opinion. Since in connection with the first section the sources refer to the *capitula concordata* or later *compactata* (the agreed points), the name Compactata was then applied to the whole set of related documents.<sup>12</sup>

The most controversial was the agreement on the First Article of Prague—on the lay reception of the Eucharist in two kinds (*sub utraque specie*).<sup>13</sup> The reason was that its fulfillment had several phases. In the first stage, the Church undertook to permit communion under both kinds to Bohemians and Moravians who were in the habit of receiving in this way, provided they would unite in faith and rite with the Roman Church. In this form, the chalice was permitted to the Hussites by the sealing of the Compactata on July 5, 1436, at Jihlava. In the next stage, the Hussite doctrine as

connexa, ut illa que fidei erant obtineri non potuissent absque illis que erant regni, nec etiam obtencio regni absque hiis que erant fidei.”

**10** About the negotiations of the Council of Basel with the Hussites in the years 1433–1437 most recently Thomas Prügl, “Die Verhandlungen des Basler Konzils mit den Böhmen und die Prager Kompaktaten als Friedensvertrag,” *Annuaire Historiae Conciliorum* 48 (2016/2017): 249–308; Thomas A. Fudge, “The Hussites and the Council,” in *A Companion to the Council of Basel*, eds. Michiel Decaluwé, Thomas M. Izbicki, and Gerald Christianson, Brill’s Companions to the Christian Tradition, 74 (Leiden, 2017), 254–81; František Šmahel, *Die Basler Kompaktaten mit den Hussiten (1436). Untersuchung und Edition*, MGH Studien und Texte, 65 (Wiesbaden, 2019), 1–96; Coufal, *Turnaj víry*. Cf. also Olivier Marin, *La patience ou le zèle. Les Français devant le hussitisme (années 1400–années 1510)*, Collection des Études Augustiniennes. Série Moyen Âge et Temps modernes, 56 (Paris, 2020), 153–65.

**11** Šmahel, *Die Basler Kompaktaten*, 49, and idem, *Die hussitische Revolution*, vols. 2–3, trans. Thomas Krzenck, MGH Schriften, 43 (Hannover, 2002), here vol. 3, 1612.

**12** Latin names of the individual parts of the Prague convention are in “Aegidii Carlerii liber de legationibus concilii Basiliensis pro reductione Bohemorum,” in *Monumenta conciliorum generalium seculi decimi quinti*, vol. 1, *Concilium Basileense*, eds. František Palacký and Ernst Birk (Vienna, 1857), 596: “Habebat enim exordium seu prohemium, deinde erant articuli concordati seu capitula, consequenter declaraciones capitulorum, et post hec dubia circa capitula et soluciones.” František Palacký called the individual parts as *cedulae ABC*, see *Archiv český. Čili staré písemné památky české i moravské*, vols. 1 and 3, ed. František Palacký (Prague, 1840 and 1844), here vol. 3, 398–404, 404–6, and 406–12. A modern critical edition has been made by Šmahel, *Die Basler Kompaktaten*, 170–90, nos. 1–2. On the genesis of the term *compactata* and its Prague, Jihlava and Basel prefixes cf. František Šmahel, “Pax externa et interna. Vom Heiligen Krieg zur Erzwungenen Toleranz im hussitischen Böhmen (1419–1485),” in *Toleranz im Mittelalter*, eds. Alexander Patschovsky and Harald Zimmermann, Voträge und Forschungen, 45 (Sigmaringen, 1998), 221–73, 253–54, and Prügl, “Die Verhandlungen,” 253.

**13** See Šmahel (ed.), *Die Basler Kompaktaten*, 172 or 183.



to whether the chalice was necessary for the communicant for salvation and commanded by Christ was to be definitively discussed at the council. This took place in the autumn and winter of 1437 at Basel, when the council also issued the decree *Ut lucidius*, by which it rejected the Hussite doctrine. In the third and final stage, the council was to permit the Hussites to use the chalice generally and presumably permanently (this is not directly expressed in the *Compactata*) if they would persist in their desire for Utraquism and ask the council for permission again. Although this second concession of the chalice was prepared at Basel at the end of 1437, its promulgation never took place.<sup>14</sup>

The *Compactata* was thus not a one-time issue, but a process, and the contracting parties could only argue in 1433 whether and how it would be fulfilled. What is significant for us is that on the Hussite side there was already in January 1434 a minor group of conservatives who accepted this “road map” to return to the Roman Church for themselves and were considered reconciled or united (*reconciliati, uniti*).<sup>15</sup> Most of the Utraquists, however, led by the head of Prague Utraquism, Jan Rokycana (d. 1471), refused for a long time to seal the *Compactata*, convinced that without further written guarantees the agreement was disadvantageous for them and not bringing unity or peace to the country.<sup>16</sup>

Therefore, during the year 1434, representatives of the Hussite Estates in Prague, Basel, and Regensburg repeatedly submitted a set of additional demands to the representatives of the Church, as well as to Emperor Sigismund, from whom they asked for cooperation in this matter. These requests mostly went beyond the scope of the *Compactata*: the Hussites wanted written assurances that the chalice would be obligatory for all inhabitants of Bohemia and Moravia, that it would be allowed to their followers abroad, and that they would be able to defend the chalice as a command of Christ before the Council together with infant communion.<sup>17</sup>

14 The fact that the *Compactata* presuppose two concessions of the chalice has not yet been properly appreciated in the literature. This is discussed in more detail by Adam Pálka, “The Basel *Compactata* and the Limits of Religious Coexistence in the Age of Conciliarism and Beyond,” *Church history* 92 (2023): 179–80. It is worth noting that for the second, general concession the designation *concessio generalis* appears in the sources, see “Aegidii Carlerii liber de legationibus”, 589: “Legati sacri concilii credebant, quod statim domini de Boemia mitterent ad sacrum concilium, in quo fieret concessio generalis sacerdotibus etc. pro omnibus petentibus ex decovione.” On the contrary, the first concession was called by Thomas Ebendorfer in his treatise *indultum personale*, see Vienna, Austrian National Library, MS 4704, f. 292v: “Ipsi pacta violant in hoc, quod indultum personale nituntur facere commune et generale contra pac-torum verba et intencionem sacri Basiliensis concilii,” for according to him, it applied only to persons living and receiving under both kinds at the time of the conclusion of the *Compactata* in 1436. Such an interpretation was not unique on the Catholic side, but was rejected by the Hussites. On this, e.g. Adam Pálka, “The *Compactata* of Basel in Enea Silvio Piccolomini’s Letters, Speeches and Official Documents,” *Studia Mediaevalia Bohemica* 11 (2019): 191–205.

15 See the report of Juan Palomar on the Prague negotiations, delivered in Basel on February 15, 1434, “Ioannis de Segovia Historia gestorum,” 595, and the document dated January 28, 1434 in Cheb, *Urkundliche Beiträge zur Geschichte des Hussitenkrieges*, vol. 2, *Von den Jahren 1429–1436*, ed. František Palacký (Prague, 1873), no. 900, 401–2.

16 See the letter of Jan Rokycana to the rural priesthood about the negotiations with the legates and the freedom of the chalice, dated January 13, 1434, *Urkundliche Beiträge*, vol. 2, no. 899, 399–401.

17 Unfortunately, we have only sketchy information about the exact wording of the Hussite demands from January and February 1434, which Martin Lupáč presented on behalf of the Hussites in Prague and Basel, from the conciliar sources. For January 3, 1434 see “Aegidii Carlerii liber de legationibus”, 470: “Et requisiverunt per Martinum, quod in scriptis poneretur, quod si probarent illam comunem secundum iudicem in Egra cadere sub precepto; item eciam quod haberent in scriptis, quod comunem parvulorum possent consequi in concilio, quod maxime cordi habebant; item similiter libertatem pro toto regno et marchionatu”; for February 1434, see “Ioannis de Segovia Historia gestorum”, 597: “Ultimate ingeste fuissent difficultates quatuor: de adherentibus, de parvulis, et quia obmissa verba

The change was brought about by a resolution of the Hussite diet dated to November 8, 1434. The demand that Utraquism should be the only eucharistic practice in Bohemia and Moravia remained at the forefront, arguing that the difference of rites was the mother of strife and that people sharing one language should also have one rite. The Hussites, however, now showed their willingness not to insist on this in exchange for the fulfilment of eight other partial requirements.

First, the assembly demanded a permanent concession of the chalice to living persons and their descendants, while the communion in one kind would be suffered only in places where it was customary. In practice, this meant that Catholics would not be allowed to settle in Hussite towns. Second, no one was to be vilified for upholding the Prague Articles. Anyone who would try to lead the Hussites away from them was to be punished. Third, the Church was to confirm an archbishop and two auxiliary bishops elected by the (Hussite) clergy and people. Fourth, the said bishops, together with the people, would promise to obey the Church only in accordance with the law of God. Fifth, the Hussites would reserve to themselves the authority to examine the meaning of the three (non-eucharistic) Articles of Prague, regardless of what is contained in the *Compactata*. Sixth, clerical and lay persons would be judged only by the archbishop and his officials within the diocese and the kingdom. Seventh, ecclesiastical benefices would be granted only to the inhabitants of the kingdom. Eighth, infant communion under both kinds would be legitimate pending deliberations on it, along with the necessity of the chalice, at the council.<sup>18</sup>

The representatives of the Church, however, adamantly refused these demands. According to a special bull in February 1434, the council had already decided not to deliberate on any changes or additions to the *Compactata* before they had entered into force and been confirmed. The Fathers wanted first to make sure that the Hussites would indeed unite sincerely with the Church on this basis.<sup>19</sup> That is why, when a new round of negotiations between the legates, the representatives of the Hussite Estates, and the emperor began in Brno on July 2, 1435, the legates did not budge an inch in their official response to the November demands and basically presented the position of the council bull of February 1434.<sup>20</sup> The Hussites were disillusioned by this. Their spokesman, Jan Rokycana, argued on July 6 that the legates were trying to create a mixture (*mixture*) of a double rite among them. He added that the Bohemian King Wenceslas IV thought he could establish a similar mix. Therefore, he reserved one church for the rite *sub una* and the other for *sub utraque*, but he was unable to keep the people quiet.<sup>21</sup>

utilis et salutaris; et quia admittebantur ad ostendendum in concilio, utrum esset de precepto; et quod petebant per concilium effectualiter induci omnes regnicolas Bohemos ad ritum communionis sub utraque specie." We are better informed about the wording of the demands during the negotiations in Regensburg, see especially the text of August 23, 1434, in "Aegidii Carlerii Liber de legationibus," no. 197, 513, and Thomas Ebendorfer, *Diarium sive Tractatus cum Boemis (1433–1436)*, ed. Harald Zimmermann, MGH Scriptores rerum Germanicarum, NS, 25 (Hannover, 2010), 127–28.

18 "Aegidii Carlerii Liber de legationibus," no. 210, 634–35; Thomas Ebendorfer, *Diarium*, 147–48; *Urkundliche Beiträge*, vol. 2, no. 931, 435–36.

19 The bull *Auditis et intellectis* is dated in the sources to either February 25 or 26, 1434. Among the numerous editions, see, e. g., "Ioannis de Segovia Historia gestorum," no. 55, 601–2.

20 Cf. "Aegidii Carlerii Liber de legationibus," no. 214, 642–43, and Thomas Ebendorfer, *Diarium*, 165–67.

21 "Aegidii Carlerii Liber de legationibus," 588. Rokycana was referring to the events in Prague in 1415–19, and especially at the beginning of 1419, cf. Šmahel, *Die hussitische Revolution*, vol. 2, 991–92.

In order to understand the obstinacy of both sides, we must remember that the Prague Compactata, without further modifications, in effect allowed Catholics to return to Hussite towns and settlements. Under the right circumstances, this opened the door to a gradual Catholic restoration, especially in Prague. This made the Hussites feel threatened, especially when we recognize that the general and permanent concession of the chalice was a matter with an uncertain future. By their additional demands, Hussites thus tried to defend the religious and territorial positions gained during the bloody revolution.<sup>22</sup>

Nevertheless, the Bohemians stopped making their demands at some point shortly before July 13 in Brno and agreed to discuss the final form of the Prague agreement, as the legates had insisted. This was because their most controversial November demands were guaranteed by Emperor Sigismund in a special privilege—a charter that was criticized 20 years later by Thomas Ebendorfer.

The ruler acts as a peacemaker in its *narratio*: he wants to ensure unity between the representatives of the Hussite Estates and the legates, between whom disputes have arisen, and to prevent future quarrels that may cause the subject people to rebel. And because some of the issues were not sufficiently taken care of in the Compactata, he consents to the six articles. After enumerating them, the emperor states that he wants them to be permanently and fully observed by him and his successors, and adds that he will seek from the council and the pope that the said articles be effectively recognized.<sup>23</sup> The Hussites were particularly anxious that ecclesiastical benefices should not be granted to foreigners, that no one should be tried outside the kingdom, that communion in one kind should be tolerated only where it was not taken from the chalice, and that the archbishop of Prague and his two auxiliary bishops should be elected by the people and the clergy and confirmed by the emperor.<sup>24</sup>

22 The clash of the two monistic (hegemonic) tendencies and the role of secular power in weakening them is well described by Winfried Eberhard, “Der Weg zur Koexistenz: Kaiser Sigmund und das Ende der hussitischen Revolution,” *Bohemia* 33 (1992): 1–43, here esp. 13–28. The role of “politics” and “politicians” in the negotiation of the Compactata is emphasized in a condensed overview of the Hussite revolution by Josef Válka, “Sigismund und die Hussiten, oder: wie eine Revolution beenden?” in *Kaiser Sigismund (1368–1437). Zur Herrschaftspraxis eines europäischen Monarchen*, eds. Karel Hruza and Alexandra Kaar, *Forschungen zur Kaiser- und Papstgeschichte des Mittelalters*, 31 (Vienna, 2012), 40–54.

23 Detailed information on the preservation and editions of the charter is given in *Regesta Imperii*, vol. 11, *Regesten Kaiser Sigismunds (1410–1437): Nach Archiven und Bibliotheken geordnet*, vol. 3, *Die Urkunden und Briefe aus den Archiven und Bibliotheken Südböhmens*, eds. Petr Elbel, Stanislav Bárta, Přemysl Bar, Lukáš Reitingner, and Karel Hruza, *Forschungen zur Kaiser- und Papstgeschichte des Mittelalters*, 31 (Vienna, 2016), no. 180, 246–50. To the list of editions present here, add *Thomas Ebendorfer, Diarium*, 209–12. Otherwise see esp. *Archiv český*, vol. 3, no. 12, 427–31, where the Latin text of the charter and its Old Czech translation are paralleled. The charter is included in the so-called imperial Compactata—a set of five documents issued by Sigismund to the Hussites from 1435–36, on which Šmahel, *Die Basler Kompaktaten*, 157–61.

24 All four demands are already found in the resolution of November 8, 1434. The items that were not taken into the privilege from the November demands are either directly or indirectly related to the Compactata, or were agreed upon by the Hussites and the legates during the negotiations in Brno (this concerns the defamation due to the Prague Articles, the promise of obedience, authority regarding the meaning of the three Prague Articles, and infant communion). Two new points also appear in Sigismund’s privilege: (1) both the bishops of Olomouc and Litomyšl should be obliged to celebrate the communion in two kinds, to ordain Utraquist pupils, and to install Utraquist priests in the places where the chalice was in practice in their dioceses, and (2) exiled priests who return to their benefices will not be tolerated here unless those people who wish it would be served under both kinds. These matters, however, were not among the long-standing disputes, for the Hussites and the legates had more or less settled them already in Brno by the so-called executorial letter of the legates (*litterae executoriae*), which became part of the Compactata. See Šmahel (ed.), *Die Basler Kompaktaten*, 196–99.

Although Sigismund did not seal the charter in Brno, it was a scandal. The emperor dislodged the stalemate only at the cost of unprecedented interference by secular power in the sphere of the Church, thus endangering the strategy of the council to bring the Hussites back to the Church by means of the *Compactata*. According to Gilles Charlier, it was rumored on July 29 at the latest that Jan Rokycana was negotiating with Sigismund on behalf of Bohemia, and that the emperor's chancellor, Kaspar Schlick, and the notary of the imperial office knew about the privilege. The legates were especially outraged by the four propositions which the Hussites had already demanded in vain from them by their November resolution.<sup>25</sup>

The legates, naturally, did not keep their astonishment and disgust to themselves, and on August 8 privately sent two of their members to Chancellor Schlick to learn more about the privilege they had been given. Above all, they wanted to know who had drawn it up and whether Sigismund had sealed it; one of the legates was about to return to Basel and wanted to inform the council of the truth. Schlick denied that the document had been written by Sigismund's men and argued that it was written in a theological rather than notarial style. He also assured them that it had not been sealed. However, he confirmed that the Bohemians had submitted the charter to Sigismund and that the emperor had promised to urge the council to authorize its contents, but nothing more.<sup>26</sup>

The legates were allegedly reassured by this answer. If Schlick's exposition were true, the emperor would not have exceeded the limits of his powers. The reminiscence of Thomas Ebendorfer seems closer to the truth, however; apparently in allusion to this conversation 20 years later, he recalled that Sigismund's men "covered the whole affair with a falsehood".<sup>27</sup>

Yet the representatives of the Church were wary of Sigismund. The Bohemian Catholics wrote to the legates about the emperor's secret agreements with the Hussites in Church matters, and the council envoys reported on this in Basel.<sup>28</sup> Thus, when the emperor sent two of his representatives with the legates to Basel after the Brno meeting to intercede for a concession to the Hussites in the interpretation of one of the Prague Articles, the council began to set conditions. The assembly replied to Sigismund's ambassadors in October 1435 that it could give way if the emperor would assure that the Hussites would not demand from the secular power matters that fell within the decision of the Church, and that no one would be directly or indirectly forced to the chalice.<sup>29</sup> With this instruction, the conciliar legates went to Hungary for further negotiations with the Bohemians and Sigismund.

When the representatives of the council interpreted their position to the emperor in Székesfehérvár on December 23, 1435, they justified the right of the Church to demand these guarantees with reference to the *Compactata*, which were still a common interest of all three parties. Accord-

25 "Aegidii Carlerii Liber de legationibus," 612.

26 Ibid., 618.

27 See above, note 6.

28 The legates were informed from Bohemia sometime before September 16, 1435, as Juan Palomar later recalled in Hungary, see "Aegidii Carlerii Liber de legationibus," 677–78.

29 Ibid., no. 231, 674–76, here esp. 675.

ing to the legates, the Bohemians could not demand anything concerning the Church (whether it be the election of an archbishop, the question of judicial proceedings, or other matters) from the secular power, because in the Compactata they had undertaken to accept the rite and faith of the Church. Similarly, they could not directly or indirectly force anybody to the chalice, because the convention speaks only of a limited concession of the chalice to those who have this custom.<sup>30</sup> Thus the legates were not only concerned with sealing the Compactata, but also with guarantees that they would be “correctly” interpreted and applied in practice.

This is clear from the charter which the legates presented to Sigismund on the next day, for the council refused to rely on verbal guarantees alone. The emperor was to commit himself in writing to three things: (1) he would observe the Compactata simply and sincerely according to the right and good sense and would not allow them to be abused; (2) he would not allow anyone to be forced to the chalice, as this would be a violation of the agreement, but on the contrary would allow those not receiving the chalice to enjoy the privileges and benefits of the inhabitants of the kingdom; (3) he would not interfere in matters of faith decided by the Church, and would not issue or authorize privileges on it.<sup>31</sup> This was to be a way of eliminating the Brno privilege.

Sigismund naturally considered the written promise required by the legates to be insolent and offensive, for he considered himself a loyal son of the Church. He stubbornly insisted that he had not promised the Hussites in Brno any of the things he was suspected of, and at most he was willing to give a written assurance that he would guarantee the interpretation of the Compactata in their “correct” sense. At the same time, he had no problem in putting the legates under pressure; to their displeasure, he informed the Hussite lords of the letter the conciliar envoys wanted. The content of Sigismund’s Brno privilege thus (again) disrupted the advanced negotiations.

However, as in Brno, it was the Hussites who retreated at some point in Székesfehérvár. This was because Sigismund had secretly sealed the Brno privilege to them on January 6, 1436. The Bohemians seem to have motivated the emperor to do so by their commitment to hand over to him, under certain conditions, the Church property that was in their hands. Thereafter they ceased to be interested in “what was between Sigismund and the legates”. The flexibility of the Hussites was certainly influenced by the fact that the emperor eventually committed himself in writing to only two of the three clauses demanded by the legates, namely to see to the “correct” interpretation of the Compactata, and not to allow anyone to be forced to accept the chalice. Sigismund promised the legates only orally and secretly not to interfere in Church affairs. He justified this by saying that they should see his concessions to the Bohemians as a ruse and a tool to get them to Prague together so that they could begin to implement a restoration policy based on the Catholic interpretation of the Compactata. The legates agreed to this, but only because they too had taken out an insurance policy. The truth of Sigismund’s words was guaranteed by his son-in-law, Albert of Habsburg, a staunch opponent of the Hussites, whom the

<sup>30</sup> Ibid., 678.

<sup>31</sup> The draft letter was submitted to Sigismund on December 24, 1435, see “Aegidii Carlerii Liber de legationibus,” no. 232, 683–84, and Thomas Ebendorfer, *Diarium*, 220–21.

legates believed would succeed the aged emperor as King of Bohemia, defending the interests of the Roman Church.<sup>32</sup>

The Brno privilege thus objectively helped to repeatedly break down Hussite intransigence, and paved the way for the sealing and promulgation of the Compactata in Jihlava in 1436. On the other hand, it was mainly thanks to the Brno privilege that the whole architecture of peace in Bohemia became dependent on the conflicting promises of Emperor Sigismund, and thus very unstable. Peace was not effectively guaranteed by agreements, but much more by the king's ability to manoeuvre between the conflicting parties. After his arrival in Prague in August 1436, the sovereign had to decide whether to listen more to the conciliar legates present there or to the Hussite archbishop-elect Jan Rokycana.

## The Privilege and Sigismund's Bohemian Rule

The aged emperor was under enormous pressure from the beginning of his reign over Bohemia. Legates and determined Hussites alike began to demand the fulfilment of contradictory promises. As early as the beginning of September 1436, envoys of the council complained to Sigismund that the Bohemians should be united with the rite of the Church in everything except the chalice according to the Compactata, and yet in Rokycana's Týn Church the children were being served under both kinds, and Church customs were not being observed.<sup>33</sup> The emperor, in turn, confided to the legates that some of the lower nobility refused to surrender to him the castles they had seized until they saw his promises fulfilled. In particular, they demanded the emperor's action in favour of confirming Jan Rokycana as archbishop of Prague and his two auxiliary bishops, as the king had undertaken to do with the Brno privilege.<sup>34</sup>

Again, Sigismund was left with no choice but a tactical approach. He is reported to have told the legates that he would write to the council about Rokycana's confirmation, but that the council should delay the whole matter and insist that the Bohemians first unite with the Church in the rites according to the Compactata. He made no secret of his conviction that the people themselves

<sup>32</sup> I am drawing here on the notes of Gilles Charlier and Thomas Ebendorfer on the negotiations held from December 27, 1435, to January 10, 1436, see "Aegidii Carlerii Liber de legationibus," 679–95, and *Thomas Ebendorfer, Diarium*, 222–37. The date of the sealing is indicated by some surviving copies of the privilege, see e.g. *Archiv český*, vol. 3, 431. The connection between the sealing of the privilege and the Hussites' commitment to hand over the Church property to Sigismund was suggested by Thomas Ebendorfer in his *Diarium*. The legates are here said to have learned that Sigismund sealed the charter to the Bohemians with an added clause about Church property, which they offered to deliver into his hands on the condition that he would provide for the clergy's subsistence, leave part of it to the holders, and give the rest to the kingdom's use. See *Thomas Ebendorfer, Diarium*, 212. Although this remark is part of the account of the negotiations in Brno between July 28 and August 3, 1435, since it speaks of the sealing of the charter, it is much more likely to refer to the negotiations in Hungary. Although Ebendorfer's words cannot be verified in any way, it is clear that the question of (ecclesiastical and royal) property was the main tool used by the Hussites to put Sigismund under pressure.

<sup>33</sup> "Johannis de Turonis Regestrum actorum in legationibus a sacro concilio in Bohemiam," in *Monumenta conciliorum generalium seculi decimi quinti*, vol. 1, *Concilium Basileense*, eds. František Palacký and Ernst Birk (Vindobonae, 1857), 833.

<sup>34</sup> *Ibid.*, 834

would kill Rokycana and the archiepiscopal see would be vacated for another candidate.<sup>35</sup> Rokycana was also rumoured before the legates to have persuaded the envoys of the Hussite towns to abandon Sigismund and the lords and join with the squires, because the emperor had not kept his promises to them.<sup>36</sup>

The veracity of these records by Jean of Tours, scribe of the legate Philibert of Coutances, cannot be verified. However, they are credible evidence of the deepening aversion of the members of the council, as well as of Emperor Sigismund, towards Jan Rokycana, and his priests and supporters among the lower nobility and burghers. In the exposition of Jean of Tours, it is this group that is perpetually discontented and the source of unrest.<sup>37</sup>

This narrative strategy was undoubtedly intended to distinguish the disloyal Hussites from the loyal ones. Yet even the most moderate Utraquists such as the Prague councillors and university masters led by Jan Přebíram knew well what Sigismund had promised the Hussite Estates, and what was not being fulfilled, even to their dissatisfaction. When they submitted six articles of complaint to Sigismund on April 3, 1437, they also pointed out the violations of the Brno privilege.<sup>38</sup>

Yet this group was not dangerous for Sigismund. The emperor played a risky game to buy time, primarily to marginalize the determined Hussites around Jan Rokycana and weaken their position. The legates contributed to this in particular by starting to enforce oaths to uphold the Compactata in the “right” sense from the end of winter 1437 at the latest. This was done in the ordination of clerics and the installation of parish priests.<sup>39</sup> The elected Archbishop Rokycana was thus losing more and more ground, especially in Prague, until he decided to leave the city for eastern Bohemia on June 16, 1437 under the protection of the knight Diviš Bořek of Miletíněk.<sup>40</sup>

Here a strong opposition to Sigismund’s rule began to form. Dissatisfaction with the emperor grew into open resistance shortly after September 28, 1437. Lower nobles and revolutionary Hussite warriors such as Jan Hertvík of Rušinov and Beneš Mokrovouský of Hustlířany, along with the representative of the radical Taborites, Bedřich of Strážnice, declared their hostility to Sigismund at the diet. On behalf of the three East Bohemian regions, the aforementioned Diviš Bořek presented 19 articles of accusation against Sigismund at Prague’s Old Town Hall. It is interesting to note that the first seven complaints declare a violation of four articles of the Brno privilege.<sup>41</sup> Thus,

35 Ibid., 834–35.

36 Ibid., 835.

37 On the hostility between the persons and groups mentioned during this period, see Adam Pálka, “Přijímání maličkých jako třetí plocha mezi utrakvisty a katolíky po roce 1436,” *Mediaevalia historica Bohemica* 23 (2020): 61–77.

38 “Johannis de Turonis Regestrum,” 857–59, with the reaction of bishop Philibert.

39 On the oath at the ordination of clergy see *ibid.*, 857: “Qui omnes iuraverunt servare compactata realiter et cum effectu, ritus, parvulos non communicare, reverenciam et obediencia etc.,” on the oath during the installation of parish priests see *ibid.*, 854: “Qui iuravit servare compactata, et precipue quod parvulos non communicabit; hoc enim expresse faciunt iurare domini legati omnibus, qui ab eis in ecclesiis instituuntur.”

40 Cf. *ibid.*, 867, and *Deutsche Reichstagsakten unter Kaiser Sigmund*, vol. 12, ed. Gustav Beckmann (Gotha, 1901), 132.

41 *Staré letopisy české z vratislavského rukopisu*, ed. František Šimek, *Prameny a texty k dějinám československým*, 1 (Prague, 1937), 75–77. At this occasion, Diviš complained that Sigismund had cunningly deceived the Bohemians through the privilege (*ibid.*, 75: “jest chytře podtrhl Čechy tau smluvau”). On the historical context cf. Šmahel, *Die hussitische Revolution*, vol. 3, 1690.



although the privilege had led the way to agreement and Sigismund's access to the throne before the sealing of the Compactata in Jihlava, it now undermined his rule in the country and opened the door to a new conflict. The emperor's policy of contradictory promises had reached its limits.

Yet the fact that the group of determined Hussites did not possess the original of the Brno privilege weakened its position. The conservative Hussite barons, whom Sigismund obliged with property and especially with land offices, proved an important support of his policy in the country. They were led by Menhart of Hradec (d. 1449), who over the years established warm relations with the legates. At the beginning of October 1436, Menhart was appointed the Supreme Burgrave of Prague Castle, i.e. the highest land official, and became the administrator of the castle of Karlštejn where the crown jewels and privileges were kept.<sup>42</sup> The original of the Brno indult was thus guarded by a person close to the emperor and the legates, and this was evident on November 14, 1436, when Menhart handed over a copy of the sealed Brno privilege to the representatives of the council in Prague.<sup>43</sup> This time, however, we do not read of any consternation on their part in the sources. One explanation was offered 20 years later by Thomas Ebendorfer. As stated above, he wrote in *Contra indultum Sigismundi* that the emperor had sealed the privilege to the Bohemians, but he did not hand it over to them, but rather deposited it at Karlštejn where it was found long after his death.<sup>44</sup> He was implying that whoever possessed the original had power over the obligations arising from it. This indeed proved relevant in the turbulent years that followed.

## The Privilege during the Reign of Ladislaus Posthumous

The short Bohemian reign of Sigismund's son-in-law Albert (V) of Habsburg in 1438–39 did not bring any change. Before his coronation in June 1438, the duke promised the Estates to uphold the Compactata and Sigismund's liberties, including the Brno privilege,<sup>45</sup> but it was to be expected that, given his martial past and reputation, he would primarily defend the interests of the Roman Church. This was understandably feared by the determined Hussites, especially as negotiations in Basel over the implementation of the Compactata became complicated.

It has already been mentioned that the council definitely rejected the Hussite doctrine of the necessity of communion under both kinds at the end of 1437, by the decree *Ut lucidius*, and did not even declare a general concession of the chalice, although the Hussite Estates had requested it not long before at Basel.<sup>46</sup> Juan Palomar, either still at Basel or a few months later at Prague,

<sup>42</sup> On the appointment of Menhart as the Supreme Prague Burgrave see "Johannis de Turonis Regestrum," 835. It is not known when he became burgrave of Karlštejn. It happened sometime before September 4, 1437. Cf. Petr Čornej, "Klíče ke Karlštejnu," in idem, *Světla a stíny husitství. Události – osobnosti – texty – tradice. Výbor z úvah a studií* (Prague, 2011), 307.

<sup>43</sup> "Johannis de Turonis Regestrum," 841. Unfortunately Menhart of Hradec has not yet found his biographer, see at least August Sedláček, *Hrady, zámky a tvrze království českého*, vol. 4 (Prague, 1885), 39–40.

<sup>44</sup> See above, note 7.

<sup>45</sup> *Archiv český*, vol. 3, 459.

<sup>46</sup> The decree was promulgated in the 30th session of the council on December 23, 1437, see e.g. "Ioannis de Segovia Historia gestorum," 1112. The concept of a permanent general concession of the chalice for those who accepted the decree *Ut lucidius* ibid., 1111. Cf. also Šmahel, *Die Basler Kompaktaten*, 93–94.

dismissed the claim for the concession by arguing that it was unlawful, since the Bohemians had not yet united with the Church in faith and rite in accordance with the Compactata. Moreover, he made the issue of the general liberty of the chalice conditional on the recognition of the decree *Ut lucidius*.<sup>47</sup> The strife over what claims and obligations flowed from the Compactata thus deepened, and with it mutual distrust.

This is also the reason for the eruption of armed conflict between a coalition of Catholics and conservative Hussites—the partisans of Albert of Habsburg, led by Oldřich of Rožmberk and Menhart of Hradec—and the determined Hussites who supported the Polish king's candidacy for the Bohemian throne. The pro-Polish party of the elected Archbishop Jan Rokycana, with which an influential group of Hussite barons led by Hynek Ptáček of Pirkštejn and later George of Poděbrady allied themselves in the first half of 1438, naturally also longed for an “allied” king to legitimise their aims. Without him, the legacy of Sigismund's liberties, including the Brno privilege, was as ineffective for them as the Compactata was for the Catholic party without their implementation “in the right” sense by representatives of the Church with the support of the ruler.<sup>48</sup> And history has shown that this bitter truth applied equally to both parties. Although Albert eventually established himself as King of Bohemia, the Catholic restoration in the country through the Compactata was dealt one heavy blow after another. Apart from the war itself, it was hampered by the split of the council, and the demises of the bishop-legate Philibert in Prague in June 1439, and finally of Albert himself a few months later.<sup>49</sup>

For these reasons, the subsequent interregnum of 1439–52 could not bring any real resolution to the religious and political controversy. At least nominally, however, the set of agreements with the council and the emperor served as a means of coexistence between the two parties. This is evidenced by the peace convention (the so-called Peace Certificate—*Mírný list*) of 1440, which referred to both the Compactata and the liberties made by Sigismund in an attempt to ease political tensions in the country.<sup>50</sup> In the aftermath, however, power prevailed, as evidenced by the conquest of Prague by determined Utraquists led by George of Poděbrady in September 1448 and the return of Jan Rokycana to the parish of Týn.

47 Palomar's statement with the incipit “Catho inquit” was published by Jaroslav Prokeš, *M. Prokop z Plzně. Příspěvek k vývoji konservativní strany husitské*, Husitský archiv, 3 (Prague, 1927), no. 4, 263–68. Historians, however, disagree on the circumstances under which the text was written. Prokeš, *ibid.*, 112 and 114, argues that Juan Palomar presented the text to the Bohemians as an envoy of Eugene IV in Bohemia in the summer of 1438 on the occasion of Albert's coronation. However, the Spaniard's presence in Prague is denied by František Michálek Bartoš, *Husitská revoluce*, vol. 2, *Vláda bratrstev a její pád 1426–1437*, České dějiny, II/8 (Prague, 1966), 221, note 65, who judges that Palomar wrote the text in Basel, before he left the council in January 1438, for the council legates going to Bohemia.

48 The latter is very well expressed by Juan Palomar in “Catho inquit”, see Prokeš, *M. Prokop z Plzně*, 268: “Et si ista compactata debent deduci ad effectum, oportet, ut sit illorum executor principaliter episcopus. Et ille sine brachio seculari non potest ea prosequi; oportet ergo, ut sit aut rex aut vicerex in provincia.”

49 Cf. Wilhelm Wostry, *König Albrecht II. (1437–1439)*, vol. 1, *Prager Studien aus dem Gebiete der Geschichtswissenschaft*, 12 (Prague, 1906), 88–179, and Urbánek, Rudolf, *Věk poděbradský*, vols. 1–3 (Prague, 1915, 1918, 1930), here vol. 1, 227–456.

50 *Archiv český*, vol. 1, 245–49, here 245. On coexistence and its limits between Utraquists and Catholics during the interregnum, see the chapter by Zdeněk Beran in this volume.

Great expectations on both sides were therefore associated with the accession of Albert's son and Sigismund's grandson, Ladislaus Posthumous, to the Bohemian throne in October 1453. However, his position was fundamentally different from that of his grandfather and father. Because of his young age (he was crowned at 13) and his ignorance of the Bohemian environment, he was dependent on advisors who were familiar with the complicated Bohemian religious and political situation. This is eloquently illustrated by an excited scene from the land diet in March 1454. Here, an assembly of the representatives of the land community was called to decide on the administration of the country with the accession of the new king. However, the aforementioned knight Beneš Mokrovouský of Hustiřany refused to be satisfied with an exclusively secular agenda.

At the diet, in the presence of the young king who did not understand Czech, Beneš excitedly demanded that matters of faith should be settled first and then secular matters. Referring to the Compactata, he expressly mentioned that there should be priests in all parishes who would administer communion in two kinds to the people, and that all clerics who were to be ordained priests in Bohemia should bring the people to take from the chalice. He also reminded those present how they had sworn that they wanted only Jan Rokycana as archbishop. Beneš added that he was not speaking only for himself, but also for other nobles, and even for the whole community of the kingdom, and appealed for the loud confirmation of his words, which he apparently received. It is significant that some of the participants in the assembly questioned Beneš's interpretation of the Compactata, but above all they urged him not to bring matters of faith into the assembly's deliberations, but to leave them to the royal council and the regent. This is also what the regent himself, that is, George of Poděbrady, advocated, seeing how the king, who had to rely on an interpreter during the heated discussion, was perplexed (*perplexus*) by the whole matter.<sup>51</sup>

Although Beneš, according to the testimony of an anonymous Catholic who reported on the matter, referred to the "Compactata of the Holy Council of Basel",<sup>52</sup> his desire to ensure the dominance of the Utraquists in the country is much more in keeping with the spirit of the Brno privilege. At that moment, however, it was decisive that the regent and the royal council did indeed subsequently dwell on the question of the Compactata and religious reconciliation in the country.

This is evidenced by the "mandate of King Ladislaus to the priests on the Compactata of the council and King Sigismund", which was apparently issued in connection with the synods of the Utraquists and Catholics, which took place in parallel at the end of June 1454.<sup>53</sup> In the introduction to the text, the ruler announces that he is issuing the mandate after consulting with the regent

51 An anonymous account of a Catholic participant in the diet was published from the same manuscript by Ernst Birk, "Beiträge zur Geschichte der Königin Elisabeth von Ungarn und ihres Sohnes Ladislaus 1440–1457," *Quellen und Forschungen zur vaterländischen Geschichte, Literatur und Kunst* 1 (1849): 246–48, and better by Johann Loserth, "Ein Gesandtschaftsbericht aus Prag vom Jahre 1454," *Mitteilungen des Vereins für Geschichte der Deutschen in Böhmen* 18 (1880): 301–3. Cf. Urbánek, *Věk poděbradský*, vol. 2, 794–98.

52 Loserth, "Ein Gesandtschaftsbericht," 302: "Benus(!) faciens mencionem de compactatis sacri Concilii Basiliensis."

53 The unpublished Czech-language mandate is known from two manuscripts: Prague, Archives of Prague Castle, Library of the Metropolitan Chapter by St. Vitus, MS D 51, ff. 344r–346v (with the title "Mandatum sacerdotibus regis Ladislai ad compactata concilii et regis Sigismundi") and Vienna, Austrian National Library, MS Cod. 4488, ff. 333r–337v. The second copy is a draft in which retractions, additions, and alterations abound. Cf. also Urbánek, *Věk poděbradský*, vol. 3, 35–37.

George of Poděbrady and other nobles and knights, and that he is not ordering anything new, but rather wishes to renew the old provisions and conventions by which peace in the priesthood was established in the country, and which were agreed between Bohemia and Moravia on the one hand and the Council of Basel on the other.<sup>54</sup>

The mandate quotes passages from the first two parts of the (Prague) Compactata, emphasizing that those who receive from the chalice are not to be defamed because of their practice. On the other hand, the king calls for the observance of Church customs, although there is no consensus on them.<sup>55</sup> But then comes a quotation of the Brno privilege, to which the king confesses in the following words: "Since our grandfather, King Sigmund of Bohemia of good memory, gave the liberty below to the kingdom of Bohemia and Margraviate of Moravia, and our father, King Albert of happy memory, said and promised to hold the liberty already mentioned, we also consented to the liberty, and we consent to it with affection." The last, sixth point of the privilege is specifically quoted, namely that the priests returning to the places where the chalice was served are obliged to serve the people in this way, otherwise they will be replaced.<sup>56</sup>

The royal document is a unique attempt to extract a basis for peaceful religious coexistence in Bohemia from the contradictory heritage of the agreements and liberties of the 1430s. If anything, this was an effort at compromise, but George of Poděbrady and the king's other noble advisers must have sensed that an eclectic compromise would satisfy few.

## The Privilege as seen by Thomas Ebendorfer

If Ladislaus Posthumous confessed to Sigmund's Brno privilege in his mandate, we can assume that he was presented with a sealed original. We have stated above that the charter, along with other significant privileges, was deposited at Karlštejn Castle, which was under the control of Menhart of Hradec, the Supreme Burgrave, from September 1437 at the latest. After Sigmund's death, Menhart was a supporter of Albert of Habsburg and then an opponent of George of Poděbrady, who even imprisoned him after the conquest of Prague in 1448. Even then, however, the gates of Karlštejn were not opened to George. After Menhart's death in February 1449, the "keys" to the castle and the archives stored there were held by his son Oldřich, a Catholic who also did not favour George of Poděbrady. It was only after Oldřich's demise in 1452 and Ladislaus' coronation that the fortress was opened to George as regent. In November 1453, George of

54 Vienna, Austrian National Library, MS Cod. 4488, f. 333r–v: "Ne nové věci ustanovujice, anzi cizích předložiti věci tbažice, ale stará ustanovenie a úmluvu, které jsú mezi stranami sjednány a smluveny, totiž mezi Čechy a Moravčici s jedné a mezi svatým concilium bazylejským s strany druhé, ty obnoviti a před oči položiti kněžstvu <mieníme>, kterýmižto compactaty pokoj v tuto zemi naši jest uveden."

55 Cf. *ibid.*, ff. 333v–336v, and see also Urbánek, *Věk poděbradský*, vol. 3, 35–36.

56 Vienna, Austrian National Library, MS Cod. 4488, f. 337r: "Item že děd náš dobré paměti král český Sigmund svobodu níže položenú kralovství českému a markrabství moravskému dal jest a nás zčastné paměti otec král Albrecht držeti již řečenému svobodu řekl jest a slíbil, i my též svobodě svolili sme a svolujeme ji oblubujice, která jest v slova tato: 'Faráři, ač kteří budu chtěti s povolením arcibiskupa k farám svým se vrátiti, lidu budú pod obojí způsobú podávati, který jest tak přijímal, a v městech, v kterýchž jest již řečené přijímání zachováváno, pakliby neučinili, nemají trpěni býti, ale jiní, kteří by lidu obecnému pod obojí způsobú podávali, skrze biskupa na jich místa mají býti zjednání aneb skrze jiné, na něž přísluše.'"

Poděbrady stored the crown jewels here, looked into the archives, and manned the garrison with his own people.<sup>57</sup> Thus if Ebendorfer wrote that in 1454 the privilege was “discovered” at Karlštejn and began to be disseminated to the world, the truth of his words is indirectly documented by these circumstances. The relevant information then found its way easily to Vienna.

Ladislaus Posthumous was also a ruler in Upper Austria, which meant that the Viennese professor Ebendorfer was his subject, not to mention the fact that they both knew each other personally.<sup>58</sup> It is thus probable that a member of the king’s court staying in Prague informed the aging professor about the “discovery” of the privilege, its use and circulation, and even asked him to comment on the document since he knew much about its genesis first-hand. For the purposes of this chapter, it will suffice to read Ebendorfer’s statement in its basic outline in order to see his attitude towards the privilege against the background of the exposition made so far.

In the introduction to *Contra indultum Sigismundi*, the Viennese professor developed the idea that society cannot be governed by a false and unjust law, which he believed the privilege to be.<sup>59</sup> He demonstrated this through a detailed analysis of the first three of its six articles. He rejects the thesis that beneficia are not to be granted to foreigners, and he regards the thesis that no one is to be tried outside the Kingdom of Bohemia as an isolationism that violates the rights of both pope and emperor, while also denying the wronged the possibility of appeal.<sup>60</sup> The Viennese theologian, however, was much more outraged by the thesis that Catholics receiving the eucharist in one kind should not be tolerated in places where there is communion in two kinds.

Ebendorfer assumes that the Bohemians do not have the right to ask for this primarily because they themselves are in violation of the Compactata. Their chief offense is that they have not yet united with the Church in liturgical, administrative, and doctrinal matters. Ebendorfer illustrates this with a copious list of offenses, of which the attack on Jan Rokycana as usurper of the archiepiscopal powers stands out.<sup>61</sup> For these reasons the Bohemians are to be considered unfit for the privilege of the chalice and are to lose this grace. They even create a schism as dangerous as that once caused by the Greeks, who have already “fallen into the mire”.<sup>62</sup> Furthermore, the Hussites violate the Com-

57 Čornej, “Klíče ke Karlštejnu,” 308–13. Šmahel, *Die Basler Kompaktaten*, 99–100, hypothetically assumes that on the same occasion George could have accessed to the originals of the Compactata of Basel stored there.

58 Both the Viennese professor and Ladislaus attended the Roman coronation of Frederick III. Ladislaus then also personally guaranteed Ebendorfer’s will, see Lhotsky, *Thomas Ebendorfer*, 43–48.

59 Vienna, Austrian National Library, MS, f. 289r. See also note 6 above.

60 Vienna, Austrian National Library, MS, ff. 289v–291r.

61 Ibid., ff. 291v–292r, see especially f. 292r: “Ecclesie censuras et summi pontificis, vicarii Cristi in terris, pro nullo ducunt, precipue quod quendam, qui se fecit per tumultum populi archiepiscopum Pragensem nominari et temere, eundem archiepiscopatum in spiritualibus amministrantem sine legitima confirmatione paciuntur tumultuare, presbiteros ad animarum curam contra sanctorum patrum instituta mittere et instituire, synodos celebrare, sine missione peregrinas doctrinas predicare et suas opiniones, ymoverius errores, dogmatizare, scismata in ecclesia et sediciones excitare in populo et alia inconveniencia palam et notorie praticare et eundem quasi ydolum adorare.”

62 Ibid., f. 292r: “Ex quibus patet, quod huiusmodi non ut ritibus universalis se ecclesie conformales, sed in suis adinventionibus pertinaciter persistentes verius sunt arbitrandi nec indulgentie aut permissionis ecclesie capaces, digni aut meriti, sed econtrario huiusmodi gracia et favore privandi propter eorum ingratitude, scandalosis permultis abusum et singularitatem predictam ac scisma in medio ecclesie per eos suscitatum non minus quam Grecorum iam usque ad feces deductorum periculosum.”

pactata by making the personal concession of the chalice granted to them in 1436 at Jihlava a general and permanent liberty, although, according to Ebendorfer, the council never intended to grant the Hussites such a general concession. Therefore children born after the conclusion of the Compactata could not be admitted to the altar.<sup>63</sup> Nor does the Viennese professor understand why it should matter that Utraquists and Catholics live side by side in the same town. After all, even the adherents of the Oriental churches practicing communion under both kinds suffered Roman Catholics.<sup>64</sup> Furthermore, the Bohemians also violate the Compactata by continuing to believe that communion in two kinds is necessary for salvation, even though the Council of Basel rejected this doctrine with the decree *Ut lucidius*. It is understandable that this is where Ebendorfer is most eloquent as a theologian, and that in doing so he attacks Jan Rokycana in particular, though again he does not name him.<sup>65</sup>

Ebendorfer thus concludes that these transgressions are the result of the carnal affection of the Bohemians for themselves. The bitter consequence is then a disrespect for the Church and a permanent separation from Christians in faith and rite.<sup>66</sup>

## Conclusion

Thomas Ebendorfer's treatise *Contra indultum Sigismundi* from 1455 is a remarkable source of intellectual and political history for the way it puts the oldest privilege of Sigismund of Luxembourg for the Hussite Estates from 1435/6 in the spotlight. The charter was in its time exceptional because, although it was the product of a desire for religious hegemony, it was in fact often an instrument of religious coexistence.

63 Ibid., f. 292r–v: “Rursus et secundo contra pacta veniunt Bohemi, quod clare verba ostendunt, que secuntur, quibus dicitur ‘Illi et ille, qui talem usum habent, communicabunt sub duplici specie auctoritate’ etc. Ex quibus lucidius ostenditur, quod ista permissio facta est illis de Bohemia et Moravia dumtaxat, qui tunc istum ritum in usum habebant, non eorum filii aut filiabus nondum natis, non eorum heredibus aut suorum habitacionum et rerum successoribus, non familie aut inquilinis, non cognatis, propinquis aut uxoris sive quibuscumque proximis aut vicinis prefatum ritum et usum non habentibus, cuius tamen contrarium praticare Bohemos evidenter constat nec negare possunt. Secundo constat ex premissis, quod ipsi pacta violant in hoc, quod indultum personale nituntur facere commune et generale contra pactorum verba et intencionem sacri Basiliensis concilii, cui et tunc licet inmeritis presens eram, ac omnium patrum reverendissimorum, novem cardinalium et aliorum patrum patiscientium clara voce id profitentium et se pocius morti tradituros quam ad talem praticam, quam tunc quidam timebant futuram in Bohemis, suum prebere comissum.”

64 Ibid., ff. 292v–293r, and esp. 293r: “Quo ergo pacto sustinendi non sunt, qui secundum ritum universalis ecclesie et fidem suorum progenitorum et usum usque ewkaristie sacramentum sub una specie perceperunt? Si dicunt, ne in regno confusa sequatur permixtio, quero, quid offcat rei publice regni ista permixtio? Numquid et Armeni, qui usum utriusque speciei habuisse referuntur, Romanos et Latinos sub una specie active et passive comunicantes sustinerunt? Numquid hodie Suriani, Iacobite, Georiani latissimas terras incolentes, similiter et Nestoriani, qui omnes de cristiano nomine gloriantur, et quod amplius Greci in hac cerimonia et aliis ritibus Romane ecclesie conformibus equanimiter paciuntur sic in pace versari Latinos, Deuthones sive Francos etc.? Numquid eciam ecclesia Iudeos in suis ritibus sibi permixtos tolerat, sustinet et non expellit, quibus iam abiectiores iudicant suos contribules secundum consuetudinem suorum progenitorum ewkaristiam sub una specie semel in anno iuxta mandatum universalis ecclesie rite suscipientes?”

65 The exposition on the necessity of the chalice, which most closely resembles a scholastic treatise with citations of authoritative texts, is by far the most extensive passage in Ebendorfer's work, see *ibid.*, ff. 293r–300r.

66 Ibid., f. 300v: “Hec ita diffuse volui prosequi, ut clarius perpenderetur Boemorum ad se ipsos carnalis affectio, ad quam tot et tanta ecclesie Dei, proximorum offensa et sacramenti dietim est secuta irreverencia et vilipensio ac ipsorum a residuo populo cristiano perpetua et in fide et ritibus divisio.”

It was the Viennese professor who did not hesitate to sharply criticize the fact that the privilege itself expressed the Hussite desire to secure the supremacy that the Utraquists had achieved in Bohemia during the bloody revolution. Yet this was only one side of the coin. In fact, the text mainly counterbalanced the fears of the Hussite Estates that the Prague Compactata, negotiated in November 1433 with the legates of the Council of Basel, would become an instrument of Catholic restoration. The conciliar envoys were offended by the wording of the charter and considered it an interference of secular power in the domain of the Church. The emperor, however, convinced them at the cost of written and verbal guarantees that the existence of the privilege would not only allow the sealing of the Compactata, but above all would open the way for the legates and himself to Prague, where they could implement the policy of Catholic restoration according to the orthodox interpretation of the agreements.

Sigismund thus bequeathed to himself and then to his successors only the prospect of peaceful coexistence between Hussites and Catholics in the country. Made possible by the contradictory promises of the ruler, the complicated structure of religious reconciliation in Bohemia and Moravia was actually very unstable.

While Sigismund himself and his son-in-law Albert of Habsburg were unable to keep peace in the kingdom on the basis of the Compactata and the Brno privilege, especially because they were sooner or later perceived as kings of “one party”, their heir Ladislaus Posthumous ascended the Bohemian throne in the 1450s under significantly different conditions. The king, although a Catholic, was influenced in Bohemian politics by the regent, the Utraquist George of Poděbrady, and the royal council. In Ladislaus’ name, these together tried to keep the contradictory program of religious peace alive from the 1430s on by mixing selected and less controversial articles of the Compactata and the Brno privilege. However, as indicated by the opinions of Beneš Mokrovouský on the Hussite side, and Thomas Ebendorfer on the Catholic side, the efforts at compromise encountered vocal and influential opponents at home and abroad.

Beneš’s attempts to interpret the agreements of the 1430s in favour of the hegemony of one party were traditional. Ebendorfer took it a step further by even calling the principle of reconciliation dead and explaining why.<sup>67</sup> Yet it was not until Pius II abolished the Compactata a few years later, and his successor Paul II declared a crusade against the Hussites, that the fundamental practical consequences of this theoretical reflection were drawn.

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67 As Adam Pálka shows in his study in this volume, Ebendorfer’s criticism was not unique on the Catholic side.



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# Expressions of Persisting Conflicts in the Peace Treaties of post-Hussite Bohemia (1439–53)

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As a result of the religious reform movement in late medieval Bohemia, the country was divided between the adherents of the Roman Catholic Church and the supporters of reform, labeled Hussites according to the name of the preacher and university master Jan Hus (d. 1415). Decades of religious wars (1419–34) were closed by an agreement between the predominantly Hussite land and the Council of Basel (1436), supplemented by a series of treaties with Emperor Sigismund of Luxembourg (d. 1437).<sup>1</sup> The whole body of these treaties came to be known as the *Compactata*.<sup>2</sup> After the arrival of the emperor in Bohemia, his acceptance by the community, and the reinstitution of the ordinary courts, a state of peace was finally renewed. Yet, the painful reminder of religious controversy remained unresolved, only smoothed out politically and legally.<sup>3</sup>

The untimely death of Sigismund's son-in-law and successor King Albert II of Habsburg (d. 1439) introduced a fourteen-year interregnum without a royal sovereign. The maintenance of peace thus became the subject of the efforts of various political actors and groups whose rivalries often escalated into armed clashes.<sup>4</sup> The state of war was interrupted by armistice agreements that sometimes led to peace treaties, while other times the disputes were settled by resolutions of the regional assemblies or at land-wide diets working to establish general order and peace. It would be naïve to believe that by declaring an "eternal" and "Christian" peace, recent enemies would become "dear friends", giving up their own ambitions for power and abandoning ties to

<sup>1</sup> Cf. chapters of Dušan Coufal and Adam Pálka in this volume.

<sup>2</sup> Cf. František Šmahel, *Die Basler Kompaktaten mit den Hussiten (1436). Untersuchung und Edition*, MGH Studien und Texte, 65 (Wiesbaden, 2019).

<sup>3</sup> This state of affairs was captured in the phrase "tolerance out of necessity" by idem, *Husitské Čechy. Struktury – procesy – ideje* (Prague, 2001): 453–66.

<sup>4</sup> For the contemporary use of the word "defiance" and terminological practice in modern historiography, cf. Zdeněk Beran, *Mír a násilí v kontextu proměn společenského řádu pozdně středověkých Čech*, Habilitation Thesis, Faculty of Arts, Jan Evangelista Purkyně University in Ústí nad Labem (Ústí nad Labem, 2019), 33, 56–58.

interest groups.<sup>5</sup> At first sight, therefore, the paradoxical word choice in the book title “Conflict after Compromise”<sup>6</sup> is definitely fully justified.<sup>7</sup>

This chapter aims at a study and comparative analysis of the peace treaties and resolutions on the renewal of peace from 1439–53 to identify and interpret the elements of the ongoing conflicts. Comprehensive research related to the creation of a complete database of the peace treaties for Bohemia in the given period is unfortunately not currently available. However, it is possible to draw on partial studies, detailed research on the institution of the *Landfrieden*, i.e. a legal instrument of a normative or contractual nature regulating forms of permitted violence (feuds), often ensured by respective peace associations. In medieval Bohemia the institution of the *Landfrieden* did not represent a standard instrument for maintaining stability, and it generally gained a regional character in relation to the emerging administrative structure.<sup>8</sup>

The subject of the presented research includes 30 texts of peace treaties and resolutions containing the principle of the peace settlement preserved in originals, drafts, and copies. Most often, these form a part of the former archive of the leading Bohemian noble family of the Rožmberks (Rosenbergs), nowadays deposited in the State Regional Archives in Třeboň (cf. Appendix at the end).<sup>9</sup> The investigated sample represents 14 truce agreements (armistice letters), nine peace treaties, four contracts on the conclusion of a peace association or *Landfrieden* in a particular region, and three resolutions of the land diet renewing or reinforcing peace in the land.<sup>10</sup> Thus, the

5 The adjectives connected with the conclusion of a truce/peace, along with their possible meanings, were presented by Beran, *Mír a násilí*, 59–61.

6 On the sociological approaches of research in the opposite principle “Compromise after Conflict”, cf. e.g., *The Sociology of Compromise after Conflict*, ed. John D. Brewer (Cham, 2018). The inherent presence of reconciliation in the principle of defiance was already demonstrated in the middle of the twentieth century by the research of the South African anthropologist Max Gluckman, “The Peace in the Feud,” *Past and Present* 8 (1955): 1–14, which was spread among medievalists and built upon by the British historian of the early Middle Ages John M. Wallace-Hadrill, “The Bloodfeud of the Franks,” *Bulletin of the John Rylands Library* 41 (1959): 459–487. It seems that the once sharply-drawn lines between peace and war should be revised on both sides.

7 E.g., Hendrik Baumbach and Horst Carl, “Was ist Landfrieden? Und was ist Gegenstand der Landfriedensforschung?” in *Landfrieden—epochenübergreifend. Neue Perspektiven der Landfriedensforschung auf Verfassung, Recht, Konflikt*, eds. iidem, Zeitschrift für historische Forschung. Beiheft, 54 (Berlin, 2018), 8–9, inspired by the concept of critical security studies, thought similarly. They drew attention to the connection of the *Landfrieden* and security efforts with aspects of power, which automatically led to new dangers. The interconnectedness of war and peace in the Middle Ages was vividly captured in John France’s review of the book by Jenny Benham, *Peacemaking in the Middle Ages: Principles and Practice* (Manchester, 2011), (review no. 1069), <https://reviews.history.ac.uk/review/1069> [accessed April 1, 2024].

8 In summary, cf. Zdeněk Beran, *Landfrýdní hnutí v zemích České koruny. Snahy o zajištění veřejného pořádku a bezpečnosti ve středověké společnosti* (České Budějovice, 2014); further: Libor Šimůnek, *Mírové smlouvy v pohusitských Čechách (1440–1453)*, Bachelor’s Thesis, Philosophical Faculty, University of Hradec Králové (Hradec Králové, 2019); Petr Elbel, *Pravé, věrné a křesťanské příměří... Dohody o příměří mezi husity a stranou markraběte Albrechta na jižní Moravě*, Spisy Filozofické fakulty Masarykovy univerzity, 452 (Brno, 2016). Of the earlier works, cf. Valentin Urfus, “Žaštití v Čechách v polovině 15. století,” *Právněhistorické studie* 3 (1957): 101–10.

9 For the sake of space and clarity of the text, detailed footnotes referring to the analysed texts will be omitted. Instead, numbers in parentheses will refer to the numbers assigned to the sources in the final table (Appendix).

10 We can talk generally about peace treaties, the typology of which was proposed by Magda Schusterová, *Der Friedensvertrag Georgs von Podiebrad von 1464 vor dem Hintergrund der spätmittelalterlichen Vertragspraxis*, Osnabrücker Schriften zur Rechtsgeschichte, 17 (Göttingen, 2016), 107. She specified four basic types within the basic duality of treaties concluded during a state of peace and treaties ending a state of war: (1) alliance agreements (*instrumentum*

collection includes documents settling minor feuds as well as documents ending major land-wide conflicts.<sup>11</sup> At the same time, it seems that the written conclusion of peace treaties in post-Hussite Bohemia was not significantly different from the customs in the wider Central European region. The study further utilizes a diplomatic analysis (esp. internal features) which, given the abovementioned aim, focuses in particular on:

- (1) the subjects included and excluded from peace treaties,
- (2) the (hidden) potential for new conflict they entail,
- (3) the rhetorical means they use to justify their political aims,
- (4) their approach to the question of religion.

Truce agreements were usually issued in two copies for each feuding party. The issuers of the subjectively styled contracts were either one of the disputing parties or the so-called arbitrators of the settlement (cf. nos. 7, 11, 16, 29)<sup>12</sup> who had been given authority by both parties to declare the terms of the truce/peace. However, peace treaties could also be styled objectively, as reports of reconciliation already achieved (cf. nos. 17–19, 24–25). Some were intended to allow time for the implementation of negotiations towards an agreement on “perpetual” peace.

Inherent in almost all peace treaties, both simple truce agreements of a few weeks’ duration and comprehensive documents such as land (or regional) peace treaties or resolutions, was the principle of the continuation of the ceasefire/peace despite partial disturbances, whereby only the disturber (or group of disturbers) would be excluded from the agreement. This was thus an element, on the one hand, reinforcing the stability of the ceasefire/peace, and on the other hand reflecting the reality that even in a state of peace, acts of violence could sometimes occur for which it was not always easy to find a remedy. Peace was thus closely related to the principle of “unity”, or the idea of a community of people united by mutual “friendship” and respect for Divine order (and law).<sup>13</sup>

Peace in such treaties is usually characterized by the word “Christian”. The adjective “Christian” in writings related to the conclusion of peace is not self-evident and cannot be simply explained by its broader field of meaning in the contemporary context. Dictionaries of Old Czech give no derived meanings of the meaning of “Christian” (i.e. according to the Christian faith, or like other Christians), and it is thus clear that the essence of the word was a set of certain religious and moral qualities. Concerning a truce, peace, or even the promises of safe passage, the term “Chris-

*intelligentiae*); (2) peace treaties ending a conflict (*instrumentum pacis et concordiae*, i.e. a peace treaty in the narrow sense); (3) arbitration agreements (*instrumentum compromissi*); and (4) ceasefire agreements (*instrumentum treugae*).

**11** Peace treaties of a more general and permanent nature used to be drawn up on parchment (nos. 3, 12, 14, 20), but for ordinary truces paper was usually sufficient (nos. 1, 2, 8, 13, 16, 25, 26). The writing material cannot be determined for texts that have survived only in a copy. Seals were usually attached to parchment documents, whereas they were printed on paper copies (in the form of open sheets). The number of seals depended on whether it was a bilateral contract, where each of the subjects guaranteed the other party with their own seal, an agreement announced by an arbitrator, or one where the seals of the “hostages” were to be attached (on that cf. below).

**12** Cf. 123 below.

**13** This idea is vividly expressed by the resolution of the diet from 1446, see *Archiv český čili staré písemné památky české i moravské*, vol. 1, 2, 9, 10, eds. František Palacký and Josef Kalousek (Prague, 1840, 1842, 1889, 1890), here vol. 1, no. 20, 294, where in the English translation it says: “Demanding first of all the order of the divine establishment, the Bohemian land be brought into unity.”

tian” mainly meant a guarantee of reliability and trustworthiness. The legal dimension of the peace/ceasefire was thus related to a moral value, and its violation by a signatory (at least in theory) excluded them not only from worldly peace, but also from the Christian community.<sup>14</sup>

## The Principle of Exclusion and Inclusion

When declaring war and in peace treaties, it was necessary to describe clearly the persons and groups to whom the change of the mutual relation (friendship—hostility) applied. We often observe complex sets of feuds that were created by multilateral declarations of war (i.e. “defiance”, Latin *diffidatio*, Czech *odpověď*<sup>15</sup>), and so it was necessary even in peace treaties to define precisely the persons and groups to whom the newly negotiated peace applied or did not apply. For instance, in the 1449 truce of the Poděbrady Union with the Union of Strakonice (both religiously mixed) (no. 24), the disputes regarding Moravia (“which touch Moravia”) and the allies of the Union of Strakonice from the north—the belligerent knights Jan Kolda of Žampach and Kryštof Šof of Helfenburk—are excluded. Furthermore, the “people belonging to the Castle of St. Wenceslas,” from whom “Lord Oldřich” (the leading Catholic lord Oldřich of Rožmberk, a member of the Union of Strakonice) was to take “as much as half of the tax collected on St. George’s Day,” were exempted from the mutual release of tributes (*holdy*).<sup>16</sup>

The Vildštejn Treaty between the abovementioned alliances from the following year (no. 26) excluded the Margrave of Meissen, Frederick II (an ally of the Union of Strakonice), from the truce.<sup>17</sup> In the peace treaty of the King of the Romans Frederick III (d. 1493) with the center of radical Hussitism, the city of Tábor, from 1447 (no. 20), the people of Tábor were allowed the “right to pawn” the king’s “people, goods and estates in Bohemia and Moravia” (but not in Austria) if he did not meet the conditions set by the arbitrator. The draft of the conditions of truce between Tábor and Oldřich of Rožmberk (no. 15) allowed the latter to recruit into his services all people except the populace who had come from Austria and Bavaria, taking into account the risk of the internationalization of the conflict and the potential engagement of foreign armies into domestic disputes.

We also find in the agreement of King Frederick III with Tábor (no. 20) a one-sided condition that if any of the king’s Austrian subjects harm the group of Hussite towns (Tábor, Písek, and Vodňany), he should not defend or protect them in any way, even allowing the Taborites to militarily remove “such scourges [...] to [...] the land of Austria”. If the Bohemian land (“lords, gentry, and towns”) “generally rose up against our [Frederick’s] Austrian lands and wanted to go war with

14 Cf. Beran, *Mír a násilí*, 61. The lack of documents for the use of ecclesiastical punishments in the event of a breach of the guarantee in the form of one’s “faith” was commented on by Matěj Čermák in his illuminating work *Společně a nerozdílně. Problematika rukojmích v českém středověku*, Diploma Thesis, Faculty of Arts, Charles University (Prague, 2020), 42.

15 Cf. Beran, *Mír a násilí*, 40–54.

16 The meaning and practice of “tributes” was clarified by Urfus, ““Zášťí” v Čechách,” 97–99.

17 On March 22, 1450, Frederick II concluded an alliance with the Union of Strakonice (“aynigung verschreibungen und puntgnosszn”), which included a commitment of mutual aid for the next three years in the impending “krieg und vehde”, see *Listář a listinář Oldřicha z Rožmberka*, vol. 4, eds. Blažena Rynešová and Josef Pelikán (Prague, 1954), no. 231, 171–73.

our subjects,” it is not to be any detriment to the peace treaty, which honors and overrides the principle of loyalty to the land. The fact that Frederick III did not appear here as the sovereign of the Holy Roman Empire, but only as the Austrian overlord, is proved by the use of the smaller seal of the Austrian duke. The reservation concerning loyalty to the land is also contained in the peace treaty between two lords, Zdeněk of Valdštejn with Jan of Hradec from 1442 (no. 12), which includes the condition that Valdštejn can begin a war against the lord of Hradec if the future Bohemian king “or the lords of the land” were to march against him.

In some peace treaties, co-existing *Landfrieden* are mentioned as particular peaces (in the literal sense of “public peaces”), but elsewhere they also appear as legal entities, represented usually by their captains (*hejtmani*)<sup>18</sup> (cf. no. 2—the truce of Aleš Holický of Šternberk with the *Landfrieden* of the Žatec and Litoměřice regions). The truce of Přibík of Klenová and Klatovy (no. 18) was negotiated in 1445 by the captains of the Plzeň region (and its *Landfrieden*), its arbitrators were to be elected from the “council of the *Landfrieden*”, and possible disagreements were to be raised at the regional diet in Plzeň or Stříbro. The agreement further contained the standard provisions on measures (sanctions) taken in case the peace was breached (financial guarantee, the so-called “foundation”),<sup>19</sup> and thus actually recognized the possibility of the peace’s disruption. The seal of the *Landfrieden* of the Plzeň region was attached to the charter. A similar agreement of a truce was that between the Hradec region, represented by captain Jetřich of Miletínek, and the rebel knight Jan Kolda of Žampach (no. 27). The treaty refers to the general provisions of the agreement between the Poděbrady and Strakonice Unions (no. 26) and uses the standard means of sanction described below, i.e. the institution of the foundation, the role of hostages, quartering, and taking money “from Jews or Christians.”<sup>20</sup>

An interesting case of a peace treaty between the lands of Bohemia and Moravia (no. 7) is the agreement of 1440 which, however, in fact only settled a dispute between Moravia and a few Bohemian nobles, along with the Bohemian border towns of Vysoké Mýto and Polička. It was therefore not a peace or even a *Landfrieden* between the two lands, and it explicitly excluded some of the most troublesome parties on both sides. The aim was to settle the disputes arising during or after the validity of the *Landfrieden* in Moravia “for the good of the land.”<sup>21</sup> It was thus again a matter of settling disputes arising within the *Landfrieden* and, moreover, with persons from a neighboring land.

As was already the case in the diets of the Hussite period, a *Landfrieden* or peace treaty could be joined by sending a so-called confession letter (*přiznávací list*). The idea of peace in the late Middle Ages was thus multi-layered and differed from the modern notion of territorial peace. Special consideration was given to the concept of land and land jurisdiction. However, the line between peace and war was thin. War was ever present in the peace negotiations, as some undesirable people were commonly excluded from the peace treaties. Thus, in some cases, peace could lead directly to new conflict.

18 On the concept and the use of the word captain (*hejtman*) in Bohemia’s late Middle Ages, cf. Robert Novotný, “Staročeský výraz hejtman. Sémantická analýza,” *Marginalia Historica* 4 (1999): 85–102, and Jan Gebauer, *Slovník staročeský*, vol. 1 (Prague, 1970), 400–1.

19 Cf. the following subchapter below.

20 Cf. *ibid.*

21 The Moravian *Landfrieden* from 1440 is meant here, see *Archiv český*, vol. 10, no. 12, 256–58.



## Threat of New or Renewed Conflict

A truce could lead to a lasting peace, but more often it was just an agreement reached for a few weeks, responding to the exhaustion of the warring parties, the natural and economic cycle, or other pragmatic circumstances. Thus, an armistice did not necessarily mean a step toward resolving a prevailing dispute. In general, ceasefires did not end the state of hostility, as reflected in the addresses, which lacked the usual formulas “I state my service” or “dear friends” associated with truce.

Truces and peace treaties were assured by the so-called “foundation” (*základ*) which usually had two forms: the so-called “highest foundation” (*nejvyšší základ*) concerning the guarantee via honor and faith, and the monetary foundation spanning several hundred to several thousand Bohemian groschen.<sup>22</sup> The power to assess the forfeiture of the foundation was to be entrusted to arbitrators (*rozhodci*). Insurance measures, or means of legal liability related to a possible sanction for the violation of the ceasefire/peace, were in many cases strengthened by the inclusion of so-called “hostages” (*rukojmi*) who in fact became a third party to the agreement, complying with it and jointly bearing its potential consequences (the loss of honor and financial penalty). Their legal status thus completely differed from the situation of the prisoners mentioned below.

A refined sanction was the institution of quartering (*ležení*), i.e. the forced accommodation of persons sent by the violator of the peace/contract to the injured party's/creditor's town, including the payment of all related compensations. In these principles of liability, peace agreements did not differ in any way from agreements of another type (e.g., of an economic nature).<sup>23</sup> If even quartering did not help to cover the damages suffered, another possibility was to obtain the money on loan “from Jews or Christians.” After that, only the path leading to a new spiral of violence remained. Violence and peace thus remained interconnected, and if all (essentially economic) means of maintaining peace failed, feuds broke out again. The peace treaty of Oldřich of Rožmberk with Tábor from 1444 (no. 16) explicitly states “prisoners [...] taken in the peace” (i.e. in the peace negotiated in 1442—no. 11) “were [to be] released.” Again, the coexistence of peace and feud is remarkable, though a characteristic feature of late medieval society.

However, even in the event of a breach of peace and a resurgence of war, it was still necessary to take into account the results of previous peace settlements. Based on these, earlier bones of contention were permanently omitted, and could no longer be used in new feuds to justify the so-called “guilt” (*vina*) of the enemy. The so-called “trustees” (*oprávci*; de facto justices of the peace) attended to the settlement of minor discrepancies within the agreed peace.

Some peace treaties explicitly discuss an alternative to the renewal of conflict. The treaty of Tábor with the lords of Hradec from 1443 (no. 14) clearly notes that “if that party does not seem to stand in this peace,” it should renounce the peace a month in advance “by a letter properly opened under its seal” and renew the war. The treaty further sets rules for taking prisoners in a

<sup>22</sup> According to Elbel, *Pravé, věrné a křesťanské příměří*, 20, this was not general practice. E.g., this form of guarantee is absent from the peace treaty of Duke Albert V Habsburg (the future King Albert II) with the Moravian Hussites.

<sup>23</sup> For more detail, see Čermák, *Společně a nerozdílně*, esp. 14–28, who pointed out clear differences, but also the developmental correspondences between hostage-taking and captivity; cf. further Rudolf Rauscher, *K rukojemství v českém právu zemském* (Prague, 1923).

renewed war. The extended period before the beginning of open hostility, along with the regulation of the prisoners according to type of weaponry, essentially comes from the institute of defiance (*diffidatio*).<sup>24</sup> The approach is similar in the peace treaty of Aleš of Šternberk, George of Poděbrady (d. 1471), and Hanuš of Kolovraty with Racek of Janovice from 1448 (no. 23): in case of “good and proper causes,” parties should defy one another “by an open letter under their seals” four weeks in advance. In the agreement of a truce of Oldřich of Rožmberk with Václav Zmrzlík of Svojšín from the same year (no. 22), Rožmberk stipulated an “apparent exception” if Zmrzlík went for one of his friends and defied him; in this case, Rožmberk would enter the dispute on the side of his friend after the standard period of three days.<sup>25</sup>

What all this shows is the extent to which hostilities could persist despite agreements of peace, and how they could be articulated in the treaty texts themselves. Moreover, on a closer look at the historical context, we also find hidden political goals enshrined in parts of peace treaties for the benefit of one or another of the contractual parties. This is not surprising, however, since the feud itself was understood as an independent form of competition meant to maximize personal interests as much as possible within the framework of the peace settlement.

## The Use of Rhetorical Means for the Justification of Political Aims

Ordinary peace treaties usually did not bear signs of political maneuvering or thoughtful discursive strategy. Instead, their form usually corresponds to an established formula. Only for peace agreements concluded for the territory of the whole land or one of the regions was the usual practice balanced by the need to reflect the balance of power in the land/region, and dependant on the ability of representatives of rival political factions to enforce its program.

The Peace Certificate (*Mírný list*) from 1440 (no. 3) has the character of a general peace settling all of the feuds in the land (which, of course, was contradicted by reality). It contains the usual principle of peace treaties, to ensure the former hostility “shall not be mentioned to any man”. Focus on the “common good, unity, concord, and Christian peace” was placed above the interests of former enemies. Known items in the Peace Certificate include the politically motivated provisions in support of the land’s elected “archbishop” (never accepted by the pope) Jan Rokycana (d. 1471), the partial abolition of the consequences of Albert II of Habsburg’s reign, and the support of queen-widow Barbara of Cilli (d. 1451), all points which suited the followers of the political group led by Hynek Ptáček of Pirkštejn (d. 1444).<sup>26</sup> The proclaimed territorial principle claiming “If any-

<sup>24</sup> On the term and practice of “defiance”, cf. Beran, *Mír a násilí*, 38–52. Elbel, *Pravé, věrné a křesťanské příměří*, 21, states the range of this notice period in the truce from one to four weeks in the Moravian context.

<sup>25</sup> A three-day period is first requested in *Constitutio contra incendiarios* by Frederick I Barbarossa from 1186/8, see Christine Reinle, “Fehde,” in *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 1, eds. Albrecht Cordes, Heiner Lück, Dieter Werkmüller, and Ruth Schmidt-Wiegand, 2nd edition (Berlin, 2004), 1518–21, and Ekkehard Kaufmann, “Wider-sagung,” in *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 5, eds. Adalbert Erler, Ekkehard Kaufmann, and Dieter Werkmüller (Berlin, 1998), 1349.

<sup>26</sup> Cf. Martin Šandera, *Hynce Ptáček z Pirkštejna. Opomíjený vítěz husitské revoluce* (Prague, 2011), 70–73.

one does not want to keep these treaties and the peace made, we will not want to protect him by any customs”, was in practice exposed to a difficult political situation: the land court of justice (*zemský soud*) was suspended, and peace in individual areas depended on the abilities of regional leaders.

The regional *Landfrieden* concluded in the same year in Nymburk and Čáslav (nos. 4, 5) proclaimed to be related to the peace proclaimed at the land diet (no. 3), and they were politically influenced by those captains and regional councilors to whom they granted executive and judicial authority. These provisions on general peace marginalized those who did not respect the political norm connected with institutionalized Utraquism as imagined by Ptáček and then by George of Poděbrady, and religiously by Jan Rokycana.<sup>27</sup>

The *Landfrieden* of the Litoměřice region (no. 9) had a different character, as made possible by the settlement of the region's fundamental dispute, the protracted feud of the Vartenberk baronial family with the Lusatian League—*Sechsstädtebund* (no. 8).<sup>28</sup> It was therefore not shaped by the political pressure of Ptáček's group, meaning that its goals were less motivated by land-wide political rivalries and instead remained limited to maintaining the status quo within the Litoměřice region (where, however, the *Landfrieden* ostentatiously ignored the current captain Jakoubek of Vřesovice). The genesis of this *Landfrieden* also represents an example of the close link of this institution with the truce treaty, and thus of the relationship between documents usually kept distinct along differing levels of security and its institutionalization.<sup>29</sup>

The aforementioned *Landfrieden* were essentially personal associations of the signatories and the people who subsequently joined them through confession letters. They behaved with restraint towards nonsignatories settled in the region, unless these instigated attacks on signatories or serious threats to order in the region. Based on personal ties, regional organizations also grew, which in minor matters (supervision of road safety, prevention of coin counterfeiting, harboring troublemakers, etc.) claimed the exercise of territorial authority. At the same time, however, they remained subordinate to the land diet and to the intentions of the dominant political groupings. To a certain extent, the treaties on the establishment of unions, which had a more pronounced political character compared to *Landfrieden*, also had the nature of peace treaties.<sup>30</sup>

The truce of the Poděbrady Union with the Union of Strakonice from 1449 (no. 24) declared the meeting of the land diet for the “common good”, and the fulfillment of “the minutes and contracts made between us under Emperor Sigismund,” which were at the core of their mutual accusations claiming the breach of the Compactata and the Peace Certificate. The Vildštejn Contract (no. 26) on a truce concluded after the military defeat of the Union of Strakonice in the following year explicitly calls

27 Cf. Beran, *Landfrýdní hnutí*, 81–87.

28 Cf. idem, “Der Oberlausitzer Sechsstädtebund – eine spezifische Institution an der Grenze von Städtebund und Landfriedenswahrung,” *Neues Lausitzisches Magazin* NF 135/16 (2013): 35–48.

29 Cf. idem, *Landfrýdní hnutí*, 88–90; in more detail: idem and Jana Vojtíšková, “Landfrýdní spolek stavů Litoměřického kraje z roku 1440,” *Sborník archivních prací* 63 (2013): 303–33.

30 Cf. Beran, *Mír a násilí*, 165–67 and 228–30.

for<sup>31</sup> “the Compactata, the Peace Certificate, and Pelhřimov contracts,<sup>32</sup> along with other records made bilaterally between us, to be observed.” It convenes “a general diet [...] on the day of St. Catherine the Virgin” and establishes the arbiters (*ubrmáni*) for settling the disputes that had emerged. It is not a capitulation but a neutrally stylized peace settlement, where a hidden political struggle and the consideration of the results of a military engagement tacitly shine through (esp. concerning Poděbrady-ruled Prague, but also manifestations of the power in the military expedition against Meissen).<sup>33</sup>

From the statement (decision) of the elected arbiters (*ubrmáni*) came St. Catherine’s diet held at the turn of 1450 and 1451 (no. 29), where the dispute personified by the conflict of George of Poděbrady and Oldřich of Hradec was concluded with the verdict that “they should not insult each other by those insults, since they were not guilty of those things against each other.” The core of this treaty involves the settling of minor matters regarding the property disputes and prisoners related to the capture of Prague by the Poděbrady Union in 1448 and the seizures in the last feud. This general peace treaty (“on the observation of the peace, on the goods of the aforementioned procedures, on the release of the prisoners”) regulates the further procedure of regional *Landfrieden*, which were not to punish or harm the honor of their members for cooperation with this or that union. The supervision of peacekeeping was left to both unions so that “the party of the union of a man’s membership would correct, stop, and actually fulfill it [the damage].” It was only after the declaration of the final statement of the arbiters that the diet began a general call for peace across the land with the usual provisions on the freedom of the roads, and the punishment of crimes (robbery, theft, arson, etc.) “according to ancient executions”. This resolution is usually interpreted as a concession of George of Poděbrady to his Catholic allies, which was aimed at restoring the institutionalized administrative structure overseeing peace in the regions.<sup>34</sup>

The last step in implementing peace in the land without a king was the diet of 1452 (no. 30), where the dominance of the newly elected provincial administrator George of Poděbrady completely prevailed (although politically purchased by many concessions to the other party). Only here was the establishment of “peace and unity”, which had the potential to truly enforce peace in the entire land, realized. The text appeals to the common identity of the estates’ community: its members are “also the limbs and sons of the crown,” its task is to serve the “benefit of the common good and all of us,” and after previous unsuccessful attempts (“Although many times and by many customs it has attempted to establish the peace and unity and concord of the kingdom”) it has placed hope in the “powerful and right administrator, the noble lord in this Kingdom of Bohemia, Lord George of Kunštát and of Poděbrady.”<sup>35</sup>

31 Cf. Petr Čornej and Milena Bartlová, *Velké dějiny zemí Koruny české*, vol. 6, 1437–1526 (Prague, 2007), 106.

32 The resolution of the diet from 1446 held in Pelhřimov contains an article on joint efforts to release the heir to the throne Ladislaus Posthumous within one year, the intention to appoint provincial administrators during his minor years, and an article on the promotion of the consecration and confirmation of Jan Rokycana as the archbishop, see *Archiv český*, vol. 1, no. 20, 294–96.

33 Cf. Čornej and Bartlová, *Velké dějiny*, vol. 6, 107.

34 Cf. Zdeněk Beran, “Katolické panstvo na dvoře Jiřího z Poděbrad. Procesy vzájemné konvergence a divergence,” *Mediaevalia Historica Bohemica* 17 (2014): 57–58.

35 Cf. Čornej and Bartlová, *Velké dějiny*, vol. 6, 109–11.

Peace treaties including the whole land or specific territories could carry hidden political goals, gains, or concessions which can be inferred from the nature of their particular provisions. The proclaimed normativity and territoriality of peace usually remained, in practice, dependent on the real political situation, and were enforced only by the ascent of a *de facto* administrator perceived in monarchic terms.

## Reflection on the Religious Conflict

The absolute basis for any peaceful coexistence of the “dual people” in (post-)Hussite Bohemia were the Compactata. Due to the general peace they enshrined, it was often sufficient to resolve minor religious disputes by reference to them. In contrast to the truce documents from the revolutionary years, therefore, we no longer find any efforts to enforce the acceptance of *sub utraque specie* on the territory of the Catholic manorial lords,<sup>36</sup> but almost exclusively only the general respect for the Compactata, though their interpretation continued to split individual religious and political authorities. In addition to the protection of the “common good”,<sup>37</sup> the accusation of the violation of the Compactata thus became the core of all wider disputes; all the examined documents of a land-wide nature are also based on the Compactata (nos. 3, 26, 28, 29, 30).

The principle of the joint faith of the Catholics and Utraquists, which was an essential ideological element of the Compactata, was also respected in the traditional stylization of peace or truce agreements. For instance, the agreement on a truce between Oldřich of Rožmberk and Tábor is called a “Christian convention”, and in it Oldřich of Rožmberk promises to stand with “our good Christian faith further in those conventions and the truce treaty” (no. 10). Thus, an appeal to the good faith of the other party was acceptable to both parties to the dispute.

Deeper insight into possible problems with different perceptions of religious peace is provided by the extensive testimony of the arbiter Hynek Krušina of Švamberk in the dispute between Oldřich of Rožmberk and Tábor (no. 11). As follows from one of the disputed points, Rožmberk evidently occupied several parishes formerly belonging to Hussites with Catholics, a situation the Taborites were unwilling to accept. Therefore, he complained before Krušina about the radicals who allegedly act violently “against the Compactata and Christian peace.” On the contrary, the people of Tábor objected that these were places “where the body and blood of the Lord Jesus Christ were first distributed,” and “the priests [practicing the eucharist *sub una*] should not be here.” In another case, Tábor even claimed that priests under one species “are to care for us [an expression of the state of hostility, a typical element of a defiance].” In all of the cases, Krušina decided that the priests should no longer be arrested, and also that both sides should uphold the Compactata, and thus he did not actually solve the disputed affiliation of churches and parishes.

In the case against an inhabitant of Tábor who “tore up [...] the wayside shrine against the Compactata” on the route from Rožmberk’s Krumlov, the resistance of the people of Tábor was

36 Cf. Elbel, *Pravé, věrné a křesťanské příměří*, 14. Of the earlier works, cf. Urfus, “‘Zášť’ v Čechách,” 101–10.

37 Cf. Winfried Eberhard, “‘Bonum commune’ v konkurenci mezi monarchickou vládou a stavovskou společností,” *Český časopis historický* 102 (2004): 449–74.

heard. They could not defend their action against the Catholic rite in the territory of the lords of Rožmberk in any way with reference to the Compactata, and therefore resorted to a radical thesis concerning the ban on image-making according to the Old Testament. Krušina again concluded the issue laconically, “that this Pražák [the name of the inhabitant of Tábor] should not have done it.”

The continuing enthusiasm of Tábor is also reflected in the enforcement of the permission for the Austrian population to move to their town, enshrined in their peace treaty with the King of the Romans Frederick III (no. 20). For the town above Lužnice, however, the election of the land administrator and Utraquist, George of Poděbrady, proved fatal (no. 30), as he subsequently forced the subordination of the radical Hussites to Rokycana’s Utraquism.

## Conclusion

The analysis of the peace treaties and resolutions on the restoration of peace from 1439–53 has shown many elements of ongoing conflict, particularly on the general level, where peace was understood in relation to war (*ius in bello*) as a last resort. Sometimes, the conditions for the resumption of military conflict were directly enshrined in the peace treaty. Peace was not established on territorial principles, but personally according to the medieval concept of unity. The Compactata consolidated the country’s internal unity as part of a universal Christian community, enabling the use of the basic elements of truce/peace as the highest foundation of faith and honor, as well as the specific “Christian” quality of truce/peace. However, with the political unity of the land disrupted during the interregnum, peace agreements or unions were consolidated at many different levels, sometimes corresponding to the administrative structure (land, regional) but other times not. These initiatives intertwined and overlapped in various ways. Peace treaties, therefore, had to be carefully formulated according to the principles of exclusion/inclusion which were most significant for the country (obligation to join the land’s militia, stronger restrictions on the resumption of conflict across borders).

In several important texts (resolutions of diets, land-wide peace agreements, regional *Landfrieden*) representing the results of deliberate political activity and an effort at compromise, we find strategies justifying implicit political goals. In them, the religious question shrank to the level of adherence to the Compactata. The guarantees of these agreements were invoked by both quarrelling sides, especially when it came to sensitive disputes concerning the occupation of parishes by opposing clergies and rites. Virtually missing is the renewal of religious argumentation in the peace treaties independent of the Compactata (except for the minor case of Tábor’s radical arguments against the Rožmberks).

The unexpectedly long interregnum brought about a situation in which neither the Catholic nor the Utraquist party was capable of violently revising the status quo achieved in the Compactata. The final step towards the reconciliation of the land was brought only by the dominance of the political group led by George of Poděbrady. Although purchased through partial concessions to Catholics, this enabled the restoration of political unity, and prepared the way for the acceptance of King Ladislaus Posthumous and the renewal of institutionalized police and judicial powers. George of Poděbrady was well aware of the country’s delicate religious balance, and his policy of rule over a “dual people” enabled the further suppression of this “postponed” religious conflict.

As the “Hussite king”, he was made aware of the fragility of this peace in the following decade, when a group of the Catholic nobles faced him in open rebellion (1465). The combination of the estates’ goals, along with the escalation of the pressure of the Roman Curia (the abolition of the Compactata in 1462), soon renewed the general religious conflict.

## Appendix

No	Date	Content
1	17.1.1440	Agreement on a truce between Oldřich of Rožmberk and Jan Zajímač of Kunštát. <sup>38</sup>
2	24.1.1440	Agreement on a truce between Aleš of Šternberk, Jakoubek of Vřesovice, and other members of the <i>Landfrieden</i> of the Žatec and Litoměřice regions. <sup>39</sup>
3	29.1.1440	Resolution of the land diet, the so-called Peace Certificate ( <i>Mírný list</i> ). <sup>40</sup>
4	8.3.1440	<i>Landfrieden</i> of the Boleslav region. <sup>41</sup>
5	17.3.1440	East Bohemian <i>Landfrieden</i> . <sup>42</sup>
6	23.3.1440	Association of the towns of the Žatec region. <sup>43</sup>
7	14.4.1440	Agreement on peace between the Bohemian and Moravian estates issued by the arbitrators. <sup>44</sup>
8	19.7.1440	Agreement on a truce of Jindřich of Vartenberk and the Lusatian League. <sup>45</sup>
9	25.7.1440	<i>Landfrieden</i> of the Litoměřice region. <sup>46</sup>
10	11.7.1441	Draft of the agreement on a truce of Oldřich of Rožmberk with Tábor. <sup>47</sup>
11	16.8.1442	Statement of the arbitrator Hynek Krušina of Švamberk (captain of the Plzeň region) on the conclusion of a peace between Oldřich of Rožmberk and Tábor. <sup>48</sup>
12	19.8.1442	Agreement of peace between Zdeněk of Valdštejn and Jan of Hradec. <sup>49</sup>

38 State Regional Archives in Třeboň, Historica Třeboň 548. Fond Historica Třeboň is accessible online: <https://digi.ceskearchivy.cz/Letters-and-charters-SRA-Trebon-department-Trebon-Historica-Trebon> [accessed April 1, 2024].

39 Ibid., Historica Třeboň 549.

40 Ibid., Satellite Office Jindřichův Hradec, Parchment Collection 88. Edition in *Archiv český*, vol. 1, no. 1, 245–49.

41 *Archiv český*, vol. 1, no. 2, 249–54.

42 Ibid., no. 3, 254–63.

43 State Regional Archives in Litoměřice, State District Archives of Louny, The Archives of the City of Louny 126.

44 State Regional Archives in Třeboň, Historica Třeboň 558.

45 Edition in *Codex diplomaticus Lusatiae superioris*, vol. 4, ed. Richard Jecht (Görlitz 1911–1927), 144–47.

46 Ibid., 147–51.

47 State Regional Archives in Třeboň, Historica Třeboň 617. Edition in *Listář a listinář Oldřicha z Rožmberka*, vol. 2 and 3, ed. Blažena Rynešová (Prague, 1932 and 1937), here vol. 2, no. 137, 111–12.

48 State Regional Archives in Třeboň, Historica Třeboň 690. Edition in *Listář a listinář*, vol. 2, no. 202, 167–89.

49 Edition in *Archiv český*, vol. 9, no. 26, 267–69.



No	Date	Content
13	27.6.1443	Statement of the arbitrators on the conclusion of a truce between Oldřich of Rožmberk and Tábor and other towns. <sup>50</sup>
14	7.9.1443	Agreement of peace between Tábor and the lords of Hradec. <sup>51</sup>
15	1443/1444	The draft of Tábor and other towns on the conditions of a truce with Oldřich of Rožmberk. <sup>52</sup>
16	12.3.1444	Agreement of peace between Oldřich of Rožmberk and Tábor. <sup>53</sup>
17	12.3.1444	Agreement on a truce between Oldřich of Rožmberk and Jaroš of Drahonice issued by the arbitrators. <sup>54</sup>
18	20.4.1445	Treaty between Přibík of Klenová and the town of Klatovy issued by the arbitrators (captains of the Plzeň region). <sup>55</sup>
19	9.10.1445	The concept of the agreement of peace between Petr Zmrzlík and České Budějovice issued by the arbitrator Oldřich of Rožmberk. <sup>56</sup>
20	16.8.1447	Agreement of peace between King of the Romans Frederick III and Tábor and other towns. <sup>57</sup>
21	25.12.1447	The concept of the agreement on a truce between the New Town of Prague and Václav of Michalovice. <sup>58</sup>
22	1.3.1448	Agreements on a truce between Oldřich of Rožmberk and Václav of Svojšín. <sup>59</sup>
23	29.5.1448	Agreement of peace of Aleš of Šternberk, George of Poděbrady, and Hanuš of Kolovraty with Rácek of Janovice. <sup>60</sup>
24	10.4.1449	Agreement on a truce between the Strakonice and the Poděbrady Unions. <sup>61</sup>
25	27.8.1449	Agreement on a truce between Hynek Krušina of Švamberk and others with Rácek Chlévec of Malšín. <sup>62</sup>

50 State Regional Archives in Třeboň, Historica Třeboň 770. Edition in *Listář a listinář*, vol. 2, no. 282, 250–51.

51 Edition in *Archiv český*, vol. 9, no. 30, 271–72.

52 State Regional Archives in Třeboň, Historica Třeboň 591. Edition in *Listář a listinář*, vol. 2, no. 348, 297–98.

53 State Regional Archives in Třeboň, Historica Třeboň 861. Edition in *Listář a listinář*, vol. 2, no. 368, 325–28.

54 State Regional Archives in Třeboň, Historica Třeboň 860. Edition in *Listář a listinář*, vol. 2, no. 369, 328–29.

55 State Regional Archives in Třeboň, Historica Třeboň 968.

56 Ibid. 1004. Edition in *Listář a listinář*, vol. 3, no. 66, 49.

57 Edition in *Codex juris municipalis regni Bohemiae*, vol. 3, *Privilegia regalium civitatum provincialium regni Bohemiae (1420–1526)*, eds. Jaromír Čelakovský and Gustav Friedrich (Prague, 1948), no. 146, 255–58.

58 State Regional Archives in Třeboň, Historica Třeboň 1258.

59 Ibid. 1007 a–b.

60 National Archives in Prague, The Archives of the Bohemian Crown 1578.

61 Edition in *Listář a listinář*, vol. 4, no. 45, 39–43.

62 State Regional Archives in Třeboň, Historica Třeboň 1558.

No	Date	Content
26	11. 6. 1450	Agreement on a truce between the Strakonice and Poděbrady Unions. <sup>63</sup>
27	25. 7. 1450	The concept of the agreement on a truce between the Hradec region represented by Jetřich of Miletínek and Jan Kolda of Žampach. <sup>64</sup>
28	3. 8. 1450	Agreement of peace between George of Poděbrady and Oldřich of Hradec. <sup>65</sup>
29	6. 1. 1451	Statement of the arbitrators on the peace concluded between the Poděbrady and Strakonice Unions in the resolution of the so-called “St Catherine’s” diet. <sup>66</sup>
30	27. 4. 1452	The resolution of the so-called “St George’s” diet on the election of a land administrator. <sup>67</sup>

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63 Ibid. 1885. Edition in *Listář a listinář*, vol. 4, no. 345, 238–42.

64 State Regional Archives in Třeboň, Historica Třeboň 1911.

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# Conflict Regulation on the Castilian-Naṣrid Frontier

## Norms and Practices

SANDRA SCHIEWECK-HERINGER

In a letter dating from February 21, 1476, the town council of Jaén addressed the Naṣrid emir, informing him that Muslims from the kingdom of Granada had invaded, robbed and plundered their Castilian territory on that morning.<sup>1</sup> According to the document, the plunderers had both killed people and taken prisoners. It further states that the robbery had occurred at a time of *pas y tregua*,<sup>2</sup> i.e. an official period of peace between the Crown of Castile and the adjacent Naṣrid Emirate.

Raids like these were also often carried out by Christians, and are therefore to be considered a generic feature of the late medieval, Christian-Muslim frontier of Iberia, which was characterized by low-scale conflicts rather than large-scale military campaigns.<sup>3</sup> The 1246 treaty of Jaén, concluded between Fernando III of Castile (d. 1252) and Muḥammad b. al-Aḥmar (d. 1273), marked the end of the great Christian conquests of the so-called “Great Reconquista”, as well as the consolidation of the Naṣrid Emirate.<sup>4</sup> The agreement of 1246 paved the way for lively diplomatic relations between the Emirate and the Christian realms until the late fifteenth century. Numerous treaties

1 *Colección diplomática del Archivo Histórico Municipal de Jaén. Siglos XIV y XV*, ed. José Rodríguez Molina (Jaén, 1985), no. 22, 65: “Por la mañana los vuestros cabdillos [...] con mucha cavallería e peonaje de moros de vuestros reinos e con pertrechos osadamente vinieron a la villa de Huelma [...] e conbatieron la dicha villa con muchas armas, e pertrechos a fin de la tomar, e ganar e robar.”

2 *Ibid.*: “En quebrantamiento de la fe e verdat e pas e tregua por vuestra grandesa asentada y otorgada con todos los reinos, çibdades, villas e lugares e castillos de los reinos de los dichos nuestro señores rey e reina en lo qual cometieron muy grave delito e fisieron muchos daños, quemas, derribamientos e muertes de onbres e robos e levaron cativos.”

3 On frontier conflicts like raiding, see Manuel García Fernández, “La frontera de Granada a mediados de siglo XIV,” *Revista de Estudios Andaluces* 9 (1987): 70; *idem*, “Sobre la alteridad en la frontera de Granada (Una aproximación al análisis de la guerra y la paz, siglos XIII–XV),” *Revista da Faculdade de Letras: Historia* 3/6 (2005): 227; Diego Melo Carrasco, “Cautividad y rescate en la frontera Castellano-Granadina (s. XIII–SV): Entre adalides, alcaldes, rastreros y redentores,” in *El mundo medieval. Legado y alteridad*, ed. José Manuel Cerda (Santiago de Chile, 2009), 108; *idem*, “Un aspecto de la vida en la frontera castellano-granadina (s. XIII–XV): la acción de rastreros y redentores,” *Studi medievali Serie Terza* 52 (2011): 645–46.

4 See for instance Carlos de Ayala Martínez, “Empire and Crusade under Fernando III,” in *The Sword and the Cross. Castile-León in the Era of Fernando III*, eds. Edward L. Holt and Teresa Witcombe, *The Medieval and Early Modern Iberian World*, 77 (Leiden, 2020), 15–43; Daniel Baloup, “Granada and Castile: A Long Conflict,” in *The Nasrid Kingdom of Granada between East and West. Thirteenth to Fifteenth Centuries*, ed. Adela Fábregas, *Handbook of Oriental Studies. Section 1. Near and Middle East*, 148 (Leiden, 2021), 441–66; Bárbara Boloix Gallardo, “Fernando III and Muhammad I of Granada: A Time of Collaboration between Two “Incompatible Worlds”,” in *The Sword and the Cross. Castile-León in the Era of Fernando III*, eds. Edward L. Holt and Teresa Witcombe, *The Medieval and Early Modern Iberian World*, 77 (Leiden, 2020), 61–84; and Alejandro García Sanjuán, “Consideraciones sobre el pacto de Jaén de 1246,” in *Sevilla 1248. Congreso internacional conmemorativo del 750º aniversario de la conquista de la ciudad de Sevilla por Fernando III, rey de Castilla y León*, ed. Manuel González Jiménez (Madrid, 2000), 715–22.

and armistice agreements contain provisions for dealing with frontier conflicts, attesting to a high frequency of raiding and plundering on the frontier—earning it the title of “hot frontier” from García Fitz.<sup>5</sup> Coexistence of Christians and Muslims on the frontier coincided with persisting tensions that became manifest in small-scale conflicts. The letter from 1476 provides insights into mechanisms and actors of conflict regulation in the fifteenth century, for instance an initiative launched by the town council of Jaén asking the emir to have the delinquents punished appropriately, and to immediately release the Castilian prisoners.<sup>6</sup>

This chapter aims to examine mechanisms that were developed in order to resolve everyday conflicts on the late medieval Christian-Muslim frontier.<sup>7</sup> The general term “conflict regulation” is deliberately preferred to other terms such as “conflict settlement”, as it refers to ongoing small-scale conflicts that were never stopped but only regulated. First, I will discuss Castilian-Naṣrid bilateral treaties from the fourteenth and fifteenth century which attest to precise normative rules for dealing with small-scale frontier conflicts. Here, I will build on foundational studies on Iberian Christian-Muslim diplomatic relations and peace-keeping, for instance, by Juan de Mata Carriazo y Arroquía<sup>8</sup> and Diego Melo Carrasco.<sup>9</sup> Second, against the backdrop of normative provisions, I will focus on conflict management in the fifteenth century: different types of sources like charters and town council records allow the analysis of the roles that different actors played in dealing with the

5 Francisco García Fitz, “Una frontera caliente. La guerra en la fronteras castellano-musulmanas (siglos XI–XIII),” in *Identidad y representación de la frontera en la España medieval (siglo XI–XIV)*, eds. Pascal Buresi, Philippe Josserand, and Carlos de Ayala Martínez, Collection de la Casa de Velázquez, 75 (Madrid, 2001), 159–79.

6 *Colección diplomática*, no. 22, 65: “A vos noteficamos e suplicamos que de ello ayudes que el sentimiento que Dios nuestro señor el justicia e verdad vos oblige dando e mandando dar en ello aquel remedio castigo que a vuestra realsea se require e mandando satisfacer los dichos daños e soltar a los // dichos cativos.”

7 The chapter partly takes up thoughts and results which were elaborated in my doctoral thesis: Sandra Schieweck-Heringer, *Iberische Grenzregime. Die Herrschaftsgrenzen Kastiliens im Vergleich (1140–1400)*, Geschichte und Kultur der Iberischen Welt, 18 (Münster, 2024); see also eadem, “Iberian Frontiers Revisited. Research Traditions and New Approaches,” in *Ibero-Mediävistik. Grundlagen, Potentiale und Perspektiven eins internationalen Forschungsfeldes*, ed. Nikolas Jaspert, Geschichte und Kultur der Iberischen Welt, 17 (Münster, 2022), 239–72.

8 For instance, see Juan de Mata Carriazo y Arroquía, “Los moros de Granada en las actas del concejo de Jaén de 1479,” *Miscelánea de estudios Árabes y Hebraicos* 4 (1955): 81–128; idem, “Relaciones fronterizas entre Jaén y Granada el año 1479,” in idem, *En la frontera de Granada* (Sevilla, 1971), 237–64; and idem, “Un alcalde entre los cristianos y los moros en la frontera de Granada,” in idem, *En la frontera de Granada* (Sevilla, 1971), 85–142.

9 Diego Melo Carrasco, “A Possible Periodization of the Treaties of Peace and Truce between al-Andalus and the Christian Kingdoms (Nasrid Sultanate of Granada with Castile and Aragon). 13<sup>th</sup>–15<sup>th</sup> Centuries,” *Imago Temporis. Medium Aevum* 8 (2014): 211–38; idem, “Características y proyecciones de las treguas entre Castilla y Granada durante los siglos XII, XIV y XV,” *Revista de Estudios Histórico-Jurídicos* 30 (2008): 227–87; idem, “Cautividad”; idem, *Las relaciones fronterizas entre Granada y Castilla (siglos XIII–XV): un estudio a partir de las treguas* (Granada, 2021); idem, “Un aspecto”; idem, *Un modelo para la resolución de conflictos internacionales entre Islam y Christiantad. Elaboración y studio de un corpus documental de los tratados de paz y tregua entre al-Andalus y los reinos cristianos (Reino Nazarí de Granada con Castilla y Aragón, siglos XIII–XV)* (Salamanca, 2012). See also the following foundational studies: Juan Torres Fontes, “Los alfaqueques castellanos en la frontera de Granada,” in *Homenaje a Don Agustín Millares Carlo*, vol. 2 (Madrid, 1975), 99–116; idem, “El Alcalde entre moros y cristianos del Reino de Murcia,” in idem, *Instituciones y sociedad en la frontera murciano-granadina*, Biblioteca de Estudios Regionales, 45 (Murcia, 2004), 333–64; Angus MacKay, “Religion, Culture, and Ideology on the Late Medieval Castilian-Granadan Frontier,” in *Medieval Frontier Societies*, eds. Robert Bartlett and Angus Mackay (Oxford, 1989), 217–43; José Rodríguez Molina, “Relaciones pacíficas en la frontera con el Reino de Granada,” in *Actas del Congreso La Frontera Oriental Nazarí como Sujeto Histórico (s. XIII–XVI)*, ed. Pedro Segura Artero, Instituto de Estudios Almerienses. Colección Actas, 29 (Almería, 1997), 257–90; idem, *La vida de moros y cristianos en la frontera* (Alcalá la Real, 2007).

conflicts. Consequently, the norms of conflict regulation apparent in treaties will be compared with the fifteenth century evidence of conflict negotiation.

Although official peace was restored repeatedly in the two and a half centuries of the Emirate's existence, small-scale conflicts, as well as both monarchical and local initiatives of conflict regulation, all profoundly shaped the Castilian-Naṣrid frontier. It therefore serves as a valuable comparative case for other long-standing, low-scale conflicts in different European regions during the late Middle Ages.<sup>10</sup>

## Contractual Provisions Regarding Conflict Regulation on the Castilian-Naṣrid Frontier

The Castilian Crown and the Naṣrid Emirate first agreed on stipulations regarding frontier conflict regulation in a treaty from 1310, in which Fernando IV (d. 1312) and Naṣr (d. 1322) concluded peace for seven years.<sup>11</sup> The treaty clearly built on the treaty of Jaén of 1246, in so far as it imposed the payment of *parias* by the Naṣrid emir.<sup>12</sup> While strongly promoting economic relations between both realms, it also decreed how to deal with potential conflicts that occurred in the frontier region. Accordingly, disputes between residents of both realms should be settled directly on the frontier by a person appointed by the Crown of Castile. One cannot, however, know for sure whether there was meant to be a Christian as well as a Muslim *homne bono*.<sup>13</sup> López de Coca Castañer and Mata Carriazo Arroquía convincingly agreed that the Crown of Castile reserved the right to appoint a judge responsible for frontier conflicts in the treaty of 1310.<sup>14</sup>

The stipulation of 1310 also provides information about hierarchical structures. Thus, the Castilian *homne bono* should be under the control of the *adelantado*,<sup>15</sup> who apparently also served as a contact person for the Muslims of the Emirate. Most probably, the *adelantado* is to be identified with the *adelantado mayor de la frontera* who was set up in the thirteenth century by Alfonso X

10 For European comparative perspectives and the lively research on frontiers in general, see Nikolas Jaspert, "Grenzen und Grenzräume im Mittelalter: Forschungen, Konzepte und Begriffe," in *Grenzräume und Grenzüberschreitungen im Vergleich – der Osten und der Westen des mittelalterlichen Lateineuropa*, eds. Klaus Herbers and Nikolas Jaspert, Europa im Mittelalter, 7 (Berlin, 2007), 43–70.

11 The treaty of May 26, 1310 was edited by Andrés Giménez Soler, *La Corona de Aragón y Granada. Historia de las relaciones entre ambos reinos* (Barcelona, 1908), 167–69, here 169. See also Melo Carrasco, "A possible periodization," 221; Rodríguez Molina, "Relaciones pacíficas," 286.

12 Giménez Soler (ed.), *La Corona*, 167: "Et porque sea entre uos e nos este amor estable e uerdadero otorgamos de uos dar para cada anno onse mille dobles de oro."

13 Ibid., 168: "Otrosi uos otorgamos de poner en la nuestra tierra que mas açerca fuere de la vuestra un homne bono con nuestro poder que emiende e faga emendar las querellas que ouiere entre los de la nuestra tierra e la vuestra sin otro detenimiento ninguno et si assi non lo fesiesse que uos que lo fagades saber a qualquier que fuere por nos adelantado en la frontera e el que ponga y otros en su lugar que lo fagan faser."

14 Enrique López de Coca Castañer, "Los jueces de las querellas," *Edad Media: Revista de Historia*, 11 (2010): 174–75; Mata Carriazo y Arroquía, "Un Alcalde," 104–6; see also Giménez Soler, *La Corona*, 170 and Torres Fontes, "Alcalde," 336, who both attest to many appointments on both sides of the frontier.

15 Giménez Soler (ed.), *La Corona*, 168.

(d. 1284) to enable the monarch better control of the frontier region.<sup>16</sup> While the treaty attests to respectful relations by conceding the Muslim residents the ability of official complaint, the overall control of conflict management seemed to lie with the Castilian Crown.

Many other treaties allow us to comprehend how provisions became increasingly precise until the end of the fifteenth century. Detailed stipulations on the investigation of frontier conflicts can be found in an armistice agreement dating from 1344, only surviving in fragments.<sup>17</sup> Alfonso XI of Castile (d. 1350)<sup>18</sup> decreed that in the event of a raid into Muslim territory, Muslims should follow the trails into Castilian territory and demand reparation.<sup>19</sup> Thus, if Castilian border residents were to raid Muslim areas, the Muslim residents would have permission to investigate what happened, even if it meant crossing the border.

The investigation of the origin of the conflict seems to have been crucial for its settlement, and the aggrieved party was responsible for this. Specially appointed *omes buenos*, however, were tasked with the jurisdiction and the compensation of damages that followed the investigation. The 1344 agreement therefore explicitly states, in contrast to the treaty of 1310, that more than one person should be appointed.<sup>20</sup>

Moreover, one learns from the treaty of 1344 the terms and methods of compensating damages caused by an assault. Thus, the settlement of conflicts that involved the capture of people or cattle theft should take place within two months, through the return of the kidnapped person or stolen goods.<sup>21</sup> If the deadline was not met, the mode of conflict settlement changed fundamentally, as the aggrieved party was then officially granted the right to counterattack. In order not to endanger the general peace, however, certain restrictions were imposed: for instance, no man or woman should be captured as part of the counterattacks.<sup>22</sup> Presumably, this arrangement was a compro-

16 See Alberto Várvaro, "Alfonso, 10. A. X. der Weise II.," in *Lexikon des Mittelalters*, vol. 1 (München, 1999), 396–98; García Fernández, "Sobre la alteridad," 223; Emilio Mitre Fernández, "La Cristiandad Medieval y las formulaciones fronterizas," in *Fronteras y fronterizos en la historia*, ed. idem (Valladolid, 1997), 35; Juan Francisco Jiménez Alcázar, "Gobernar fronteras: Poderes locales, dominio territorial y control central en la Castilla meridional (ss. XIII–XVI)," *Edad Media: Revista de Historia*, 14 (2013): 139.

17 The fragments of the treaty concluded in Algeciras by Alfonso XI of Castile (d. 1350), the marinid ruler Abū l-Ḥasan (d. 1351), and the Naṣride emir, were edited in *Colección de documentos inéditos del Archivo General de la Corona de Aragón*, ed. D. Próspero de Bofarull y Mascaró, *Procesos de las antiguas cortes y parlamentos de Cataluña. Aragón y Valencia custodiados en el Archivo General de la Corona de Aragón*, 7 (Barcelona, 1851), no. 51, 177–78. See Lopez de Coca Castañer, "Los jueces," 176.

18 On Alfonso XI, who currently attracts the heightened interest of researchers, see José Sánchez-Arcilla Bernal, *Alfonso XI, 1312–1350*, Estudios históricos La Olmeda. Corona de España. Reyes de Castilla, 2 (Palencia, 1995); Alejandra Recuero Lista, *El reinado de Alfonso XI de Castilla (1312–1350)*, Doctoral Thesis, Universidad Autónoma de Madrid (Madrid, 2016), <http://hdl.handle.net/10486/674742> [accessed April 4, 2024], and the habilitation project by Frank Engl which is also documented in a blog: <http://onceno.hypotheses.org> [accessed April 4, 2024].

19 *Colección de documentos*, no. 51, 177.

20 *Ibid.*, 177: "complimiento de derecho"; see *ibid.*, 178: "Otrosi otorgamos que pongamos omes buenos en las comarcas de la frontera et del regno de murcia [...] enmienda et derecho a los querellosos que danno recibieren de la nuestra parte."

21 *Ibid.*, 177: "Et si fasta dos meses non alcançaren derecho que fagamos tornar lo que fuere tomado o robado o el aprecioamiento dello."

22 *Ibid.*, 178: "Et si fasta los dos meses non se fisiere enmienda del robo nin del furto que fuere como dicho es que puedan faser prenda por ello en nuestra comarca do nacio el danno segund la quantia que fuere tomado. [...] Que no



mise, since the reaction to an assault was usually an immediate counterattack.<sup>23</sup> The contracting parties obviously intended to agree upon fixed methods to deal with the frequent frontier raids.

The treaties dating from the fifteenth century contain even more detailed stipulations; their main provisions concerning the frontier judges, and their investigation and settlement of conflicts, will be analyzed below. A treaty of 1410, concluded between Juan II of Castile (d. 1454) and Yūsuf III (d. 1417), is dedicated almost exclusively to border conflicts. The treaty survives in a Castilian chronicle from the first half of the fifteenth century which—like other Castilian-Naṣrid treaties—does not attest to specific arrangements explicitly concerning religious differences between the contracting parties, apart from mentioning their distinct calendars.<sup>24</sup> Again, conflicts generally should be settled on the frontier, for which both Christian as well as Muslim specialists should be appointed.<sup>25</sup> In contrast to earlier treaties, these are not subordinated to other frontier institutions, as they are obliged to directly report to the monarchs in case the time limits of restitution are disregarded.<sup>26</sup> In case the settlement of a conflict posed any further trouble, therefore, both rulers claimed to be directly involved, and both the Christian king and the Muslim emir here appeared to be on equal footing. Furthermore, the treaty specifies in detail the *juezes de las querellas* on the frontier.<sup>27</sup> Since these were responsible both for hearing and assessing the complaints and the enforcement of the verdict—either the liberation of prisoners or the restitution of stolen goods<sup>28</sup>—they may be considered the most important institution of conflict regulation on the frontier.

As with the treaty of 1344, the investigation of assaults is regulated; the judges seemed to be responsible since no other frontier institution is explicitly mentioned. Residents from both sides of the frontier should share responsibilities in the investigation, perhaps attesting to cross-frontier cooperation.<sup>29</sup>

sea preso nin tomado persona de omen nin de muger por esta rason.”

23 Rodríguez Molina, *La vida de moros*, 232; García Fernandez, “Sobre la alteridad,” 231; Mario Rubio Calleja, “En torno a la frontera de Granada (ss. XIII–XV). Manifestaciones, figuras e instituciones en tiempo de paz. Síntesis e interpretación,” *Publicaciones didácticas. Revista profesional de docencia y recursos didácticos* 77 (2016): 87; Melo Carrasco, *Un modelo*, 265.

24 *Crónica de Juan II de Castilla*, ed. Juan de Mata Carriazo y Arroquía (Madrid, 1982), 402–7; see especially 402: “Fasta que en diez días de nouienbre del año del Naçimiento de Nuestro Saluador Jesucristo de mill e quatroçientos e diez años, andando la hera de Mahomad en ochoçientos e treze años, fizo tregua el infante don Fernando, con poder de la Reyna doña Catalina [...] con Yuçaf, rey de Granada.”

25 Ibid., 404: “Que sean puestos juezes para ello en las villas e señoríos de anbas las partes, en los lugares de los cristianos o de los moros.”

26 Ibid., 405: “Et si detouiere el juez de las querellas en delibrar al dicho plazo, fagan soplicaçion para ante los reyes, cada vno para con el que fuere, si el pleito fuere ante juez cristiano suplique ante el rey cristiano, e si fuera moro en semejante ante el moro.”

27 Ibid.

28 Ibid., 404: “Para que sean juezes e fieles para que provean en las querellas e continúen los juyzios dellos, e fagan pagar los daños.”

29 Ibid., 404–5: “E quando acaecieren las tales querela de vna parte a lo otra, en los averes o en las personas e otras cosas que pueden acaecer semejante, que vayan por el rastro, e den el rastro a do fuere fallado que fué el mal fecho; e a la parte donde fuere, que sean tenudos a lo reçiuir. E si non lo quisieren tomar, que los tomen por testimonio e sean tenudos de pechar el daño o lo que perdió.”

In addition, the treaty of 1410 contains precise provisions regarding the settlement of conflicts, i.e. the liberation of prisoners as well as the restitution of livestock or compensation. Generally, one can therefore differentiate between the capture of prisoners on the one hand, and cattle theft on the other, as types of frontier raiding that had to be addressed. Detailed stipulations concerning the liberation of prisoners held a prominent position in the peace treaty of 1410, immediately after both parties mutually affirmed their intention to safeguard peace (*ni mal ni daño*).<sup>30</sup> So called *alfaqueques* were responsible both for the search for prisoners and their ransom. The etymology of the term is evidently of Arabic origin (al-fakāk), meaning “liberation” and “ransom”.<sup>31</sup> In fact, legal provisions concerning their work are already found in the *Siete Partidas* which were commissioned by Alfonso X in the thirteenth century.<sup>32</sup> It suffices to say that as early as the thirteenth century, the Castilian monarchy laid down specifications regarding the duty and requirements for *alfaqueques*.<sup>33</sup> The focus of this article, however, is on the respective stipulations contained in late medieval Castilian-Našrid treaties. According to the treaty of 1410, both Christian and Muslim *alfaqueques* were active in ransoming prisoners on the frontier between the Crown of Castile and the adjacent Emirate. In 1410, they were the only ones allowed freedom of movement across the border.<sup>34</sup> Unlike the *juezes de las querellas*,<sup>35</sup> the treaty seemed to presuppose their existence, since it was silent regarding their appointment. While the *alfaqueques* appear to be local specialists, the treaty of 1410 stipulates a legal frame for their work. The special position of the respective contractual clauses also points to their importance. Therefore, they might actually have acted independently from the judges controlling all parts of conflict regulation.

Similar stipulations concerning professional ransoming are contained in the treaty of 1443 concluded by Juan II and Muḥammad IX (d. 1453).<sup>36</sup> This again confirmed the importance (*poderes bastantes*) of the *alfaqueques*, for instance by underlining their freedom of movement alongside

30 Ibid., 403.

31 Hans Wehr, “fikāk, fakāk,” in *Arabisches Wörterbuch für die Schriftsprache der Gegenwart*, 5<sup>th</sup> ed. (Wiesbaden, 1985), 977; Charles Emmanuel Dufourcq, “Fidā,” in *The Encyclopaedia of Islam New Edition*, vol. 7, Supplement (Leiden, 2004), 306.

32 Many provisions concerning the frontier in the *Siete Partidas* are based on the *fueros*, i.e. a particular law that dates back at least to the twelfth and thirteenth centuries. For an overview, see James William Brodman, “Municipal Ransoming Law on the Medieval Spanish Frontier,” *Speculum* 60 (1985): 324; Miguel Ángel Ladero Quesada, “Kastilien,” in *Lexikon des Mittelalters*, vol. 5 (München, 1991), 1038–48; Melo Carrasco, “Un aspecto,” 658; Maria Scheppach, *Las Siete Partidas. Entstehungs- und Wirkungsgeschichte*, Reihe Rechtswissenschaften, 107 (Pfaffenweiler, 1991).

33 See the introduction to the articles on *alfaqueques* in Alfonso X, *Las siete partidas del Rey Don Alfonso el Sabio. Cotejadas con varios codices antiguos por la Real Academia de la Historia*, vol. 2 (Madrid, 1807), 336: “Qué quier decir alfaqueque [...] qué cosas debe haver en sí aquel que escogen para este oficio [...] cómo debe seer escogido et fecho, et qui los puede facer, qué cosas deben guardas et facer los alfaqueques.”

34 *Crónica de Juan II*, 403: “E los alfaqueques moros a buscar en la tierra de los cristianos [...] e los alfaqueques cristianos en la tierra de los moros. Es estos alfaqueques que sean seguros de todas partes. E que otras personas no pueden entrar en los dichos reynos, sin liçençia de su rey, saluo los alfaqueques.” See also Melo Carrasco, “Un aspecto,” 664.

35 *Crónica de Juan II*, 405.

36 The treaty concluded by Juan II and Muhammad IX in Escalona on March 20, 1443, was edited by Enrique López de Coca Castañer, “Acercas de las relaciones diplomáticas castellano–granadinas en la primera mitad del siglo XV,” *Revista del centro de estudios históricos de Granada y su reino* 12 (1998): 24–30.

the overall goal of establishing peace.<sup>37</sup> One also finds an explicit reference to customary law (*derechos acostunbrados*)<sup>38</sup> that attests to their established work and respective rights. A treaty of 1476, which has survived as part of the Jaén town council records, indicated the legal equality of Christian and Muslim *alfaqueques*,<sup>39</sup> and also offers insight into their payment.<sup>40</sup> It encouraged the fixed payment of the *alfaqueques* by making the release of prisoners recovered by the *alfaqueque* (Christian or Muslim) contingent on the latter's payment.<sup>41</sup> López de Coca Castañer has convincingly suggested a payment of 10 to 12 percent of the ransom money.<sup>42</sup>

With reference to cattle theft and plunder, the treaty of 1410 generally points to the judges' responsibility (*fagan pagar los daños*).<sup>43</sup> In case restitution was not possible, the frontier judges ought to specify a compensation payment.<sup>44</sup> It remains unclear whether delinquents who committed a cattle theft were to be punished in the same way as kidnappers.<sup>45</sup>

Although provisions for the investigation and settlement of conflicts became more detailed until the early fifteenth century, judges remained crucial until the end of that century.<sup>46</sup> The agreements confirm their responsibility in hearing, assessing, and settling complaints. Another treaty dating from 1472 provides information about the legal status of the judges' activities: they should hear the complaints and administer justice to the residents of both kingdoms.<sup>47</sup> Hence, the judges ought to act in accordance with current respective Christian or Muslim laws. The stipulations concerning conflict regulation thus did not intend to create a separate frontier law, but were pragmatically based on existing law. At the same time, this also demonstrates a respect for Muslim law.

37 See *ibid.*, 25: "E será el juisio destas paces entre Nos e Vos guardado e comprendiente en la tierra e en la mar, e en los puertos de mar; e que vayan e vengan los alfaqueques de amas las partes seguros, a pesquerir los cautivos, e los quiten por su rendençion. E / de / lo que afirmamos e juramos con Vos, el dicho rey de Granada, e de lo que afirmamos e jurades Vos con Nos, que ésta sea paz por tres años primeros siguientes que comenzarán a quince días del mes de abril." Cf. Klaus Herbers, *Geschichte Spaniens im Mittelalter. Vom Westgotenreich bis zum Ende des 15. Jahrhunderts* (Stuttgart, 2006), 352.

38 López de Coca Castañer (ed.), "Acerca de las relaciones," 26.

39 The treaty concluded by Isabella I, Fernando II and Abū l-Ḥasan 'Alī in Granada on January 11, 1476 was edited by Carmen Perea Carpio, "La frontera consejo de Jaén – Reino de Granada en 1476," *Cuadernos de Estudios Medievales*, 10–11 (1983), 237–38, here 238: "E que aquesta justiçia sea ygual a los christianos e a los moros."

40 *Ibid.*, 237–238. On the treaty of 1476, see *ibid.*, 235.

41 *Ibid.*, 238.

42 Enrique López de Coca Castañer, "La liberación de cautivos en la frontera de Granada (siglos XIII–XV)," *En la España Medieval* 36 (2013): 98; *idem*, "Institutions on the Castilian-Granadan Frontier 1369–1482," in *Medieval Frontier Societies*, eds. Robert Bartlett and Angus Mackay (Oxford, 1989), 137.

43 *Crónica de Juan II*, 404.

44 *Ibid.*, 405: "E los averes e los ganados e otras cosas, si no podieren ser fallados ni pudiesen ser tornados, que sea pechado en cada cosa su valor, según que lo determinaren los juezes."

45 See for instance the treaty concluded by Juan II and Muhammad IX in Escalona on March 20, 1443, López de Coca Castañer (ed.), "Acerca de las relaciones", 28: "Que maten a los malfechores."

46 See e.g. *ibid.*, 27: "Adelantemos Vos e Nos jueces fieles [...] que oygan las querellas e ayan poder de los juzgar, e de las librar e pagar los querellosos de amas partes, en cuerpos e en averes, e en otra qualquier cosa de los que puede acaesçer."

47 The treaty concluded by Henry IV and Abū l-Ḥasan 'Alī in Granada on January 18, 1472, was edited by Juan Torres Fontes, "Las treguas con Granada de 1469 y 1472," *Cuadernos de Estudios medievales y ciencias y técnicas historiográficas* 4–5 (1979): 235–36, here 236: "Que miren por las querellas y las juzguen y fagan en ello lo que sea justiçia a amas las partes."

While the treaty of 1472 does not go into much detail with regard to the investigation and settlement of conflicts, it does legalize vigilante justice.<sup>48</sup> Although peace generally was to be maintained, this provision might still attest to a higher degree of violence, or the increasing Castilian interest in the conquest of the Naṣrid Emirate.

Altogether, the examination of the Castilian-Naṣrid treaties over time reveals that normative provisions on conflict regulation on the late medieval Christian-Muslim frontier became increasingly detailed. Accordingly, Christian and Muslim judges were tasked to act as pivotal frontier institutions in charge of coordinating the regulation of conflicts. In addition to the judges' supervisory role, investigation and settlement by ransom or restitution (compensation payments) constitute the main parts of the process.

## Conflict Regulation in the Fifteenth Century: Frontier Judges, Investigation, and Settlement

Against the backdrop of contractual provisions concerning conflict regulation on the Iberian Christian-Muslim frontier, the following analyses aim to observe the judges, and the investigation and settlement of conflicts, in other types of sources from the fifteenth century. For this purpose, council records from a paradigmatic Castilian frontier town will be examined. The findings provide information on individual cases which allow conclusions to be drawn about practices of conflict regulation, but they cannot necessarily be considered representative for the entire border region.

The existence of judges on the Castilian side of the frontier is documented in the town council records of Jaén. The town was conquered by Fernando III (d. 1252) in the 1230s, and was located close to the frontier until the end of the fifteenth century.<sup>49</sup> Mata Carriazo has paved the way for research on this area.<sup>50</sup> Garrido Aguilera later studied its town council records from 1476 and 1480 thoroughly, which are one of the very few surviving medieval documents from Jaén.<sup>51</sup> They show that in 1476, Queen Isabella gave Luis de Torres the following office among others: "la escribanía mayor de entre moros y cristianos."<sup>52</sup> Accordingly, the appointment as judge on the frontier came along with other frontier offices, while *mayor* might indicate hierarchical structures, i.e. other judges

48 Ibid.: "Sy alguno la quebrantare quel otro rey e su reyno le pueda fazer guerra sy quisier por la quiebra de paz y sea dado logar a ello syn quebrantar la paz."

49 Francisco Vidal Castro, "Jaén y la frontera del Reino Nazarí de Granada," in *Jaén en época de los Nazaríes (Al-Andalus, S. XIII–XV). Estudios de historia y patrimonio cultural islámico y cristiano*, ed. idem (Alcalá la Real, 2010), 105.

50 Juan de Mata Carriazo y Arroquía, "Relaciones fronterizas entre Jaén y Granada el año 1479," in idem, *En la frontera de Granada* (Sevilla, 1971), 237–64.

51 Juan Carlos Garrido Aguilera, "Relaciones fronterizas con el Reino de Granada en las capitulares del Archivo Histórico Municipal de Jaén," in *Relaciones exteriores del Reino de Granada*, ed. Cristina Segura Grañó, *Coloquio de Historia Medieval Andaluza*, 4 (Almería, 1988), 161–72; Perea Carpio, "La frontera consejo."

52 See *Actas Capitulares de 1476* in Garrido Aguilera (ed.), "Relaciones fronterizas", 166. Allegedly due to his minority, the Crown appointed his uncle to perform the office until further notice, see *ibid.*: "El cargo fue cedido a don Fernando de Torres, tío de don Luis."

and scribes subordinate to him. One person taking over different frontier offices was certainly convenient for the Crown and, on the other hand, indicates the formation of a border nobility.

A second reference to the Castilian judge concerns January 10 of the very same year. It is a report to the town council about a theft committed by Castilian residents, who entered Muslim territory and stole animals belonging to the local Muslim residents.<sup>53</sup> In accordance with the normative provisions of the treaties, the Castilian judge or his representative serves as the person in charge of organizing the cross-border investigation and punishing the delinquents, thereby establishing justice. If the records are believed, the judge fulfilled his duties.<sup>54</sup>

Although these references only offer a small glimpse into the activity of a Castilian judge on the frontier, at least in these very few cases it seems he initiated the settlement of conflicts and supervised their investigation in close cooperation with the frontier town council of Jaén.

In comparison, the records provide much more information on the investigation of frontier conflicts. References concerning the years 1476 and 1479 shed light on the professionalization of the investigation, its protagonists, and its *modus operandi*.<sup>55</sup> Specifically, they provide a great deal of evidence for the so-called *fieles de rastro*, who seemed to have been in charge of tracking raiders. In a notice of one of the *fieles*, the total number of 30 *fieles de rastro* is given.<sup>56</sup> According to the records, another person was appointed two days later, attesting to both the demand for these professionals and their official employment by the town council.<sup>57</sup> In addition, payment was fixed;<sup>58</sup> Mata Carriazo has convincingly assumed that they were paid 200 *maravedíes* for each job.<sup>59</sup>

A letter contained in the records dating from 1479 allows us to comprehend what happened after an assault and how investigation was organized on the Castilian side of the frontier. In the letter, the town council addresses officials like the *alcaldes* and *jurados* from the Castilian town of Alcalá la Real.<sup>60</sup> In order to investigate a frontier conflict, the council of Jaén had commissioned *fieles de rastro* to follow the tracks in accordance with old common law. Apparently, these handed over the tracking to their counterparts working for the city of Alcalá as soon as the tracks continued into the territory of the town council of Alcalá.<sup>61</sup> According to this, the *fieles* were strictly subor-

53 Ibid.: "Entraron por tierra de Huelma e tomaron de los moros de Canbil dos rejas e un açada."

54 Ibid.: "Que él con su escrivano (fueron) a faser la pesquisa sobre las dos rejas e un açada."

55 See Mata Carriazo y Arroquía, "Relaciones fronterizas," 248.

56 Actas Capitulares de 1479, *ibid.*: "Este día, ante los dichos señores paresció Bartolomé Martines de la Torre Campo, e dixo que por quanto él es uno de los treinta fieles del rastro, [...] por ende dixo que renunciava e renunció el dicho oficio de rastrería."

57 Ibid., 248–49: "Este día, los dichos señores conçejo [...] fiçieron merçed a Juan Lopes de Maplica, vecino de la colación de Sant Juan, del ofiço de rastrería [...] e mandaron que lo aya [...] para en toda su vida, para que lo use como rastrero. [...] sean guardadas las honras e libertades al dicho ofiço pertenesçientes."

58 Ibid., 249: "A los dichos rastreros librar deste rastro doscientos mrs."

59 Ibid. See also Rodríguez Molina, "Relaciones pacíficas," 289.

60 Actas Capitulares de 1479 in Mata Carriazo y Arroquía (ed.), "Relaciones fronterizas," 249.

61 Ibid.: "Ya sabéis cómo por el mes de febrero que agora pasó deste año presente, teniendo Asensio Gomes del Villar, nuestro vecino, a Juan su pastor en la Çarçuela, término desta çiudad, guardando ganado, fue salteado por moros del reino de Granada e levado cativo. [...] E por nuestros fieles del rastro, con nuestras cartas, en el término, segund costumbre antigua, vos fue entregado el rastro."

dinate to the town councils, and in charge of investigation within its respective territory. The town councils, on the other hand, seemed to have played a pivotal role in organizing the investigation.

Another record provides information on Christian-Muslim cooperation regarding the investigation following a frontier conflict. Castilian *fieles de rastro* indicated their contact with Muslim colleagues. They had taken up the search, but eventually could not find any more tracks to follow; they apparently asked their Muslim counterparts for advice. As a result, some Muslims got into disputes over their responsibilities. The Castilian *fieles* asked the Muslims for any evidence, but they told them that they did not know of any other tracks.<sup>62</sup> Although this specific case of investigation does not seem to have turned out successfully, it still attests to cooperation between Castilian and Naṣrid professional investigators. Responsibilities were clearly divided according to the realms and the towns' legal territories. Apparently, residents were well aware of boundary lines.

Another reference in the town council records from the year 1479 further demonstrates the difficulties which investigations could pose. On October 4, the records report that some *fieles de rastro* tried to track Muslims who had murdered a resident from Alcalá la Real, Juan de Ribilla. The evidence they had received from the Alcalá *rastreros* was extremely hard to follow, even though they searched thoroughly. Finally, after cooperating with the officials of the Naṣrid Colomera, they were able to reveal the truth about the victim murdered by Muslims of Colomera. According to the Castilian *fieles de rastro*, this was a retaliation<sup>63</sup> relating to the provisions of the treaties of the second half of the fifteenth century. In sum, the professional investigators managed to shed light on the conflict, again by cooperating with both Castilian and Muslim colleagues. Rubio Calleja has thus rightly ascribed a central importance to the *fieles de rastro* for the councils.<sup>64</sup> While the records demonstrate the coordinating role of the town council in respect to the *rastreros*, one does not find the judges involved in their activities, indicating a significant difference from normative provisions.<sup>65</sup>

The previous results raise the question of the role that town councils as well as judges played regarding the settlement of conflicts. In 1476, Huelma suffered from a Muslim assault which caused the town council of Jaén to send a letter to a certain Diego de Biedma, *alcaide* of the town of Huelma, asking him not to initiate any retaliation by pointing to the recently concluded peace.<sup>66</sup> Thus, instead of jeopardizing peace with retaliation, the conflict should be resolved by means of cross-border diplomacy.<sup>67</sup> The letter further reported that the town council had already contacted

62 Ibid., 250: "Fueron a ver el rastro que troxieron los moros de la valleta e de las otras armas. [...] El moro de Canbil reñía con el moro de Montexícar, disiendo al moro de Montexícar que no traía verdad el rastro que traía."

63 Ibid. 251–52: "Verdad era cómo avian muerto aquel cristiano Juan de Ribilla moros de Colomera. [...] Lo mataron por un moro que mataron los de Alcalá."

64 Rubio Calleja, "En torno a la frontera," 97.

65 Nevertheless, Rodríguez Molina believes the judges generally coordinated their activities, see idem, *La vida de moros*, 330; idem, "Relaciones pacíficas," 289.

66 Actas Capitulares de 1476 in Garrido Aguilera (ed.), "Relaciones fronterizas", 167: "Que no faga prendas por el daño que en la dicha villa fizieron los moros, en ningunos almayales que vengan a esta çibdad. [...] por quanto la pas fue asentada entre los muy altos e muy poderosos el rey e la reina [...] con el rey de Granada, de Lorca a Tarifa, de barra a barra."

67 Ibid.: "Y los dichos señores conçejo tienen escripto sobre ello al dicho rey de Granada."

the emir, whose answer is contained in the records dating from March 4. According to the letter, the Muslim assault had taken place in reaction to previous Christian assaults<sup>68</sup>—thereby again attesting to the practice of arbitrary retaliation in order to restore justice by force. However, the emir did not approve and, accordingly, ordered the residents from his realm to restore the stolen goods.<sup>69</sup> Both the Jaén town council and the Naṣrid emir hence intended to prevent retaliation by intervening diplomatically. In the end, then, it was the town of Jaén, not any frontier judge, which was held responsible to pay for any damages.<sup>70</sup>

The settlement of raids which included kidnapping is a predominant topic of the Castilian-Naṣrid treaties. Special privileges were given to so-called *alfaques* who, according to the contracts, were responsible for ransoming captives. The town council records of Jaén provide information about their daily activities. In 1476, a Muslim *alfaques* named Hamete el Majo managed to recover two Christians back to Huelma.<sup>71</sup> The town council ordered to pay him 200 *maravedies* for his efforts. Like the *fieles de rastro*, the *alfaques* were apparently paid by the town council.<sup>72</sup> In this case, however, a Castilian town council paid a Muslim *alfaques*, hinting at their cross-border activity and acceptance.<sup>73</sup> Due to their existence very close to the frontier, they also became involved in other affairs; the Castilian *alfaques* Martín de Lara serves as an illustrative example, as he apparently even intervened in a trans-frontier marriage in 1479.<sup>74</sup>

In 1479, one letter refers to the conflict between the Castilian and the Naṣrid *alfaques* already mentioned.<sup>75</sup> First, it recounts the joint activities of both *alfaques*, and the trust Martín de Lara put in his colleague.<sup>76</sup> Yet his trust was shaken since the Muslim *alfaques* Hamete el Majo did not come to the city in order to pay and fulfill his duties.<sup>77</sup> As a result, Martín de Lara was not able to clear his debts, and had to ask the Jaén town council for *remedio de justicia*.<sup>78</sup> Again, this demonstrates the close cooperation, as well as occasional conflicts, between Christian and Muslim *alfaques* and the town councils. By writing to a high official of the Emirate, the town council

68 Ibid.: “Diego de Biedma, alcaide de la villa de Huelma, avia fecho muchas sinrasones a los moros de Guadix e tomado e mandado tomar moros furtados e ciertas asémilas e yeguas estando asentada la pas [...] que los dichos cabdillos non lo pudieren sofrir e ovieron de venir sobre la dicha villa de Huelma.”

69 Ibid.: “De lo qual el dicho señor rey de Granada avia avido muy grandisimo enojo e que luego como lo supo enbió mandar a los dichos cabdillos alcansen e quitasen el dicho cerco, los quales así lo fisieron e cunplieron [...] e lo negociasen e do sacasen todo.”

70 Ibid.: “De lo tornas e restituir o pagar.”

71 Ibid., 169.

72 Ibid.

73 See MacKay, *Religion*, 219.

74 Actas Capitulares de 1479 in Mata Carriazo y Arroquía (ed.), “Relaciones fronterizas,” 246: “Habló con ella deparadamente y ella quedó por mora, como lo era. Y después ella fué casada.”

75 See also *ibid.*, 254; Melo Carrasco, “Un aspecto,” 660.

76 Actas Capitulares de 1479 in Mata Carriazo y Arroquía (ed.), “Relaciones fronterizas,” 254: “Martín de Lara, nuestro alhaqueque, paresció ante nos e se nos quexó e dixo cómo él e Hamete el Majo, vuestro alhaqueque, guardando la fielded [...] han sido trujamanes e sompradores de ciertos moros que fueren levados a ese Reyno e çibdad de Granada.”

77 Ibid.: “No quiere venir a esta çibdad a pagar e conplir todo aquello que es obligado.”

78 Ibid.



obviously first intended to solve the conflict by means of diplomacy. The documents from the following year show that it took some more effort to settle the dispute. Accordingly, Juan de Madrid was sent into Muslim territory in order to enforce the settlement of the conflict.<sup>79</sup> Still, the town council of Jaén played the leading role on the Castilian side, which can also be seen with reference to another letter justifying their approach.<sup>80</sup> At the same time, the legitimate cause and honesty of Martín de Lara is underlined.<sup>81</sup> Although the loss of documents means one cannot know whether they succeeded in settling the dispute, the case perfectly shows the position of the *alfaques* who, on the one hand, earned payment and held many rights like the freedom of movement but, on the other hand, seemed to have been strictly controlled and punished by the town council in case of misconduct.<sup>82</sup>

Two other records further shed light on the relationship of *alfaques* and the town council in 1480. The *cartas de arrendamiento*<sup>83</sup> of a certain Martín del Cuerpo and Pedro Sanches were granted, while Juan de Madrid was refused.<sup>84</sup> Although the latter officially complained, the town council stood by its verdict, strictly forbidding Juan from holding the office of the *alfaquería*.<sup>85</sup> In relation with the two other *alfaques*, the town council records note a wealthy witness who seemed to have enabled and financially supported the *alfaques*' costly activities.<sup>86</sup>

*Alfaques* seemed to have operated in close cooperation with the town councils, but might of course also have acted independently. In the cases analyzed in the town council records, their diplomatic activities were crucial, whereas judges were not mentioned.

## Conclusion

The late medieval Christian-Muslim frontier in Iberia existed for over two and a half centuries, and was a result of large-scale military campaigns fought between the Christian realms of the north and the Muslim realms in the south. According to García Fernández, religious antagonism was its main feature and determined life on the frontier. Christian and Muslim societies on both sides of the frontier differed not only in terms of religion, but also in terms of mentality, culture, and the form of governing.<sup>87</sup> Due to inner conflicts, among other things, Castile did not strongly promote

79 Actas Capitulares de 1480 in Garrido Aguilera (ed.), "Relaciones fronterizas," 171.

80 Ibid.

81 See for instance *ibid.*: "Estovieron presos en la cárcel e vendidos sus bienes para pagar él devía."

82 See also Torres Fontes, "Los alfaques castellanos," 112.

83 Actas Capitulares de 1480 in Garrido Aguilera (ed.), "Relaciones fronterizas," 171.

84 *Ibid.*: "Porque se falla ser arrendamiento primero el dicho Martín del Cuerpo e del dicho Pedro Sanches, los dichos señores determinaron por su determinación los dichos Martín del Cuerpo e Pedro Sanches sus alhaques todo el tiempo del arrendamiento segund las ordenanças del alhaquería, e el dicho Juan de Madrid no ser alhaqueque."

85 Ibid.

86 *Ibid.*: "Este dicho día Johan Sevillano, alforjero [...] entró de mancomún por fiador [...] obligose con ellos de mancomún que dará buena cuenta de todos los cativos christianos e moros que (doblas) e (entrares) e plata, seda e otras cosas que les dieran [...] e si se absentaren o algo se perdiere o no cunplieren que lo pagará e conpliese por si e por sus bienes." See also Melo Carrasco, "Un aspecto," 658.

87 García Fernández, "Sobre la alteridad," 215.

the conquest of the Emirate during the late Middle Ages;<sup>88</sup> hence, the Castilian-Naṣrid frontier rarely experienced open warfare and large-scale campaigns. Instead, it was profoundly shaped by small-scale conflicts like raids and assaults which brought about devastation, theft, and the imprisonment of people living nearby. Since raiding was mutually considered unlawful and a serious threat to peace between both the Crown of Castile and the Naṣrid Emirate, many treaties attest to the monarchs' intention to regulate these conflicts by establishing mechanisms of conflict settlement. At the same time, the treaties do not negotiate the religious antagonism between the two realms, but rather bear witness to more pragmatic approaches to conflict regulation. As the analyses showed, stipulations became more and more detailed over time, except for one of the very last treaties that only briefly legalized targeted retaliation. Altogether, equal ranking frontier judges on both sides of the Christian-Muslim frontier were responsible for initiating the investigation and settlement of conflicts. Detailed provisions can be found for investigations, such as time limits and the *alfaques* who were in charge of ransoming prisoners. According to the treaties, these appear to have acted quite independently since they were not subordinate to any other institution.

Town council records from communities like Jaén, however, shed light on the practices of conflict regulation in the second half of the fifteenth century. Comparing normative stipulations with the records of a frontier town council reveals commonalities and differences regarding how people dealt with endemic violence. While investigation by the so-called *fieles de rastro*, and settlement by the restitution and ransom of prisoners by *alfaques*, obviously constituted crucial parts of the process, one does not find evidence for an important position of frontier judges. Instead, the town councils took over coordination and organization of conflict management on the frontier, even employing and paying specialized staff. Future research should therefore further critically analyze urban and local records in order to gain a broader understanding not only of norms of conflict regulation but also practices; this article only hints at the potential of comparative studies.

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<sup>88</sup> MacKay, *Religion*, 217; Miguel Ángel Ladero Quesada, "La frontera de Granada. 1265–1481," in idem, *Europa medieval y mundo islámico. Seis estudios* (Madrid, 2015), 103–4; Francisco García Fitz, "La frontera Castellano-Granadina a fines del siglo XIII," in *Relaciones exteriores del reino de Granada*, ed. Cristina Segura Graíño, *Coloquio de historia medieval Andaluza*, 4 (Almería, 1988), 23–35.

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III.

# The Limits of Tolerance and Corporate Dynamics

# Bi-confessionalism in post-Hussite Bohemian Towns and its Legal Regulation

ROBERT NOVOTNÝ

Research on the coexistence of multiple Christian confessions is mainly associated with the early-modern period and the rise of the Reformation Churches. Scholarly interest in the last half-century, associated with the concept of confessionalisation, has brought entirely new insights into the dynamic social and political changes that took place against the background of religious transformations.<sup>1</sup> In fact, however, these processes had already taken place on a smaller scale in the Bohemian lands a century before Martin Luther, albeit not in such intensity and regional breadth. Alongside the traditional Roman Church, the Utraquist Church, whose adherents sought to defend their existence, established itself there after the Hussite Wars (1419–34). To a certain extent, this presented analogous processes, with equal social dynamics taking place against the backdrop of religious developments.

The conclusion of the Compactata in 1436 marked the first step towards a more peaceful coexistence between the two confessions. Although the treaties with the Council of Basel and the subsequent privileges of Sigismund of Luxembourg ruled out more violent means of resolving conflict, Bohemian society still had a long way to go to find a truly functional solution.<sup>2</sup> This was not just a matter of religion alone, as confessional arguments often served as the most compelling justification to support other demands, be they related to property, nation, or politics. Often the confessional card was used purely for expedience, but this did not change the fact that it complicated coexistence in the country. When confessional arguments were revived by the opposition to King George of Poděbrady in the second half of the 1460s, the consequences remained for the Bohemian Kingdom long after George's death.<sup>3</sup>

The search for a *modus vivendi* was particularly difficult in towns.<sup>4</sup> Many of them were subject to transformations in national and social terms, as well as in property holding during the Hussite Revolution, with which the confessional question was inextricably linked. Thus, the struggle for

1 *A Companion to Multiconfessionalism in the Early Modern World*, ed. Thomas Max Safley, Brill's Companions to the Christian Tradition, 28 (Leiden, 2011).

2 František Šmahel, *Die Basler Kompaktaten mit den Hussiten (1436). Untersuchung und Edition*, MGH Studien und Texte, 65 (Wiesbaden, 2019).

3 The basic outline is given by František Šmahel, *Die Hussitische Revolution*, vol. 3, trans. Thomas Krzenck, MGH Schriften, 43 (Hannover, 2002), 1819–65. The following chapter deals with the conditions in the Bohemian towns, and includes the situation in Moravia only in the necessary context.

4 Martin Musílek, "Města," in *Husitské století*, eds. Pavlína Cermanová, Robert Novotný, and Pavel Soukup (Prague, 2014), 317–32. On the religious conditions with an emphasis on royal cities, see esp. 326–28.

one confession often meant a struggle for the maintenance of the new conditions, and vice versa—behind their religious argumentation, Catholics may have desired a restoration of the pre-revolutionary situation. The limits of inter-confessional toleration were thus often determined by its potential to threaten either side's position. Other factors may have come into play as well. For example, mining towns such as Kutná Hora needed experts who had been expelled during the revolution. A special case in point was the Prague, where the operation of country-wide institutions kept the metropolis open to both confessions.

Of course, the circumstances in the royal towns were different from those in the liege towns. The inhabitants of the royal cities had a relatively free hand in this respect, since the sovereign's power was weak and could not effectively influence the situation. Despite his efforts to restore pre-war conditions in the capital, King Sigismund actually only damaged his position, and his short reign (1436/7) did not have much effect. The episodic reign of Albert of Habsburg (1438/9) was followed by a fourteen year interregnum. When Ladislaus the Posthumous took the throne in 1453, his attempts to change the confessional situation were at first thwarted by his right-hand man, George of Poděbrady, only to be finally suppressed with Ladislaus's premature death in 1457. George, who then took over the government, honoured the Compactata with an almost scrupulous diligence. The first major attempt to change the conditions—especially in Prague—was not made until almost half a century after the conclusion of the Compactata by Vladislaus Jagiellon (1471–1516), but his efforts had the opposite effect and ended in a definitive recognition of the status quo. The Peace of Kutná Hora, concluded in 1485, marked the confirmation of the Compactata policy, and the beginning of a new era of religious tolerance.<sup>5</sup>

Of the forty Bohemian royal cities, the vast majority became Hussite during the wars, although key towns such as Plzeň, České Budějovice, and Cheb retained their Catholic faith. While the cities loyal to the Roman Church had recognised Sigismund of Luxembourg as the rightful ruler since 1420, the Hussite towns were wary of him. Therefore, under the leadership of Prague, the Hussite royal cities drew up a list of conditions for Sigismund's confirmation, raised at the land diet in March 1435.<sup>6</sup> Of the 22 demands made of the king, more than half concerned religious and ecclesiastical matters, mostly demanding the Utraquist confession. In contrast to the often unrealistic demands of the noble curia at the diet (all of Sigismund's chaplains were to be Utraquists, and the same was to apply to the members of the Royal Council),<sup>7</sup> the city's demands were more feasible. There was a natural emphasis on the Utraquist confession of the sub-chamberlain who adminis-

5 František Šmahel, "Pax externa et interna. Vom Heiligen Krieg zur Erzwungenen Toleranz im hussitischem Böhmen (1419–1485)," in *Toleranz im Mittelalter*, eds. Alexander Patschovsky and Harald Zimmermann, *Vorträge und Forschungen*, 45 (Sigmaringen, 1998), 221–73.

6 Latin version: "Aegidii Carlerii liber de legationibus concilii Basiliensis pro reductione Bohemorum," in *Monumenta conciliorum generalium seculi decimi quinti*, vol. 1, *Concilium Basileense*, eds. František Palacký and Ernst Birk (Vienna, 1857), no. 204, 537–38 (contains 27 articles). A different Czech version: *Archiv český, čili, Staré písemné památky české i moravské*, vol. 1, 3, 4, 7, 17, ed. František Palacký and Josef Kalousek (Prague, 1840, 1844, 1846, 1887, 1895, 1899), here vol. 3, no. 10, 420 (some articles are linked here, so it includes only 22 articles). On the versions, see Ivan Hlaváček, "Husitské sněmy," *Sborník historický* 4 (1956): 99–100. An analysis is in Šmahel, *Die Hussitische Revolution*, vol. 3, 1656–59.

7 *Archiv český*, vol. 3, no. 10, 419.



tered the royal towns and renewed their councils. Given the Hussite majority among the royal towns, the Catholic loyalty of the sub-chamberlain could cause problems.

For the Utraquist cities, the enforcement of confessional demands in internal affairs was crucial. Already the second point in the whole set of demands—after a general acceptance of the Hussite programme by Sigismund—asserted that no one should be accepted as a new townsman who would not receive the sacrament under both kinds. In the next point, the same condition was imposed on any repatriates, whether they left the towns voluntarily or were expelled. Two points dealt with the sensitive question of friars and their institutes: the demands forbade the king from introducing new friars into the towns unless the municipality or the council gave its express consent. This also applied to ruined monasteries, which were to be rebuilt only if the municipality requested it. Last on the list, but by no means least in importance, was an article demanding an inventory of Hussite parishes, whose Utraquist character was to be preserved in the future. The fear of a Catholic restoration (soon justified) was clear.

The towns received confirmation of their claims in July 1435 in Brno, where representatives of the Bohemian Estates met with Sigismund. The monarch went far to meet the demands of the Utraquists, and Prague was granted a special privilege regulating religious conditions in the capital. The document reflected the aforementioned requirements, and specified the position of Catholics within the community. For inter-confessional coexistence, it used the terminus technicus “hanebná směsice” (shameful mixture), expressing the undesirability of the confessional heterogeneity, which caused hotspots of conflict. Nevertheless, it was clear that if Prague was to become the capital of a country where two confessions co-existed legally, it had to make some compromises. The Catholic clergy were given a district of Prague Castle as a parish settlement of St. Vitus Cathedral, but they had to tolerate the Utraquists. In their activities, however, they were not to interfere in any way with the traditional spheres of the parish clergy, a reservation which also applied to the friars if they resettled in abandoned monasteries in Prague or its surroundings. The inhabitants of Vyšehrad and Hradčany, on the other hand, were to unite with the townspeople of the Prague Tri-City in Utraquism.<sup>8</sup>

The representatives of Prague, as the head of other cities, requested another privilege before the final acceptance of Sigismund as King of Bohemia. The monarch promised them in a letter given on July 22, 1436, that they did not have to accept defected inhabitants and return their property.<sup>9</sup> This was a thorny issue for the towns, except perhaps in Kutná Hora, which associated the return of the exiles with the return of know-how for the mining business. It also concerned, of course, Catholic towns such as Plzeň or České Budějovice, which resisted possible restitution claims from the escaped Hussites. Sigismund’s privilege, however, left the door open for the free prerogative of existing governments to deal with any exceptional cases. Especially in Prague, this became an important tool of economic and political power for councillors, allowing them to confirm confiscations in their own interest, and to restore the properties of various acquaintances and relatives.<sup>10</sup>

<sup>8</sup> *Codex iuris municipalis Regni Bohemiae*, vol. 1, *Privilegia civitatum Pragensium*, ed. Jaromír Čelakovský (Prague, 1886), no. 134, 216–19.

<sup>9</sup> *Archiv český*, vol. 3, no. 22, 449–50; *Codex iuris municipalis*, vol. 1, no. 136, 220–21.

<sup>10</sup> Martin Musílek, “Formy komunikace doby husitské. Listy pražských obcí proti odběhlým měšťanům aneb vysoká hra o velké majetky,” in *Komunikace ve středověkých městech*, ed. Martin Čapský (Opava, 2014), 151–62.

## Prague and Kutná Hora

The arrival of Sigismund of Luxembourg to Prague at the end of August 1436 fully demonstrated that written guarantees might not mean much. The presence of a large Catholic court, with a number of prelates who had begun to openly restore pre-revolutionary conditions, marked the first great disillusionment. The Catholic nobility began to flock to Prague again to participate in the post-war restoration of the country-wide authorities. With the help of Sigismund, moderate Hussites came to power in Prague, and were able to find common ground with the Catholics. They retained power even after Sigismund's death (December 9, 1437) and the demise of his successor, Albert of Habsburg, shortly afterwards (October 27, 1439). Although Prague immediately passed a resolution forbidding the communion *sub una* after Albert's death (aimed especially at canons and friars), this was a defensive act that did nothing to change the rapprochement between the two confessions in the capital, which continued throughout the 1440s.<sup>11</sup>

An unmistakable sign of the Catholic restoration was the renewal of monastic life. Though surviving testaments show that donations favouring these institutions increased, the same ones also record the memory of Utraquist schools or hospitals, showing the complexity of such sources. This represented a continuation of pre-Hussite donation activity, where donors were concerned with saving the souls of relatives entombed there, or confirming or expanding the donation activities of their ancestors. Bequests to monasteries peaked in 1448, when they appeared in more than a third of all wills.<sup>12</sup>

In addition to the monastic milieu, the Utraquist monopoly within the university was also broken. Already Sigismund's privilege of July 1435 provided for the arrival of Catholics, requiring that "the masters who would return again, and other foreigners, should not oppress those who receive [communion] under both kinds; they should be considered good Christians and sons of the Holy Mother Church."<sup>13</sup> The negative reputation of the University of Prague at first discouraged foreign students, but it welcomed the first two in 1442, and after the dispute at the University of Vienna in 1443, the gates of the University of Prague were further opened to foreigners. Of the 26 masters graduated in the next four years, half came from abroad.<sup>14</sup>

The strengthening of the Catholic confession received a further boost with the visit of the papal legate Juan Carvajal in 1448. The victorious campaign of papalism against conciliarism, which was the sole guarantor of the Compactata in the Roman Church, caused great concern among the Utraquists. For this reason, the municipalities of Prague reaffirmed the Compactata and banned the Catholic rite in the capital shortly after the departure of Carvajal, who refused to negotiate the

11 *Stáří letopisové čeští od roku 1378 do 1527*, eds. František Palacký and Jaroslav Charvát, Dílo Františka Palackého, 2 (Prague, 1941), no. 317, 109–10. An overview of the issue is provided by Jan Hrdina and Kateřina Jiřová, "Die Koexistenz zweier Konfessionen in Prag 1436 – ca. 1520," in *Krakau – Nürnberg – Prag: Stadt und Reformation*, eds. Michael Diefenbacher, Olga Fejtová, and Zdzisław Noga (Prague, 2019), 65–88.

12 Bohdan Zilynskyj, "Postavení utrakvistické a katolické konfese na Novém Městě pražském v letech 1436–1459," *Documenta Pragensia* 9 (1991): 389–405. Kateřina Jiřová, *Testamenty novoměstských měšťanů v pozdním středověku*, Doctoral Thesis, Charles University (Prague, 2008), 79–89.

13 *Codex iuris municipalis*, vol. 1, no. 134, 218.

14 See the chapter of Blanka Zilynská in this volume.

recognition of the peace agreement. A much more radical step was taken by the leader of the Utraquist nobility, George of Poděbrady. In early September, he forcibly occupied Prague, and expelled the existing establishment of conservative Utraquists who were becoming too close to the Catholics.<sup>15</sup>

The consolidation of the Utraquist position in the capital was broken after 1453, when Ladislaus the Posthumous ascended the throne. Although the young ruler was forced to respect the balance of power, Utraquist Prague had to accept the existence of a Catholic court, which once again strengthened the position of the Roman Church. Ladislaus's reign, however, lasted only four years. A similar rise of the Catholic Church occurred under another Catholic king, Vladislaus Jagiellon, who finally took over the rule of the Kingdom of Bohemia in 1479. The strengthening of the Roman Church in the capital was one of the main political projects of the new monarch, accompanied by militant agitation from the Prague monasteries.<sup>16</sup> These were on the rise again, as evidenced by the wave of monastic donations, as in the 1440s.<sup>17</sup>

The rivalry between the Utraquist and Catholic confessions thus was dynamic, with efforts to strengthen Catholic positions always followed by a reaction from the other side. In the case of Vladislaus's restoration policy, an uprising in September 1483 swept away the Prague royalists. The Memorandum of the Unity of the Cities of Prague, which was to sanction the affair after this upheaval, again stereotypically declared the duty of Utraquism in the capital.<sup>18</sup> In doing so, it referred to Sigismund's privilege from 1435, which saw the prevention of a "shameful mixture" as a condition for peaceful coexistence.<sup>19</sup> Although it was probably clear to all that this was an illusory requirement given the nature of Prague, there was no actual need to enforce it unless the Catholics became too unruly.

The city-wide regulation represented a larger effort to legislate the religious control of the two confessions. Another was expressed by ordinances relating to individual institutions. The university has already been mentioned. The interest of foreign students waned after the capture of Prague by George of Poděbrady in 1448. The struggle for the character of the university was then taken up by the native Catholics, but after 1462, when the vow to the chalice was introduced, the monopoly of Utraquism was enforced.<sup>20</sup> The situation in the various guilds is also noteworthy. Some guilds had already introduced the obligation of Utraquism for their members during the Hussite Revolution: the knifemakers in 1427,<sup>21</sup> and the leather workers in 1429.<sup>22</sup> Interesting in this

15 Rudolf Urbánek, *Věk poděbradský*, vol. 2–4, *České dějiny*, III/2–4 (Prague, 1918, 1930, 1964), here vol. 2, 231–326.

16 Winfried Eberhard, *Konfessionsbildung und Stände in Böhmen 1478–1530* (Munich, 1981), 46–55.

17 František Šmahel, *Husitské Čechy. Struktury, procesy, ideje*, *Česká historie*, 9 (Prague, 2001), 107.

18 František Šmahel, "Pražské povstání 1483," *Pražský sborník historický* 19 (1986): 94–99.

19 Ibid., 96.

20 See the chapter of Blanka Zilynská in this volume.

21 *Archiv český*, vol. 4, no. 40, 383.

22 Jan Hücke, *Sbírka historických památek řemesla kožešnického* (Prague, 1900), 6. In the literature there are various dates for this document, most often following either Hücke's proposal for 1419 (which does not correspond to the dictation of the document), or 1428. I am indebted to Jiří Smrž for the correct dating, who deals systematically with Prague guilds.

context is the hitherto unnoticed Statute of Needleworkers of June 20, 1436, the sole source that not only states the necessity of Utraquism in general terms, but also defines its minimum requirement: every master needleworker must attend communion at least four times a year, on the Feast of the Nativity of the Lord (December 25), on the Resurrection (Sunday after the first full moon in spring), on the Descent of the Holy Spirit (fifty days after Easter), and on the Assumption of the Virgin Mary (August 15).<sup>23</sup>

In the 1440s, no confessional conditions appeared in the guild statutes, which can be interpreted by the friendlier atmosphere already mentioned towards Catholics at that time. At the same time, however, the silence regarding any obligation of Utraquism may simply express the redundancy of such a command due to superior decrees that already prohibited Catholicism in Prague. In any case, after the coup of 1448 where the determined Hussites took over Prague, the condition of Utraquism began to reappear as a safeguard in the guild orders, although not without exception.<sup>24</sup> The testimonial value of such provisions may not have been unambiguous. It could have been a matter of Utraquist confessionalisation,<sup>25</sup> but it could equally have been a reaction to increased Catholic activity. This would be evidenced by the statutes of the shoemakers (1461) and the tailors (1481) of the Lesser Town, according to which masters were to take communion at least once a year. As subtext, it is said that some members of the guilds only pretended to be Utraquists.<sup>26</sup>

To conclude the explanation of the religious coexistence in fifteenth century Prague, it is necessary to mention the stages in which the manifestations of both confessions took place. The funerals of important players in Prague politics could result in religious clashes, such as the funeral procession behind the coffin of Prague's highest burgrave, Jan of Janovice (d. 1503). Because Jan had converted to Catholicism under duress shortly before his death in order to be entombed in the Dominican monastery of St. Clement, the subsequent funeral procession became a symbolic manifestation of both confessions.<sup>27</sup> This was, however, already a period when the religious situation in Prague had calmed down, and both the Utraquist and Catholic Churches were concentrating on combating the growing power of the radical branch of the Hussite faith, the Unity of the Brethren, rather than on fighting each other.<sup>28</sup>

The traditional stage for religious rivalry was the procession held on the Feast of Corpus Christi.<sup>29</sup> This took on a special significance especially after 1448, when Prague was taken over by George of Poděbrady, along with the Hussite Archbishop Jan Rokycana. It was Rokycana who

23 Prague City Archives, Collection of Charters, no. 200, sign. AMP PGL II-91.

24 The increase was highlighted by Urbánek, *Věk poděbradský*, vol. 3, 10, 16–17; vol. 4, 252–53. In more detail now Martin Nodl, *Praha 15. století. Konfliktní společenství* (Prague, 2023), 166–68.

25 This is how Nodl, *Praha 15. století*, 166 sees it.

26 Zikmund Winter, *Dějiny řemesel a obchodu v Čechách v XIV. a v XV. století* (Prague, 1906), 686.

27 Cf. Robert Novotný, "Konversionen böhmischer und mährischer Adeliger in der hussitischen Epoche," *Bohemia* 58 (2018): 232–33.

28 Josef Macek, *Víra a zbožnost jagellonského věku* (Prague, 2001), 321–35. See here also for a reconsideration of older ideas about the persecution of Unity.

29 Jan Hrdina, "Procesi v pozdně středověké Praze," in *Městský farní kostel v českých zemích ve středověku*, eds. Jan Hrdina and Kateřina Jíšová, *Documenta Pragensia Supplementa*, 6 (Prague, 2015), 211–30.

organised a spectacular procession the following year: setting off from the main Hussite Church of Our Lady before Týn, it culminated in St. Vitus Cathedral, where at least 15 masses were celebrated, concluding with communion under both kinds. To increase participation in this procession, Rokycana had previously banned the eucharist sub utraque in other Prague churches.<sup>30</sup> Catholics viewed this event as a desecration of the cathedral, and there were even rumors that Rokycana's next event would be a demonstrative march to the Minorite monastery of St. James.

This very monastery was the main Catholic stronghold in the Old Town of Prague since the times of Sigismund of Luxembourg. The Catholic procession, whose route partially overlapped with that of the Utraquists, started from here on the Feast of Corpus Christi; clashes often threatened to escalate into violent conflict, and sometimes physical altercations actually took place. The Catholic processions had the advantage of being occasionally augmented by temporary visitors to the city, whether they were high-ranking officials from the nobility, or foreign visitors who took part with their entourages. Thus, despite the actual ratio of the two confessions in Prague, the Catholics could actually outnumber the Utraquist procession, granting an important demonstrative significance to the Roman church. Especially abroad, the false impression was therefore spread that Catholics were predominant in the capital, and that Utraquism was on the decline.<sup>31</sup>

The second largest city of the kingdom, Kutná Hora, went through several upheavals, especially at the beginning of the revolution, to become a bastion of Hussitism.<sup>32</sup> During the wars, this direction was supported by the fact that the town became the common centre of the two main radical movements of Hussitism, the Tábórites and the so-called Orphans, the successors of Jan Žižka's faction. Already in February 1433, before the decisive battle of Lipany (1434), the town passed a resolution on the possible return of the escaped or exiled townspeople, the so-called "old miners".<sup>33</sup> The fact that these returns actually took place is proven by the 1437 privilege of Sigismund of Luxembourg for Kutná Hora, which dealt with the restitution of their properties.<sup>34</sup>

Sigismund's charter also dealt with religious issues. Returning Catholic townspeople were given the Church of St. Barbara, where they could maintain their priests (but with the proviso that Utraquists attending mass there should not be denied communion under both kinds). However, the influx of repatriates does not seem to have been great, partly due to the fact that they were virtually forbidden from public activity by the decree of 1433. A second attempt at restitution was made in 1454 after the accession of Ladislaus the Posthumous, this time with greater success. A total of 226 restitution claimants came forward with their demands and mostly settled their rights.<sup>35</sup> This wave of restitution was the definitive point in settling the property situation in Kutná Hora, and any further claims were rejected. Yet despite this temporary strengthening of Catholic

30 *Listář a listinář Oldřicha z Rožmberka*, vol. 4, 1449–1462, eds. Blažena Rynešová and Josef Pelikán (Prague, 1954), no 81, 67–68; Urbánek, *Věk poděbradský*, vol. 2, 313–15; Hrdina, "Procesí," 226–27.

31 Hrdina, "Procesí," 229.

32 *Kutná Hora*, eds. Helena Štroblová and Blanka Altová (Prague, 2000), 58–79.

33 Jiří Kejř, *Právní život v husitské Kutné Hoře* (Prague, 1958), 234–35.

34 Urbánek, *Věk poděbradský*, vol. 3, 15–16.

35 Viktor Pohanka, "Kutnohorské majetkové smlouvy z roku 1454. Výsledky prvních badatelských sond" (in print). The author clarified the fluctuating numbers of restituteds in the literature.

influence in Kutná Hora, the position of the Roman Church in the town actually weakened, and the Church of St. Barbara gradually came under the exclusive influence of Utraquists. A serious blow to the Catholic minority was the 1476 decree of the municipal council, which stipulated that only persons of the Utraquist confession could be admitted as new townsmen.<sup>36</sup> By this time the new establishment had undoubtedly learned know-how in mining, and there was no longer any need to accommodate the “old miners”.

## Other Royal Cities

It is remarkable that, apart from Prague and Kutná Hora, we find only one medieval royal charter regulating the coexistence of the two confessions in royal towns. This is in Hradec Králové, which is noteworthy because the city and its wider region were exclusively Utraquist from the time of the revolution. In the 1440s, it was even the temporary seat of the elected archbishop Jan Rokycana. In 1512, in the context of a country-wide struggle between the nobility and the towns for political and economic rights, the municipality of Hradec Králové adopted a resolution which both took a stand against the nobility and touched on religious issues.<sup>37</sup> According to the record, all inhabitants of the town had to be Utraquists. In 1514, during the re-appointment of the council, the town's representatives asked the royal sub-chamberlain Burian Trčka of Lípa to secure the confirmation of their Utraquism with the king, which Burian—himself a Utraquist—gladly provided. In the case of Hradec, unfortunately, we do not know the cause that prompted the issue of such religious insurance; perhaps it was all related to the ongoing conflict between the nobility and the towns.

The absence of further royal privileges regulating religious conditions in royal cities is apparently due to the fact that the Utraquist towns were governed by the general privileges of Sigismund of Luxembourg, and needed no special provision.<sup>38</sup> This is documented, for example, for the town of Slaný, northwest of Prague.<sup>39</sup> The Catholics' efforts to reestablish themselves in the Utraquist cities were based primarily on the continuation of pre-Hussite institutions. This has already been mentioned in the case of Prague; another interesting place is Klatovy. This large town in southwest Bohemia had belonged to the domain of the radical town of Tábor since the beginning of the revolution, and had long shared their radical interpretation of Hussitism. After the conquest of Tábor by George of Poděbrady in 1452, when the local clergy were forced to abandon the radical faith and adopt a unified line of Utraquism together with the Prague centre, the situation in Klatovy also settled down. This led to the idea of restoring the local Dominican monastery, whose convent

36 Josef Šimek, *Kutná Hora v 15. a 16. století* (Kutná Hora, 1907), 8.

37 *Codex iuris municipalis Regni Bohemiae*, vol. 4/3, *Privilegia non regalia civitatum provincialium regni Bohemiae annorum 1501–1526*, ed. Antonín Haas (Prague, 1961), no. 635, 1134–35; Jaromír Mikulka, *Dějiny Hradce Králové do roku 1850*, vol. 1/1, *Od nejstarších dob do roku 1526* (Hradec Králové, 1996), 155–56; *Hradec Králové. Historie, kultura, lidé*, ed. Zdeněk Zahradník (Prague, 2017), 138.

38 These are the two privileges of Sigismund of July 6, 1435 (see notes 7 and 8 above), and the privileges of July 20 and 22, 1436 (*Archiv český*, vol. 3, nos. 21–22, 446–50).

39 František Vacek, “Slánští v táboře kališnickém,” *Slánský obzor* 2 (1894): 9.

had been in exile in Catholic Plzeň since the outbreak of the wars. The idea was probably also prompted by the pressure of the surrounding nobility, who used the local Dominican monastery as their memorial place. Yet it was not only the Catholics, but the Utraquist nobility also often regretted the liquidation of the monasteries, by which they lost not only the medium of their family memorialization proving their antiquity, but also the place of family self-representation.<sup>40</sup>

Efforts to restore the Catholic faith in Klatovy did not go unanswered. On June 17, 1460, a card was found nailed to the door of the monastery church, containing the text of two important fifth century authorities supporting the lay chalice. According to the ancient authorities of Pope Leo I and Gelasius, communion under one kind was sacrilegious, and communicants *sub una* were not to be tolerated among Christians, but banished. The indignant Catholics, who were thus equated with heretics, had a notarial act drawn up about the event, which was apparently to be used for investigation by the Catholic Consistory in Prague. Although the case was widely publicized, its outcome in Klatovy itself is unknown. It seems, however, that the Utraquists once again took complete control of the town.<sup>41</sup>

Let us finish our explanation of the royal cities with one more Catholic town, Ústí nad Labem. Next to Cheb, Plzeň, and České Budějovice, it was the most important Catholic city during the first half of the wars, but unlike them, it was conquered by the Hussites. The existing settlement was taken over during the Battle of Ústí on June 16, 1426, one of the largest clashes of the Revolution. The town's conqueror was the Hussite captain Jakoubek of Vřesovice, yet in the following years, daily life apparently continued under the purview of the original Catholic population. By the end of the 1430s we can already speak of the normalisation of life in the town, with two churches, St. Mary's Church and St. Vojtěch's Church, also in operation. These already had a remarkable history.<sup>42</sup> The Church of St. Vojtěch was initially linked to the Přemyslid castle. It is documented as early as 1186, as the place where Duke Bedřich married his daughter to the son of the Margrave of Meissen, Otto. The St. Mary's Church was founded with the establishment of the town before the middle of the thirteenth century, and unlike the existing church which served the earlier Slavic settlement, it was intended for German colonists (*ad Theuthonicos*).<sup>43</sup> The national character of both churches was clearly preserved, as shown by the later designation *ecclesia Bohemicalis* for the Church of St. Vojtěch. This later served as a base for the Utraquists of Ústí, as evidenced by the remarkable legacy of the prominent politician Ondřej Podskalský. In 1493, he bequeathed a regu-

40 Michal Tejček, "Dominikánský klášter v Klatovech uvnitř hradeb. Několik poznámek k jeho stavebním dějinám ve světle písemných pramenů," *Sborník prací z historie a dějin umění: Klatovsko* 5 (2008): 73–74; Robert Novotný, "Tradice versus reforma. Klášterní pohřebiště utrakvistické šlechty na sklonku středověku," in *Na hradech a tvrzích. Miroslavu Plačkoví k 75. narozeninám jeho přátel a žáci*, eds. Miroslav Dejmal, Libor Jan, and Rudolf Procházka (Prague, 2019), 117–18.

41 The case was reconstructed by Urbánek, *Věk poděbradský*, vol. 4, 255–57. The notarial deed was issued by Anton Frind, *Die Kirchengeschichte Böhmens im Allgemeinen und in ihrer besonderen Beziehung auf die jetzige Leitmeritzer Diöcese in der Zeit vor dem erblichen Königthume*, vol. 4 (Prague, 1878), 466–69.

42 Lubomír Kocourek, "Svatovojtěšská patronie v severních Čechách a dominikánský kostel a klášter sv. Vojtěcha v Ústí n. L.," in *Svatovojtěšská tradice v dějinách našeho národa a církve a její význam dnes*, ed. Zdeněk Soušek (Prague, 1997), 105–12; Kristina Kaiserová, *Kostel Nanebevzetí Panny Marie v Ústí nad Labem* (Ústí nad Labem, 1999).

43 Jindřich Šebánek, "Město Ústí nad Labem v listině z r. 1249," *Československý časopis historický* 9 (1961): 887–89.



lar levy of half a Viertel of wine from the proceeds of his vineyard to the Church of St. Vojtěch, where it was to be used during the service of communion to the laity.<sup>44</sup>

It is significant that Ondřej, as one of the most important townsmen of Ústí nad Labem, also gave several bequests to the Catholic St. Mary's Church. Ondřej's "ancestors and his whole family" lay in the Church of St. Vojtěch, and the salvation of their souls was ensured by donations. St. Mary's Church, by contrast, was "the main jewel" of the city. For Ondřej, it was the main stage of his representation, meaning the greater part of his legacy belonged there.<sup>45</sup> At the same time, it is clear that with the gradual growth of the Czech and the retreat of the German Catholic populations in the city, St. Mary's Church was also opening up to Utraquism. This is the only way to explain the casting of a bell with the reliefs of Jan Hus, Jerome of Prague, and Jan Žižka for the church in 1541, and another bell with a depiction of Jan Hus three years later.<sup>46</sup>

## Liege Towns

While a stable situation characterized the royal towns, the picture was much less clear in the case of liege towns. Two major circumstances came into play here. First was the change of overlord and their confessional allegiance, and second was their occasional conversion. These events created the potential for conflict, reflecting two claims: on the one hand were the townspeople and their guarantees, backed by the Compactata and Sigismund's subsequent privileges, and on the other was the claim of the overlords to determine the religious conditions on their estates. It is therefore not surprising that charters regulating religious conditions are much more common in the case of liege towns than in royal ones.<sup>47</sup>

According to the testimony of the clergy of Tábor in 1442, five years after the death of Sigismund, "in two hundred and perhaps more towns in Bohemia and Moravia where the divine truths [i.e. Hussitism] were held, they are despised."<sup>48</sup> This is certainly an exaggerated figure, since it is roughly the total number of towns in the Bohemian lands.<sup>49</sup> However, it is undoubtedly indicative of the trend that was set after the revolution. There were several reasons for this. The first was the absence of permanent Hussite troops, which had maintained Utraquism in dozens of towns

44 *Urkundenbuch der Stadt Aussig bis zum Jahre 1526*, eds. Wenzel Hieke and Adalbert Horcicka (Prague, 1896), no. 335, 159–60.

45 Lenka Bobková, "Nejen práci živ je člověk," in *Dějiny města Ústí nad Labem*, eds. Vladimír Kaiser and Kristina Kaiserová (Ústí nad Labem, 1995), 31–34.

46 Friedrich Sonnewend, *Geschichte der königlichen Freistadt Aussig* (Prague, 1844), 178–79; Karel Král, "K rekatolizaci v Ústí nad Labem," in *Rekatolizace v českých zemích*, ed. Jindřich Francek (Jičín, 1995), 102, note 9.

47 I have discussed some of the following examples in my study "Konfesní poměry ve vrchnostenských městech husitské epochy," in *Středověké město: politické proměny a sociální inovace*, eds. Martin Nodl, Beata Mozejko, and Michaela Antonín Malaníková, *Colloquia mediaevalia Pragensia*, 20 (Prague, 2019), 39–58. An edition of the documents on religious guarantees in the liege towns of the country is now being prepared by Josef Hrdlička under the title *Listinné garance náboženských poměrů na šlechtických panstvích (1436–1620)*.

48 *Archiv český*, vol. 1, 377.

49 František Hoffmann estimated the number of towns in the Bohemian lands at 144 at the end of the Middle Ages, see idem, *Středověké město v Čechách a na Moravě* (Prague, 2009), 446. The report must have had small towns in mind as well.

during the wars by their systematic pressure. If adherence to the Hussite faith in these localities was merely forced, the towns returned to the Roman Church after the end of the wars. This is also related to the overall confessional balance among the nobility. High nobles, as the most frequent overlords of the liege towns, were predominantly Catholic, a fact which created the confessional situation. Finally, there was a permanent shortage of Hussite clergy, and candidates had hardly anyone to ordain them, meaning that empty parishes were logically filled by Catholic priests.

With the frequent changes in overlords from both religious camps, a turbulent situation arose for the liege towns. This was also noticed by Johannes Butzbach, a German student who stayed in Bohemia between 1488 and 1494, and who later recorded his experiences in a remarkable travel diary. When he arrived in the town of Chomutov, "it was inhabited by heretics as well as faithful Christians."<sup>50</sup> This is undoubtedly a reflection of the constant changes, with eight different overlords and administrators from both confessions ruling between the end of the Hussite wars and the time of Butzbach's visit.<sup>51</sup> Immediately after Chomutov, Butzbach visited the small town of Mašťov: "The inhabitants of that place were heretics speaking the Bohemian language; among them lived a few Catholics, and they were ruled by a lord, an exceedingly cruel, wicked, ungodly, and merciless heretic, who was also a practitioner of black magic."<sup>52</sup> This lord, whose magical activities Butzbach then lists in detail, was probably Jan of Kolovraty, and the "few Catholics" were clearly a remnant of the reign of previous lords who had been adherents of the Roman Church.

The "shameful mixture" was unavoidable in the towns where the overlords had changed. Let us now look at some interesting cases of cohabitation and its possible regulation, starting with Mladá Boleslav. This town was an important residence which also served as a source of legal instruction for many other liege localities. Before the revolution, the town was ruled by the lords of Michalovice, but during 1425 this Catholic family lost Mladá Boleslav and it came under the administration of the radical Hussites (Orphans). After the Battle of Lipany, the lords of Michalovice successfully regained the town in 1436, but its population forced significant concessions in the religious sphere. Petr of Michalovice had to promise not only to maintain there the communion under both kinds, but also the punishment of mortal sins and the free preaching of the word of God. The adopted agreement thus went beyond the Compactata and practically approached the basic Hussite programme of the Four Prague Articles. The fourth article concerning the secular rule of the priests did not need to be dealt with, as Church properties had already been dissolved. The treaty also forbade Catholic worship in the town, along with the return of Catholic townspeople who had fled during the wars.<sup>53</sup>

50 *Böhmen, wie es Johannes Butzbach von 1488–1494 erlebte*, ed. Horst Preiß (Munich, 1958), 21. More on the context is in the Czech translation *Humanistická etnografie Čech. Johannes Butzbach a jeho Hodoporicón*, ed. Karel Dvořák (Prague, 1975), 18–23.

51 Zdeňka Binterová et al., *Dějiny Chomutova* (Chomutov, 1997), 14–15.

52 *Böhmen, wie es Johannes Butzbach von 1488–1494 erlebte*, 446.

53 *Codex iuris municipalis Regni Bohemiae*, vol. 3, *Privilegia regalium civitatum provincialium regni Bohemiae annorum 1420–1526*, eds. Jaromír Čelakovský and Gustav Friedrich (Prague, 1948), no. 87, 136–38; Zdeněk Beran, *Poslední páni z Michalovic. Jan IV. († 1435/1436) a Jindřich II. († 1468)* (České Budějovice, 2010), 69.

The charter contains two other important points. The first is the reference to the privilege of Emperor Sigismund for Prague, which evidently served as a model for the confessional relationship between the nobility and the townspeople, whether they were in royal or liege cities.<sup>54</sup> Secondly, if Petr wanted to donate, mortgage, or sell a town, the new overlord would have to approve said concessions. Thus, on a normative level, the continuity of Utraquism was preserved, but on a practical level the matter was more complicated. This was understandable, because due to the demolition of the castle Michalovice, the family's previous main residence, Petr chose Mladá Boleslav as his new domicile. It is hard to imagine that in such a constellation the townspeople could have prevented their overlords from having a Catholic court around them. It is likely that there was a *via facti* coexistence of the two confessions, as suggested by further developments, when Boleslav was held by the Catholic Magdalena of Michalovice and her husband, the Utraquist Jan Tovačovský of Cimburk. At the same time, we have evidence that when the religious situation escalated in the late 1460s, Cimburk expelled radical Catholic priests. This at least shows that there must have been some Catholic clergymen in Boleslav, meaning the contract of 1436 was not fulfilled.<sup>55</sup>

Another town that received the guarantee of the Utraquist rite after the revolution was Bílina in northwestern Bohemia. This former important center of the Přemyslid state was held by the lords of Colditz since the beginning of the fourteenth century. In 1421 it was captured by the Prague army, and no later than 1426 the aforementioned Hussite captain Jakoubek of Vřesovice acquired the town as his first major property and made it his main residence. After the end of the wars, the Colditz family claimed Bílina back again, and Jakoubek surrendered it after King Sigismund's mediation.<sup>56</sup> Even before the transfer took place, the new overlords Albrecht, Hanuš, and Těma of Colditz had to promise the Utraquists from Bílina and the surrounding estates that they would maintain their religious practices by a deed dated February 2, 1437.<sup>57</sup>

We do not know whether Bílina was as religiously uniform as Mladá Boleslav at the close of the wars, but in any case, the conditions were much more tolerant. The lords of Colditz promised to preserve the Hussite rite for inhabitants, and not to expel the Utraquist priests from their churches. However, former Catholic clergymen were allowed to return to the town, but they were obliged to also administer communion in both kinds. Although the charter bound the overlord to provide the townspeople with priests of the Utraquist rite if necessary, it seems to be formulated more favourably towards Catholics compared to the previous privilege of Mladá Boleslav. It also lacks any clause that would transfer the guarantee of the admission of the communion under both kinds to subsequent overlords. Nevertheless, the further confessional development of the town remained somewhat unclear.

While Jakoubek ceded Bílina to the lords of Colditz, Teplice, another town in northwest Bohemia, remained in his possession until 1461. Utraquism could therefore take firm roots here, which

<sup>54</sup> See note 8. *Codex iuris municipalis*, vol. 3, 136–37.

<sup>55</sup> Macek, *Víra a zbožnost*, 240.

<sup>56</sup> *Quellen- und Urkundenbuch des Bezirkes Teplitz-Schönau bis zum Jahre 1500*, ed. Augustin Müller (Prague, 1929), no. 251, 127–28.

<sup>57</sup> *Codex iuris municipalis Regni Bohemiae*, vol. 4/1, *Privilegia non regalium civitatum provincialium regni Bohemiae annorum 1232–1452*, ed. Antonín Haas (Prague, 1954), no. 260, 371–72.

even survived the town's later, firmly Catholic overlords, especially the lords Fictums and the highest chancellor Albrecht Libštejnský of Kolovraty. After Albrecht's death, the widow Anna of Kovaň took over the town, who guaranteed the existing rights and customs to the townspeople and the municipality of Teplice by a privilege of September 16, 1510. The charter begins with the matter of Utraquism, which Anna promised to preserve without any oppression against her townspeople. The same rights were guaranteed to the townspeople by Anna's sons Jan and Bernard of Valdštejn, to whom she ceded the town six months later.<sup>58</sup>

The situation was complicated in Prachatice, an important trading town in southern Bohemia. Nominally, it belonged to the Catholic Vyšehrad chapter, but King Sigismund made it a royal town. Nevertheless, Prachatice was never free to enjoy this status during the fifteenth century, as its overlords kept changing. In 1444, Prachatice was bought by Oldřich of Rožmberk (Rosenberg), who received an oath of allegiance from the local inhabitants, and in return promised to respect the existing rights.<sup>59</sup> Confessional issues were mentioned first, which was logical since the former Hussite town had just fallen into the hands of the leader of the Bohemian Catholics. Religious concessions were relatively modest, especially compared to Mladá Boleslav or Bílina. Oldřich guaranteed only to allow the Utraquists to maintain one or more priests and communion under both kinds. Although we again do not know details concerning the confessional distribution in the town, Catholicism clearly prevailed thanks to the Rosenbergs and other overlords belonging to the Roman Church. In the 1460s, the main parish priest of Prachatice, a Catholic, nevertheless maintained priests that provided spiritual administration to the Utraquists in the surrounding villages. The reason for this was simply financial. While communion under both kinds was provided by the assistants, the paid services were carried out by the parish priest himself. The Catholic priest also welcomed the fact that Utraquist subjects contributed to the furnishings of the church. It is significant that they were willing to contribute to the ark, but not to the images of the saints, which they considered blasphemous.<sup>60</sup>

South Bohemia represented a particularly conflictual hotspot. On the one hand was the Rosenberg Dominion, the largest noble territory in the country, whose overlord was also the leader of the Catholic party in Bohemia. On the other hand was the sphere of the radical Tábórites. Although Oldřich succeeded in the restitution of his former dominions after the end of the wars, Tábor maintained its influence in the Rosenberg towns. One example is Miličín, which belonged de jure to the Rosenbergs, but was also claimed by the Tábórites who systematically meddled in the town's internal affairs. Although Catholics held the local parish, the Utraquist inhabitants invited a Tábórite priest to the house of lady Buchovcová, probably a relative of the important Tábórite captain Zbyněk Buchovec of Buchov. The Rosenberg officials, together with the parish priest of Miličín, tried to suppress Utraquism, but it was the Catholic cleric who had to leave the

58 *Quellen- und Urkundenbuch des Bezirkes Teplitz-Schönau*, no. 403, 199; no. 404, 199.

59 *Codex iuris municipalis*, vol. 3, no. 137, 235–37.

60 *Archiv český*, vol. 7, 310.

town in the end. It was clearly the Utraquists who gained the upper hand in the town, and who also were the main influence on the choice of the parish priest until the end of the Middle Ages.<sup>61</sup>

The Rosenbergs were similarly unsuccessful in the case of Mirovice on their Zvíkov estate. In 1460, an official of the estate, Lipolt of Rzavá, imprisoned an Utraquist priest there. The complaint against this event was addressed by King George of Poděbrady, who sent a strongly-worded instruction to the owner of the manor, Jan of Rožmberk, to have the clergyman released.<sup>62</sup> What is interesting about this case is George's demand: if the priest was guilty of wrongdoing, he should be brought before the court of the so-called Lower Consistory, i.e. the court of Jan Rokycana as the head of the Utraquist Church (Catholic priests fell under the authority of the Upper Consistory, based at Prague Castle and ruled by the administrators). This demonstrates the limited potential of overlords to interfere in the religious affairs of their cities, since they had to consider not only their subjects but also the Church hierarchy. The surviving fragments of the Lower Consistory's agenda show that this supreme body of the Utraquist Church was also active in defending its institutional position in other cases, like in Mělník and Náchod; after their conversion to Catholicism, the overlords of these towns tried to reverse the situation in favor of the Roman Church by using ecclesiastical patronage rights.<sup>63</sup>

A remarkable set of religious privileges comes from Vilém of Pernštejn (ca. 1435–1521; an Utraquist who converted to Catholicism in 1490), considered the main figure of religious tolerance in the late medieval Bohemian lands.<sup>64</sup> As the owner of a large dominion, he issued a total of eight privileges that ensured the observance of communion under both kinds on his estates. Six of them were for Moravian towns and only two for Bohemian ones (1512 for Pardubice, and 1517 for Nový Bydžov), so I will not go into too much detail.<sup>65</sup> The charters are not uniform in appearance; in some cases, they are confirmations of previous privileges, rights, and freedoms. Here, the confessional matter was not the only one, meaning we do not know whether the guarantee of preserving Utraquism was the impetus for issuing the privilege, although we may assume so. Vilém's other charters, however, touch only on religious issues.

The question arises: what led Pernštejn's subjects to have the guarantees of Utraquism confirmed by the nobleman who symbolized the idea of religious tolerance? Perhaps it was Vilém's irenic attitude that encouraged them to take out an insurance policy in case Catholic successors lacked this tolerance. Such an interpretation, however, does not explain why analogous privileges did not emerge to the same extent on the estates of other Utraquist nobles, where they would have been even easier from a religious point of view. Nor is it explained by the selective survival of the source base, since privileges have a higher probability of being preserved; in the case of

61 Novotný, "Konfesní poměry," 43–45.

62 *Archiv český*, vol. 14, 100–1; František Mareš, "Norbert Hermann a Václav Březan," *Časopis Musea království Českého* 73 (1899): 233.

63 Jindřich Marek, *Václav Koranda mladší. Utravistický administrátor a literát, Středověk*, 3 (Prague, 2017) 48–49; regist no. 11, 156; no. 1, 153.

64 Josef Válka, "Politika a nadkonfesijní křesťanství Viléma a Jana z Pernštejna," in *Pernštejnové v českých dějinách* (Pardubice, 1995), 173–183.

65 Novotný, "Konfesní poměry," 56–57.

Vilém's charters, it is not a collection found in a single place which could distort the picture, but a set of disparately preserved documents.

In fact, the fears of Vilém's Utraquist subjects may not have been unjustified. Let us look at Pardubice, which had been in the hands of the Utraquist lords of Miletínek since the end of the wars. In 1491, Vilém bought Pardubice and decided to turn this rather provincial town into the main residence of his family's newly built dominion in eastern Bohemia. As much as he could tolerate the Utraquist confession of the townspeople, he also tried to meet all the requirements for the noble self-representation of the new residence, which involved the building of religious institutions, including a funeral place for the future Bohemian line of the family (Vilém himself had already decided to be entombed in the traditional necropolis of the Pernštejn family in Doubravník, Moravia). It is clear that these institutions must have belonged to the Catholic rite. As in the case of Mladá Boleslav, the owner's Catholic court and administration logically strengthened the position of the Roman Church in Pardubice. This was symbolized by the newly established monastery of St. Francis, which was settled sometime before 1514 by Minorites from Wrocław in Silesia, who also served as the spiritual arm of Vilém's court.<sup>66</sup>

It is obvious that the establishment of a foreign, "German" monastery, both from a religious and national point of view, caused concern among the Utraquist townspeople. The strengthening of the Catholic minority was reflected in the provisions regarding the Pardubice hospital.<sup>67</sup> Vilém objected to the fact that some leading members of the town wanted to "measure the faith" at the hospital, i.e. to admit only Utraquists for care. According to Vilém, only the Lord God should "measure faith", and therefore any poor person, whether of the Bohemian or Roman party, could be admitted to the hospital. The institution should even be open to members of the Unity of the Brethren, of which Vilém's wife, Johanka of Liblice, was a great supporter. From today's point of view, this is a commendable expression of religious tolerance, but from the point of view of the Utraquist inhabitants of Pardubice, it was a threat to their positions. The situation changed after Vilém died and his son Vojtěch converted to Utraquism. The Minorite convent first had to move out of the prestigious site guarding the Pernštejn necropolis, and eventually disappeared in the early 1540s.<sup>68</sup>

All the religious guarantees that have been thematized so far have concerned Utraquists. The only known late medieval privilege that secured positions for the Catholic Church was issued for Volyně in South Bohemia.<sup>69</sup> Unfortunately, Sigismund's charter has not survived either in the original or in its exact wording, and we know of it only from a paraphrase. The town, originally belonging to the St. Vitus Chapter, remained Catholic during the revolution. Continuity was provided by the priest Mikuláš of Tourov, member of an important regional family. It was he who, together with the Volyně community, went to Prague after accepting King Sigismund, where he

66 *Dějiny Pardubic*, ed. František Šebek, vol. 1 (Pardubice, 1990), 106; Petr Vorel, *Páni z Pernštejna. Vzestup a pád rodu erbu zubří hlavy v dějinách Čech a Moravy* (Prague, 1999), 124–25; *Archiv český*, vol. 17, no. 78, 169.

67 *Archiv český*, vol. 17, no. 1057, 264–65.

68 *Dějiny Pardubic*, 115, 119, 126.

69 František Teplý, *Dějiny města Volyně na Prácheňsku* (Prague, 1903), 37–62.

obtained a charter from the monarch preserving the townspeople in their “rights and orders, secular and spiritual”. This was a prudent move, as Volyně was soon acquired from the king by the Hussite captain Přibík of Klenová. However, as a prominent defender of the Compactata, he followed their tolerant spirit, which he declared as soon as he entered the town: “Then he commanded the councillors and all the community to stand before him, and he ordered those who were of the old faith to come up on one side, and those of the Táborite [i.e. Hussite faith] on the other. Here he saw that there were only few followers of the faith of Tábor. And the Táborites begged Přibík to give them a priest. And Přibík said to them: ‘No, it cannot be; you are few, the others are many. Look for a priest for yourselves wherever you can.’”<sup>70</sup>

Přibík did not place any obstacles to the Catholic rite, and willingly agreed his parishioners could choose a new priest that after Mikuláš’s death. However it seemed that Utraquism took deep roots in Volyně. The Utraquist position remained firm even after Přibík’s death, when the town was administered by the prior of the Commandery of the Order of Saint John in Strakonice. When the prior Jošt of Rožmberk introduced the priest Jan to the parish, the Volyně community expelled him and decided to arrange a replacement themselves. The rebels allegedly travelled to Prague for a new priest and installed him on their own. As a relative of the former priest Mikuláš complained, the new parish priest criticized not only his predecessors in office, but also the Rosenbergs, and even the Holy Father.<sup>71</sup>

## Conclusion

The relations of the two faiths discussed here has shown the diversity of coexistence and conflict resolution. The Compactata represented a turning point, since it forced both sides of the religious struggle to abandon any violent efforts to impose their confession across the country. However, religious tolerance was nowhere the theoretical starting point during the post-war reconstruction period. Conflicts were to be prevented primarily by the formation of mono-confessional communities based on the current status quo. For the more important royal cities, however, this idea proved hardly feasible. These centres simply could not be enclosed in a confessional bubble, since they fulfilled a multitude of supra-regional functions, and mixed various economic, social, national, and kinship interests which often overrode religious priorities. The privileges or decrees declaring a confessional monopoly were often more a defensive act than a directive of religious coexistence.

The situation in the royal cities was, however, somewhat transparent in that the rulers, with a few exceptions, did not interfere in local religious matters. In the liege towns, the situation was much more complex, as frequent changes in overlords or their confessions created more dynamic landscapes. Two principles clashed here. The confident urban communities claimed religious self-determination in the spirit of the Compactata, especially with regard to the election of the parish priest. On the other hand, town overlords often considered the occupation of church ben-

<sup>70</sup> *Archiv český*, vol. 7, no. 197, 311.

<sup>71</sup> *Ibid.*, no. 197, 311–12; Jiří Janský, “Rytíř Přibík Klenovský z Klenového (1416–1465), ‘bohatýr neodolatelný’ a ‘jidáš táborů’,” *Sborník prací z historie a dějin umění: Klenová 3* (2004): esp. 90, 110, 163.

efices as their right, in the spirit of the centuries-old practice. This exercise of patronage rights, which in the pre-Hussite period had not caused any major controversy, now took on a new dimension. In any case, the new *modus vivendi* had little in common with the later principle *cuius regio, eius religio*. In the Bohemian case, the rights of subjects were much broader, although the extent of religious freedoms always depended on the specific situation and the concessions negotiated.

We can observe a pragmatic approach from most of the town overlords; after all, the subjects' payments came from both Catholics and Utraquists. Any efforts to achieve religious uniformity could do more harm than good. The changes observed in the confessional composition of individual municipalities were often a gradual process lasting several decades. With the different confessions of the overlords and the townspeople, we can observe changes especially in the residential towns, since the very presence of the overlord or his court made the position of the majority less certain. The overlord usually had limited possibilities in directly intervening in the existing orders and institutions, but they did have the opportunity to establish parallel structures, such as new confessionally-distinct institutions. The attraction of a residential court or an overlord's administrative apparatus also played a role. While confessional uniformity was not necessary for admission to service, the environment nonetheless favored the religious beliefs of the holder.

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# The Conflict over Confession and Power at the University of Prague in the 1450s–60s

BLANKA ZILYNSKÁ

The University of Prague, or rather its masters, were very active in the Hussite movement.<sup>1</sup> They provided it with ideas, cooperated in drawing up its program, and subsequently provided arguments in all religious conflicts. During the revolution, when studies were halted, the masters sided with the Hussites, and conducted religious disputes with both the Catholic party and the Tábórite radicals. The university was also perceived as an important political actor working in favor of the lay chalice.

In the 1430s, scholars trained at the University of Prague were the main spokesmen in delegations negotiating with the council legates in Cheb, Basel, and Prague. Despite certain uncertainties about the composition of the individual delegations<sup>2</sup> and the educational background of some of the Bohemian participants, university masters such as Jan Rokycana, Peter Payne (called Engliš), Prokop of Plzeň, the bachelors Mikuláš Biskupec of Pelhřimov and Oldřich of Znojmo, and other scholars contributed to the successful conclusion of the compromise agreement—the Compactata.<sup>3</sup> Some of them graduated only partially, like Martin Lupáč,<sup>4</sup> Matěj Lauda of Chlumčany,<sup>5</sup> or Markolt of Zbraslavice.

During the negotiations with the council legates in Prague at the turn of 1433/4, 13 masters of the liberal arts were said to be present in the Carolinum College, five of them its collegiates,

1 Cf. Howard Kaminsky, "The University of Prague in the Hussite Revolution: The Role of Masters," in *Universities in Politics*, eds. John W. Baldwin and Richard A. Goldthwaite (Baltimore, 1972), 79–106; František Šmahel, "Die Prager Universität und Hussitismus," in idem, *Die Prager Universität im Mittelalter. Gesammelte Aufsätze/ The Charles University in the Middle Ages. Selected Studies*, Education and Society in the Middle Ages and Renaissance, 28 (Leiden, 2007), 172–95, and Petra Mutlová, "Major Hussite Theologians before the Compactata," in *A Companion to the Hussites*, eds. Michael van Dussen and Pavel Soukup, Brill's Companions to the Christian Tradition, 90 (Leiden, 2020), 101–40.

2 The representation of university-educated persons or masters is noted by Petr Čornej, *Velké dějiny zemí Koruny české*, vol. 5, 1402–1437 (Prague, 2000), 563, 568–69, 571, and Dušan Coufal, *Turnaj víry. Polemika o kalich na basilejském koncilu 1431–1433*, Studie a prameny k dějinám myšlení v českých zemích, 20 (Prague, 2020), 108 and 129–31, with other literature.

3 On most of them, see Mutlová, "Major Hussite Theologians", and especially Jindřich Marek, "Major Figures of Later Hussitism (1437–1471)," in *A Companion to the Hussites*, eds. Michael van Dussen and Pavel Soukup, Brill's Companions to the Christian Tradition, 90 (Leiden, 2020), 141–84, cf. the indices.

4 On him, see Marek, "Major Figures", 158–61, Adam Pálka, "The Basel Compactata and the Limits of Religious Coexistence in the Age of Conciliarism and Beyond," *Church history*, 92 (2023): 551, 554–55, and idem, *Martin Lupáč z Újezda. Osobitý myslitel pohusitské éry* (Prague, 2024) (in print).

5 On him, see Michal Svatoš, "Listiny k počátkům koleje Matyáše Loudy z Chlumčan," *Acta Universitatis Carolinae – Historia Universitatis Carolinae Pragensis* 17 (1977): 71–96.

but no masters of divinity or law.<sup>6</sup> Some conservative Hussites also returned to Prague, which had an effect on the behavior of the masters during the legates' stay in the city. The scholars held side meetings with the envoys, hosting them in the Carolinum. At the request of the land diet, Jan Příbram and Jan Rokycana drew up an opinion on the Compactata. The former interpreted it in a completely conciliatory spirit which the diet did not share.

Around January 13, 1434, before the departure of the council legates from Bohemia, a group of six conservative masters re-unified with the Church—they subscribed to the wording of the Compactata that had been proposed by the Council of Basel. Among them were the rector Křišťan of Prachatic<sup>7</sup> and the dean Buzek of Kdyně, who as representatives of the university also spoke on its behalf.<sup>8</sup>

In this way, the university came out very much in favor of the Catholic Church and took a step towards reconciliation with it. This was also in its interest, since the suspension of its activities in 1417/8, pronounced by the Council of Constance and the Pope Martin V, undermined it from an international point of view. However, the efforts of unification with the Roman Church were not permanent: a quarter-century later, conflict arose among the university masters, leading to the university's profile as a confessional institution that subscribed to the Hussite tradition. We will be interested in how and why the conflict occurred, and what its consequences were for the university. In this chapter, therefore, we will trace the conditions of personnel at the university from the mid-fifteenth century onwards, and aim to evaluate the conflict between its members.

## The Situation of Personnel at the University from 1430–58

After the conclusion of the revolutionary period and civil war, the university had to organize its internal conditions and return to its regular teaching activities. As an institution, it paid for its involvement in the revolution with many losses—both material and human. After the end of the Hussite wars, the university resumed its activities in a reduced form, with only one from four faculties, the Faculty of Arts, renewing its operations. The faculty was revived as a complete institution with a functional body of lecturers, along with traditional teaching and college structures. The other faculties either languished (such as the Faculty of Medicine), held only sporadic lectures in their respective fields (theology), or disappeared altogether (law).<sup>9</sup> The awarding of university degrees was also renewed. As early as 1430, four new masters were graduated (Jan Rokycana,

6 Michal Svatoš, "The Utraquist University (1419–1556)," in *A History of Charles University*, vol. 1, 1348–1802, eds. František Kavka and Josef Petrů (Prague, 2001), 189.

7 On him, see most recently Dana Stehlíková, "Christian of Prachatic's Latin Herbarium and Its Adaptations in Old Czech Literature," in *Books of Knowledge in Late Medieval Europe: Circulation and Reception of Popular Texts*, eds. Pavlína Cermanová and Václav Žurek, *Utrecht studies in medieval literacy*, 52 (Turnhout, 2021), 275–97.

8 See the notarial instrument dated as late as January 28, 1434, in Cheb, published in *Urkundliche Beiträge zur Geschichte des Hussitenkrieges*, vol. 2, *Von den Jahren 1429–1436*, ed. František Palacký (Prague, 1873), no. 900, 401–2. The masters listed are Křišťan of Prachatic, Buzek of Kdyně, Prokop of Plzeň, Jan of Příbram, Jan Papoušek of Soběslav, and Petr of Sepekov. Cf. František Šmahel, *Die Basler Kompaktaten mit den Hussiten (1436). Untersuchung und Edition*, MGH Studien und Texte, 65 (Wiesbaden, 2019), 52–53.

9 Svatoš, "The Utraquist University," 187–97.

Václav of Dráčov, Jan Papoušek of Soběslav, and Václav of Prachatice), and in 1434 three were admitted to membership in the Faculty of Arts (Dráčov, Papoušek, and Prachatice).<sup>10</sup>

For the first years renewal, the university was attended exclusively by students from the Bohemian lands. Soon, however, its reputation improved, and in the 1440s the university benches and masters' colleges began to fill up. There was a brief interlude when the university welcomed foreign applicants. The first two arrived in 1442, and apparently negotiated the admission of others from Vienna, where a rift within the university, and between the university and the city, led to a limited secession in 1443. Other students and masters followed suit. The influx of foreign academics represented the first break in the Utraquist monopoly on Prague's university.<sup>11</sup>

After the resumption of teaching, between 11 and 15 names of masters appeared at the faculty each year.<sup>12</sup> They were all locals. Before the war, about ten of them were graduated masters, and the promotion of another four came in 1430. This was followed ten years later by the graduation of five other masters. From 1443 onwards, masters' graduations were held regularly. Between 1443 and 1447, 26 masters were graduated, half of them foreigners.<sup>13</sup> For the entire period from the confirmation of university privileges by Emperor Sigismund (1437) to the coup d'état of September 1448, 46 masters are documented at the University of Prague, of whom about 14 were of foreign origin. Most of the pre-war graduates closed their careers in the 1430s, and only some of them were active until the 1450s or later, such as the elected Hussite archbishop Jan Rokycana (until 1471).<sup>14</sup> In the 1440s came a change of generations. Younger masters became engaged, including Catholics, who were not recruited only from among the incoming foreigners.

10 "Liber decanorum facultatis philosophicae universitatis Pragensis", vols. 1–2, in *Monumenta historica Universitatis Karolo-Ferdinandae Pragensis*, vols. 1/1–2 (Prague, 1830, 1832), here vol. 2, 8 and 11. The activity of Václav of Prachatice is documented until 1460, see Mlada Holá, Martin Holý et al., *Profesoři pražské utrakvistické univerzity v pozdním středověku a raném novověku (1457/1458–1622)* (Prague, 2022), 420–21 (by Mlada Holá).

11 The most detailed on the Viennese secession is František Šmahel, "Počátky humanismu na pražské universitě v době poděbradské," *Acta Universitatis Carolinae – Historia Universitatis Carolinae Pragensis* 1 (1960): 57–60; further idem, "Paris und Prag um 1450. Johannes Versor und seine böhmischen Schüler," in idem, *Die Prager Universität im Mittelalter. Gesammelte Aufsätze/ The Charles University in the Middle Ages. Selected Studies*, Education and Society in the Middle Ages and Renaissance, 28 (Leiden, 2007), 441–42.

12 For the sake of comparison, let us note that at the beginning of 1417, 42 masters were still present at the quodlibet of Prokop of Kladruba, and as many as 78 theses were ready for defense. See František Šmahel, "Die Verschriftlichung der Quodlibet-Disputationen an der Prager Artistenfakultät bis 1420," in idem, *Die Prager Universität im Mittelalter. Gesammelte Aufsätze/ The Charles University in the Middle Ages. Selected Studies*, Education and Society in the Middle Ages and Renaissance, 28 (Leiden, 2007), 369 and 381.

13 The composition of the teaching staff in the first decade after the Compactata was elaborated by Pavel Kotau, *Mistři pražské artistické fakulty v letech 1437–1448*, Diploma Thesis, Faculty of Arts, Charles University (Prague, 2011); older attempts are Václav Vladivoj Tomek, *Dějepis města Prahy*, vols. 4, 6, 9 (Prague 1879, 1885, 1893), here vol. 9, 223–26 and 357–60 (overview for the long period 1430–1526 without chronological stages); Šmahel, "Počátky humanismu," 60; idem and Miroslav Truc, "Studia k dějinám Univerzity Karlovy v letech 1433–1622," in idem, *Alma mater Pragensis* (Prague, 2016), 411–58, and very incompletely Lothar Schletz, *Die Magister der artistischen Fakultät der Hohen Schule zu Prag und ihre Schriften im Zeitraum von 1409 bis 1550*, Inaugural-Dissertation zur Erlangung der Doktorwürde der Hohen Medizinischen Fakultät der Friedrich-Alexander-Universität (Erlangen, 1971).

14 Rokycana's role at the university was marked by his function as administrator of the Utraquist clergy. In 1435, the land diet elected him as a candidate for the archiepiscopal see. This he never received, because his election was not confirmed by the papal curia. Cf. Anna Paner, "Erzbischof Jan Rokycana (1397–1471). Politische Persönlichkeit der Hussitenzeit," *Quaestiones Mediae Aevi Novae*, 21 (2016): 401–54, and most recently Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 430–33 (by Ivan Hlaváček), with further literature.

At first, the presence of foreign Catholics was not well received, especially by Prague's urban milieu, despite the fact that its representatives had originally given their consent to the arrival of the Viennese. As early as 1444, a chronicler recorded the first incident: the rector complained to the town hall about laymen who attacked students, especially the newcomers (i.e. German-Catholics). The slow restoration of old conditions was therefore antagonistic to the Prague townspeople in the early period. The Bohemian masters were perhaps initially unaware of growing competition and the threat of re-Catholicization.<sup>15</sup>

These problems were blunted by political developments: when George of Poděbrady—one of the leading figures of late Utraquism, the future land administrator, and eventually the Bohemian king<sup>16</sup>—took control of Prague in early September 1448, foreign students and masters preferred to leave the city, or not to return from their vacations, fearing the return of a revolutionary Hussite wave. The university became once again an institution only for domestic candidates, although not yet confessionally distinct. The author of the Old Czech Annals welcomed this with satisfaction, and did not forget to add that, besides the Germans, some Czech masters who had compromised themselves by cooperating with the Catholic chapter had also left (Papoušek, Příbram, Prokop of Plzeň, but also Pavel Žídek).<sup>17</sup> On the other hand, two foreigners chose to stay in Prague—the Polish masters Stanisław of Gniezno and Martin of Łęczycza, who had remained there since the Hussite wars, and apparently embraced Utraquism.<sup>18</sup> They were later joined by two other Poles (in 1452 Paweł of Dobryń, Master of Cracow, and in 1460 Vincent of Karczów, admitted to the faculty council after studying in Prague from 1454–58)<sup>19</sup> and one German master (Johannes of Lübeck, master of Rostock, active in Prague from 1467 to the 1490s).<sup>20</sup> The presence of foreign teachers, including German masters, did not cause any internal conflicts at the university; the records of the dean's book testify to the successful development of pedagogical activities, which temporarily acquired an international character, until 1456.<sup>21</sup>

After the departure of foreigners in 1448, about 15 masters remained at the faculty. Apart from the exceptions mentioned above, more masters were added from among the local students from 1450 onwards.<sup>22</sup> Quite a large number of new candidates took the master's examination or applied for admission to the faculty council. Some did not remain on the faculty, but nevertheless,

15 In addition to the dean's book, we find reports on German academics in the Old Czech Annals (*Staré letopisy české*) referred to by Šmahel, "Počátky humanismu," 57–60, including a report about the town's protest.

16 Otakar Odložilík, *The Hussite King. Bohemia in European Affairs 1440–1471* (New Brunswick, 1965).

17 The entry from the annals is quoted by Šmahel, "Počátky humanismu," 60. The dean's book does not explicitly record this departure, only the names of foreigners disappear from the records.

18 On both Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 323–24 and 371–72 (by Ivan Hlaváček).

19 Cf. *ibid.*, 304–5, 347 (by Mlada Holá).

20 Cf. *ibid.*, 378–79 (by Mlada Holá).

21 "Liber decanorum", vol. 2, does not record any incidents during the period.

22 The period between 1448–58 lacks a detailed prosopographical study. The earlier period is treated by Kotau, *Mistři pražské artistické fakulty*, and the later from 1457/8 by Holá and Holý, *Profesoři pražské utrakvistické univerzity*. The situation before 1458 is indicated here on page 35. My present glimpse is no substitute for a future, detailed treatment. The main, and practically only, source here is the "Liber decanorum", vols. 1–2, and the name lists of Tomek, contained both in the text and in separate lists of his *Dějepis města Prahy*, vol. 9.

a fairly large group of about 30 new masters entered the teaching staff during the 1450s and early 1460s. The capacity of the university seemed thereby to have been filled. We can suspect that strong competition was felt, which forced some masters to search for a way to get rid of competitors. This does not seem to be an intergenerational tension, but a struggle for supremacy within the younger, emerging generation. The dividing line was marked by the relation to religious questions and to the Hussite legacy. Among these new masters of the 1450s and early 1460s, we find a group of seven dissidents whom we will discuss below. Although it is difficult to determine the precise denominational orientation of each master, we can say with a high degree of probability from their attitudes and subsequent fates that they were Catholics or former Utraquists who had converted or become close to Catholicism.

## The Conflict of Alternatives at the University between 1456–62<sup>23</sup>

The political and confessional profiling of the university after the departure of most foreigners was far from over. The second half of the 1450s became decisive. Two factors played a role here—the accession of the Catholic King Ladislaus Posthumous, and the arrival of a new generation of masters into the university lecture halls. Ladislaus made no secret of his support for the Catholic circles in the country, which were gaining in confidence.<sup>24</sup> The group of younger masters returning from their studies abroad also brought with them new experiences from Catholic Europe, especially Italy, and new ideas on how to reform the conditions in the country.

The first clash broke out under the deanship of Stanislav of Velvary<sup>25</sup> in March 1456, when the graduated bachelors refused to take the oath in the spirit of the Utraquist doctrine.<sup>26</sup> They referred to the rector's registry, where the entry of the statute allowed *iurare aut promittere*—to swear or promise. The rector, a Catholic educated in Paris, pointed instead to the faculty statute book, where only the word “swear” was used. In this first act, the bachelor's degree candidates won: as an exceptional situation, the rector allowed them to choose the form of the vow—in other cases, the gathering of all the masters was decisive.<sup>27</sup>

<sup>23</sup> This subchapter is based on a study by Blanka Zilynská, “Die Beendigung der Konfessionalisierung der Prager Universität an der Wende von den 1450er zu den 1460er Jahren am Beispiel des Schicksals aktiver katholischer Magister,” *Acta Universitatis Carolinae – Historia Universitatis Carolinae Pragensis* 60 (2020): 65–76, where older literature is provided.

<sup>24</sup> On him, see Ivan Hlaváček, “Beiträge zur Erforschung der Beziehungen Friedrichs III. zu Böhmen bis zum Tode Georgs von Podiebrad († 1471),” in *Kaiser Friedrich III. (1440–1493) in seiner Zeit*, ed. Paul-Joachim Heinig (Köln, 1993), 279–98; David Papajik, *Ladislav Pohrobek (1440–1457). Uherský a český král* (České Budějovice, 2016).

<sup>25</sup> On him, see Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 464–68 (by Blanka Zilynská).

<sup>26</sup> According to Šmahel, “Počátky humanismu,” 61, it was an oath on the Compactata, but the source only speaks of the oath customary at graduations. In this sense Rudolf Urbánek, *Věk poděbradský*, vols. 3–4, *České dějiny*, III/3–4 (Prague, 1930, 1962), here vol. 3, 88–89. The pre-history of disputes over oaths at the university from 1414–18 is traced by Martin Nodl, “*Iurare vel promittere*. Příspěvek k problematice pražských univerzitních statut,” *Acta Universitatis Carolinae – Historia Universitatis Carolinae Pragensis* 47 (2007): 49–57. Cf. also František Šmahel, “Die ältesten Statuten der Karls-Universität,” in *Statuta et acta rectorum universitatis Carolinae Pragensis 1360–1614*, eds. idem and Gabriel Silagi, *Documenta Historica Universitatis Carolinae Pragensis*, 1 (Prague, 2018), XCVI–XCIX, where the clash over the oath of 1409, and subsequently in 1456, is also reflected upon.

<sup>27</sup> The situation was described by Dean Stanislav of Velvary in the “*Liber decanorum*,” vol. 2, 53–54.



The second step was taken in the same year, already under the deanship of Václav Křižanovský,<sup>28</sup> originally apparently an Utraquist, and perhaps a protégé of Jan Rokycana.<sup>29</sup> To “swear” remained compulsory for bachelors, and the oath according to the faculty statutes was first ordered for masters. Yet it turned out that Křižanovský, as dean, had corrected the word *promittet* in the statutes to *iurat* in the article concerning masters, without consulting the faculty.<sup>30</sup> This deception was exposed at the assembly of the masters at the end of June 1458, when it was decided that the *magistri* would only take vows (*promittere*), as was originally the custom according to the memory of the older masters.<sup>31</sup> The Utraquist position was thus partially implemented. The struggle for influence at the university between interest groups also manifested itself on other levels, escalating confessionally with a stronger effect on the church’s sphere.

Václav Křižanovský (28 years old) himself avoided responsibility for his interference with the statute book by going on a study trip to Italy in 1456. When he returned to Prague after three years, the power and confessional conditions had already shifted slightly, and Master Václav now faced unfavorable circumstances.

The confessional crystallization of the university began at the assembly of masters at the end of June 1458 when, in addition to the matters already mentioned, the advocacy of the lay chalice was also discussed. It was resolved that the members of the university should adhere to the university decree which recommended the administration of the chalice to the laity—this was evidently the decision of March 10, 1417.<sup>32</sup> This was reflected in the rules for the admission of masters to the faculty council and to the colleges, and finally in the awarding of degrees—candidates had to confirm that they accepted the resolution.<sup>33</sup> However, proof of the swearing of the oath comes only from 1462.

28 Ibid., 56.

29 On Křižanovský, see Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 366–67 (by Ivan Hlaváček). On his confession and conversion, see Tomáš Kalina, “Václav Křižanovský,” *Český časopis historický* 5 (1899): 336–38.

30 According to Šmahel, “Die ältesten Statuten,” XCVIII–XCIX, Křižanovský received permission for this modification of the statutes from the rector, Stanislav of Velvary.

31 Cf. “Liber decanorum,” vol. 2, 64–65, and *Statuta et acta rectorum universitatis Carolinae Pragensis 1360–1614*, eds. František Šmahel and Gabriel Silagi, *Documenta Historica Universitatis Carolinae Pragensis*, 1 (Prague, 2018), 244–45. For more on the sources, see Zilynská, “Die Beendigung der Konfessionalisierung,” 69.

32 František Šmahel, *Die hussitische Revolution*, vol. 2, trans. Thomas Krzenck, MGH Schriften, 43 (Hannover, 2002), 963. There are differing views on the identification of the referenced document: Tomek, *Dějepis města Prahy*, vol. 9, 189–90, followed by Kalina, “Václav Křižanovský,” 342 and Urbánek, *Věk poděbradský*, vol. 4, 236, identify the reference as a university resolution of August 1, 1420, when all the masters pledged themselves to defend the four Articles of Prague. On the contrary, Tomek, *Dějepis města Prahy*, vol. 4, 93, linked the decree to the declaration of 1417, as did also Miroslav Boháček, “Pražská universitní statuta a jejich boloňský vzor,” *Studie o rukopisech* 8 (1969): 11–64, and Šmahel, “Die ältesten Statuten,” CII, note 97.

33 “Liber decanorum” uses the following terms in the record of June 27, 1458: “Facta convocazione per rectorem universitatis [...] ad tractandum et concludendum de modo praescriptionis novi statuti [...] et ad audiendum, si qui reperientur contradictores rationales literae universitatis nostrae dudum editae pro communione utriusque speciei sub poena non contradicendi [...] conclusum est, ut membra universitatis teneantur ad protectionem praetactae literae universitatis, recomendantis communionem utriusque speciei ad vulgus, ad quod faciendum monere nos debet non solum sigillum nostrae universitatis, sed principaliter et maxime lex divina, et praxis ecclesiae primitivae.” See *ibid.*, vol. 1, 58–60; and vol. 2, 64–65.



Václav Křižanovský returned from Italy as a doctor of theology, and in December 1459, together with his colleague and doctor of medicine Jan Krčín, he applied for admission to the University of Prague.<sup>34</sup> The masters conditioned their admission on their agreement to the resolution of June 1458. This was reinforced by the decision of the collegiates of Carolinum College of December 13, 1459, that only those masters who confessed to accept the communion in both kinds could be admitted to their ranks.<sup>35</sup> This also applied to the College of All Saints to which Křižanovský belonged. However, he had already converted to Catholicism in Italy, and therefore did not want to submit to the requirements. He thus entered into a long dispute with the college masters, and by the Spring of 1460, formed an opposition group at the faculty together with others inclined towards Catholicism.

In April 1460, Václav Koranda Jr. was elected dean according to the wishes of Jan Rokycana.<sup>36</sup> Jan Kravín of Tábor<sup>37</sup> objected to the irregularity of the election, and six other masters refused to take the oath of obedience to Koranda. Although the king confirmed the election,<sup>38</sup> the opposition did not submit to the new dean, stopped lectures, and did not take part in university disputations.

The opposition was joined by the masters we have already addressed (Václav Křižanovský, Jan of Krčín, Stanislav of Velvary, and of course Jan Kravín of Tábor), as well as several others: Mikuláš of Hořepník, Valentin of Rakovice,<sup>39</sup> and Jiří of Prague's Old Town.<sup>40</sup> The core of the group consisted of persons who gained a firm place at the faculty between 1454–56; only Stanislav of Velvary was admitted as early as 1451, and Jiří of Prague as late as 1459. Most of them did not attain any major positions during their short teaching time at the University of Prague, only the apparently older Stanislav of Velvary was already dean (1455/6) and rector (1456/7) by the time the others were admitted. The dean's office of Křižanovský has already been mentioned. We can only speculate on their mutual relations based on several references to their deeds.

The defiant group posed a danger to the smooth functioning of the university's pedagogical activities, and was an obstacle to the hegemonic administration of the Utraquist majority over the

34 The record of Křižanovský's request in the "Liber decanorum", vol. 2, 70–71 is not precisely dated, and does not indicate the year. The question of dating is discussed by Kalina, "Václav Křižanovský," 343, note 1, and Šmahel, "Počátky humanismu", 61, note 31. On Jan of Krčín see Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 362–63 (by Blanka Zilýnská).

35 Cf. "Statuta collegii Caroli Quarti," in *Statuta et acta rectorum*, 285–93, here 291–92, § 17: "Anno nativitatís domini millesimo quadringentesimo quinquagesimo nono, die decima tertia mensis decembris, in convocatione ad hoc specialiter facta conclusimus nullo penitus contradicente, ut amodo nullus in huius suscipiatur collegam collegii, nisi iuret seu promittat sub poena exclusionis sacratissimi benedictique communionem calicis, ad quem alligari constat vulgus et personas laicas universaliter omnes et singulas rationabiliter secundum deum et in deo disposita." Cf. Kalina, "Václav Křižanovský," 342; Václav Vladivoj Tomek, "Paměti kollegiatů kolleje Karlovy", *Časopis Českého museum* 21/1 (1847): 533–34; idem, *Dějepis města Prahy*, vol. 9, 190, and Šmahel, "Die ältesten Statuten", CXXVII–CXXVIII. Based on Tomek, Kalina gives an incorrect date of December 10, 1459, although in the dean's book it is December 13.

36 "Liber decanorum", vol. 2, 73, 75–76. Cf. Jindřich Marek, *Václav Koranda mladší. Utrakvistický administrátor a literát*, Středověk, 3 (Prague, 2017), 22–23; Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 357–59 (by Ivan Hlaváček).

37 On him, see Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 455–56 (by Blanka Zilýnská).

38 "Liber decanorum", vol. 2, 76.

39 On him, see Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 326–27, 428 (by Blanka Zilýnská).

40 On him, see *ibid.*, 418 (by Blanka Zilýnská).

institution. As a result, a two-year struggle began, with control of the university at stake. The Catholic minority sought various allies outside the university, and found support in ecclesiastical circles. However, it did not help that this apparently also involved certain nobles who had demanded equality for Catholic masters and students as a condition for their compliance for a new king before the coronation of George of Poděbrady.<sup>41</sup>

The opposition's resistance to the dean also manifested itself in minor acts of defiance. For instance, Křižanovský refused to return borrowed books during an inspection of the College of the Bohemian Nation's library, and tried to turn the debate into a dispute over judicial competence. When the matter was brought before the rector, Křižanovský argued his autonomy from the rector's jurisdiction based on his status as a priest of the Prague cathedral church. In response, the rector removed Křižanovský's membership in the university. The latter appealed to the Prague chapter representing the archbishop *sede vacante*, and sent a complaint to Hilarius of Litoměřice, who was its member.<sup>42</sup>

Hilarius came from an Utraquist family, was a graduate of the universities of Prague, Padua, and Bologna, and had also briefly served as teacher at the Prague University. After his conversion to Catholicism, he built his career in the higher circles of the Catholic Church. He was also the dean of the All Saint's Chapter, and from the end of 1461, the Catholic administrator of the archbishopric.<sup>43</sup> Nevertheless, he clearly still kept the university in his sight, and maintained his contacts with conservative Utraquist and Catholic masters. His interference in the university sphere manifested itself in the case of Křižanovský, who was the provost of the All Saints' College.

Hilarius issued a letter of arrest against him, thus taking him into custody against the rector's authority. The detention was apparently intended to demonstrate the authority of the Catholic prelate over the priest Křižanovský, who had previously refused the jurisdiction of the rector. Hilarius would thereby also restore the legal authority of the dean of the All Saints' Chapter over its members. They had been recruited from among the masters of Carolinum College, and were exclusively Utraquists, while the dignitaries of All Saints' Chapter—the provost and the dean—had been appointed after the Hussite wars by the Prague metropolitan chapter from among Catholics.

41 For the demands, dated May 1458, see *Urkunden und Actenstücke zur österreichischen Geschichte im Zeitalter Kaiser Friedrichs III. und König Georgs von Böhmen (1440–1471)*, ed. Adolf Bachmann, *Fontes rerum Austriacarum*, II/42 (Vienna, 1879), no. 170, 237–41, here esp. 241. This is a contemporary German translation from the Weimar manuscript, a shorter Czech version is extant in the ms. Stuttgart, Württembergische Landesbibliothek, MS Cod. theol. et phil. 4<sup>o</sup> 37, ff. 276v–277v. Cf. Tomek, *Dějepis města Prahy*, vol. 6, 305; Kalina, "Václav Křižanovský," 342; and Urbánek, *Věk poděbradský*, vol. 3, 347–53.

42 "Statuta Universitatis Pragensis nunc primum publici juris facta," in *Monumenta historica Universitatis Pragensis*, vol. III, eds. Antonius Dittrich and Antonius Spirk (Prague, 1848), 50 (reprint in *Statuta et acta rectorum*, 54–55). Cf. Kalina, "Václav Křižanovský," 344–46; on the books *Catalogi librorum vetustissimi Universitatis Pragensis*, eds. Zuzana Silagiová and František Šmahel, *Corpus Christianorum – Continuatio Mediaevalis*, 271/ *Magistri Iohannis Hus Opera omnia*, 37B/2 (Turnhout, 2015), XLIV and note 101.

43 On him, see Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 375–77 (by Blanka Zilynská). Tomáš Kalina, "Hilarius Litoměřický," *Český časopis historický* 5 (1899): 313, asks why Křižanovský turned to Hilarius. He recalls that Hilarius was an official (heading a consistory court of law), and as a member of the royal chancery had access to the king. From 1459 at the latest, he was also dean of the Chapter of All Saints, and in that capacity he was conservator of the rights of the university scholars. On this Jiří Stočes, *Pražské univerzitní národy do roku 1409* (Prague, 2010), 121–26, esp. 125–26. Urbánek, *Věk poděbradský*, vol. 4, 244, however, disagrees with Kalina.

Hilarius now wanted to resume his full authority as dean.<sup>44</sup> Regardless, Křižanovský was forced to leave the College of All Saints, and also reportedly expressed a wish to be erased from the university registry, which happened sometime in July 1461.

In addition to the chief rebel, other dissenters were gradually expelled or left the university. Jan of Krčín, the personal physician of the king, left the university without any major losses. He stayed briefly at the College of All Saints, where he arrived after the expulsion of Křižanovský, before marrying in 1464 and devoting himself to private medical practice outside the academy.<sup>45</sup> Those expelled were the masters Stanislav of Velvary and Jiří of Meziříčí who, like Křižanovský, denounced their obedience to the rector. They later obtained benefices in the Prague chapter, as was the case with Valentin of Rakovice, who was later active as rector of the chapter school.<sup>46</sup>

The most spectacular settlement took place with Jan Kravín. After a long imprisonment, he had to retract his slanders of Jan Rokycana, the King of Bohemia, and the queen in August 1461, in the theological lecture hall of Carolinum in the presence of a large audience.<sup>47</sup> The impressive revocation scene was parodically depicted in the Göttingen manuscript, where Kravín and two Utraquist priests—Zacchaeus and Václav Pala, who had won a place in the College of All Saints after Krčín—stand facing each other.<sup>48</sup>

The last opponent the faculty eliminated was Mikuláš of Hořepník.<sup>49</sup> By order of the king, the master was imprisoned for possession of the books of the radical bishop of Tábor, Mikuláš of Pelhřimov, which the rector found in his chamber in the College of All Saints. Hořepník was a canon of Prague, i.e. a Catholic, so he did not hold the material out of sympathy for the Taborites, but rather as reference material for an anti-Taborite polemic. The connection to high representatives of the Catholic Church in Bohemia was clear here. Since Hilarius had sent Hořepník a note

44 Hilarius himself wrote: "integritas et status collegii reformari possit," see "Statuta Universitatis Pragensis", 51 (reprint *Statuta et acta rectorum*, 55). Cf. Tomek, *Dějepis města Prahy*, vol. 9, 87–89; Urbánek, *Věk poděbradský*, vol. 4, 243–44, 246.

45 On him, see František Šmahel, *Humanismus v době poděbradské* (Prague, 1963), 15–16, 58, and Gustav Gellner, "Jan Černý a jiní lékaři čeští do konce doby jagellovské," *Věstník Královské české společnosti nauk* (1934), no. III, 132–34.

46 "Statuta Universitatis Pragensis", 58 (reprint *Statuta et acta rectorum*, 60–61). Some of the excluded found provision within the metropolitan chapter, i.e. with Hilarius, see Antonín Mařík, "Svatovítská kapitula za vlády Jiřího z Poděbrad," *Documenta Pragensia*, 20 (2002), 25–53, nos. 38, 41, 49, and 54. Šmahel, "Počátky humanismu," 62, note 36, also mentions Jiří of Meziříčí, but Mařík does not name him in his list.

47 "Statuta Universitatis Pragensis", 55 (no. 18) and 235–38 (reprint *Statuta et acta rectorum*, 58 (no. 18) and 184–85). Cf. Šmahel, "Die ältesten Statuten," LXXV–LXXVII.

48 Göttingen, Universitätsbibliothek, MS 2° Cod. Ms. theol. 182, f. 30r. The manuscript was composed around 1464, and contains textual and pictorial satires and parodies conceived from a Utraquist perspective. The content was also adapted into a younger manuscript from Jena. The scene mentioned there has been replaced by another, more contemporary to the origin of the Jena manuscript (1490s). This demonstrates a vivid response to a contemporary event perceived by the public in the Göttingen manuscript. See *Jenský kodex. Faksimile a komentář*, eds. Kamil Boldan and Kamil Brodský (Prague, 2009), 120–21 (commentary) and f. 25r (facsimile).

49 "Statuta Universitatis Pragensis", 51, 54 (no. 16) and 57 (no. 26) (reprint *Statuta et acta rectorum*, 55, 58 (no. 16) and 59 (no. 26)). The case is discussed by Kalina, "Václav Křižanovský," 347–48.

about issuing a warrant for Křižanovský's arrest, the two were clearly in touch and cooperating.<sup>50</sup> As a result, Hořepník was also expelled from the college, and subsequently from the university.

With the expulsion of Hořepník, the Catholic opposition was fully removed from the Prague University. The struggle between the two alternatives of its further development was over. At stake here was not only the fate of a few masters or several expensive books. Nor was it just about the confessional profile of the university. At some points, the dispute between the confessional minority and the majority touched on serious points of the university's jurisdiction, its autonomy, and its freedoms.

The year 1461 brought an end to the confessional formation of the University of Prague. It became an exclusively Utraquist institution. In addition to the elimination of Catholics, that year also saw the first crackdown on the followers of brother Gregory, i.e. sympathizers of the future Unity of the Brethren among the Prague University scholars.<sup>51</sup> The University of Prague was now profiled along the lines of official Utraquism.<sup>52</sup> Those still resistant to it had to choose another *studium generale*. In March 1462, before graduation, all "magistrandi" promised to adhere to the "holy truths", especially the lay chalice,<sup>53</sup> an oath which remained part of the university ritual well into the future.

## The Personnel Situation of the University in 1462–1500

We may ask to what extent the double "secession" of Catholic masters in 1448 and 1461 affected the university's efficiency in the field of teaching and scholarly activity. We must state that, unlike in 1409, this reduction of the teaching staff did not have such dire consequences.<sup>54</sup> The increase in the number of masters observed from the 1450s onwards continued after 1461. More than a dozen new masters started in 1462, and more were added in the following years. The trend of filling the staff almost exclusively from domestic (Bohemian) sources continued. It is very difficult

50 The note sent by Hilarius is quoted by Kalina, "Václav Křižanovský," 347–48, 359, note 1. Křižanovský's appeal (referred to in note 44 above) and Hilarius' note are autographs, pasted into the statute book. See Prague, National Library of the Czech Republic, MS XIV D 25, f. 25r.

51 Jaroslav Goll, "Jednota bratrská v 15. století III. První pronásledování bratří," *Časopis musea Království českého* 58 (1884): 450–52; Šmahel, "Počátky humanismu," 63–64. In general, see Ota Halama, "The Unity of Brethren (1458–1496)," in *A Companion to the Hussites*, eds. Michael van Dussen and Pavel Soukup, Brill's Companions to the Christian Tradition, 90 (Leiden, 2020), 371–402.

52 The situation of the newly constituted land Church is followed by Blanka Zilyská, "The Utraquist Church after the Compactata," in *A Companion to the Hussites*, eds. Michael van Dussen and Pavel Soukup, Brill's Companions to the Christian Tradition, 90 (Leiden, 2020), 219–57.

53 "Liber decanorum", vol. 2, 78: "Praescripti magistrandi sponte promiserunt veritatibus sacris usque etiam mortem firmiter adhaerere et specialiter communionem utriusque speciei sacratissimam ad vulgus protegere, et secundum posse defendere, confirmantes hoc manuum suarum per stipulationem utpote examinătoribus eorundem." Cf. Tomek, *Dějepis města Prahy*, vol. 9, 191–92; Kalina, "Václav Křižanovský," 349, note 2; Urbánek, *Věk poděbradský*, vol. 4, 249 (in note 50 quotes a source talking about the secession of Catholic students), and Eva Gregorovičová, "Knihovna mistra Stanislava z Velvar," *Acta Universitatis Carolinae – Historia Universitatis Carolinae Pragensis* 18 (1978): 112, note 34.

54 On the secession of 1409 and the consequences of the mandate of Wenceslas IV, see Martin Nodl, *Das Kuttenberger Dekret von 1409. Von der Eintracht zum Konflikt der Prager Universitätsnationen*, transl. Roswitha und Pavel Cerveček (Köln, 2017), 316–326, 358–362.

to comment on the confessional orientation of the masters. Except in the case of various exceptional situations or personalities, the sources do not allow us to characterize the nuances of the confessions of individuals living in a kingdom of a twofold (or more) people. As a result, we are unable to investigate how the innumerable foreigners passing through the University of Prague approached the confessional problem.<sup>55</sup>

The total number of masters admitted to the faculty council gradually decreased. From the 1470s to the mid-1490s, there were still 16 to 20 individuals working in parallel, but then the number slowly decreased and, from the beginning of the sixteenth century, there were only 12 masters.<sup>56</sup> Thus, the number of masters did not decrease immediately after the introduction of the oath to Utraquism (perhaps it was required from June 1458, but direct evidence is not available until March 1462), but it was certainly related to declining attendance at Prague University. The number of visits was closely linked to the religious and also the economic situation of the institution, and the method of instruction was also changing (the required time of attendance at lectures was shortened). The University of Prague therefore anticipated the trend of the small, denominationally distinct universities of the Reformation period.<sup>57</sup>

## Conclusion

Universities have always been a collection of many people of different opinions. It is therefore not surprising that they underwent various transformations. If in the first decades of the fifteenth century the University of Prague was in strong opposition to the authority of the Church, after various vicissitudes during the 1430s it temporarily came to terms with it. After the middle of the fifteenth century, however, an internal conflict began at the university which decided its future direction. The Utraquist camp eventually prevailed, appealing to the university's position in the early days of the Hussite movement, and continually employing this in the following decades.

The first level of the conflict was the confessional orientation of Prague University and its gradual domination by the Utraquist masters, whose hegemony also had an international impact. As a result of this confessionalization, the university became a local land institution as its activities were limited to the Utraquist territory of Bohemia.

The second level of the dispute was the question of judicial jurisdiction. Václav Křižanovský's behavior was aimed at downplaying the 1397 Privilege of Pope Boniface IX, which recognized the

55 The confessional aspect is touched upon by Holá and Holý, *Profesoři pražské utrakvistické univerzity*, 57–60. Holý treats it skeptically in the sense that the question cannot be expressed statistically; he assumes that, overall, 90% of the university's scholars were non-Catholics during the period under investigation, and situates the remaining 10% of Catholics in the years before the introduction of the oath to utraquism. The second half of the fifteenth century, however, is hardly dealt with by this author.

56 Ibid., 35, on the numbers of masters. The authors agree with the observations of Šmahel and Truc, "Studia k dějinám Univerzity", 420–21. For the period 1471–1526, an excellent analysis of the university personnel—both teachers and students—was made by Jiří Pešek, "Některé otázky dějin univerzity pražské jagellonského období (1471–1526)", *Acta Universitatis Carolinae – Historia Universitatis Carolinae Pragensis* 18 (1978): 141–51. The preceding period awaits a similarly detailed treatment.

57 On this topic, *Acta Universitatis Carolinae – Historia Universitatis Carolinae Pragensis* 63/1 (2023) brings many suggestions.

rector's jurisdiction over scholars regardless of their status as clerics or members of other legal circles.<sup>58</sup> According to the rebel masters, some of the powers were to be extended to the metropolitan chapter, or to administrators of the archbishopric. The rector in 1461, Jan of Prague, captured this in an entry in the statute book:

"Item Hilarius cum magistris apostasis false interpretati sunt privilegia universitatis, rectorem a iurisdiccione, quam habet super supposita, privare volentes et capitulo conferre eandem conantes."

[Further, Hilarius and the renegade masters misinterpreted university privileges, wanting to strip the rector of the jurisdiction he had over his subordinates and confer it on the chapter.]

The struggle over judicial jurisdiction also involved the question of the university chancellor's representation during the vacancy of the Prague archbishop's see—would this be filled by the rector or the administrator? In the end, the university's Utraquist majority decided in its favor against the efforts of the chapter and the administrator. The vice-chancellor remained the rector, as had been the case since 1405.<sup>59</sup> This rivalry threatened to split the university into Utraquist and Catholic institutions. The Catholics failed to enforce the merger of Church and university authorities, which led to the elimination of the Catholic camp from the university. In the case of the Utraquists, on the other hand, such a model was gradually being introduced. After the demise of Jan Rokycana, from the 1470s onwards, the Utraquist Church, or rather its consistory, was intertwined personally, locally, and ideologically with the university masters and their seat in a quite fundamental way.<sup>60</sup> The masters were members of the Utraquist consistory, which met in the Carolinum.

With this development, the chance to restore all the faculties in Prague was lost. The theologian Křižanovský, the lawyer Hilarius, and the physician Krčín, were expelled from its teaching staff. Rokycana's ambitious intentions and systematic efforts to educate Utraquist scholars and theologians, and to benefit the university, thus failed as a result of the "betrayal of his pupils".<sup>61</sup>

The College of All Saints was also the subject of controversy. Based on the cases of Křižanovský and Hořepník, the intention of the opposition group was undoubtedly to reunite the two parts of the chapter, namely the Catholic prelatures and canonical posts occupied by Utraquist university masters, on a Catholic basis. This was important to the Catholics both prestigiously and economically. Yet the attack failed, and the original conditions established during the revolutionary era were preserved.

58 The Privilege of Boniface IX of December 21, 1397 is deposited in the Archives of Charles University in Prague, Charters, under the sign. I/45. Edition: "Codex diplomaticus Universitatis Pragensis", in *Monumenta historica Universitatis Karolo-Ferdinandee Pragensis*, vol. II/1 (Prague, 1834), no. 45, 370–74.

59 See the charter of Pope Innocent VII of January 13, 1405 in the Archives of Charles University in Prague, Charters, under the sign. I/3. Edition: "Codex diplomaticus Universitatis", 413–16, no. 55. On the vice-chancellor, see Michal Svatoš, "The Studium generale 1347/8–1419", in *A History of Charles University*, vol. 1, 1348–1802, eds. František Kavka and Josef Petrů (Prague, 2001), 63–64.

60 Pešek, "Některé otázky dějin univerzity pražské", 132 and 161–63.

61 On Rokycana's intentions, see Zdeněk Nejedlý, "Mládí M. Jana z Rokycan," *Časopis Musea Království českého* 73 (1899): 523 and 531; Kalina, "Václav Křižanovský," 338–39, and Urbánek, *Věk poděbradský*, vol. 4, 238 and 241.

Royal intervention played a significant role in the events under review. After the time of the Decree of Kutná Hora (1409), the Poděbrady period was the only harmonious one between the interests of the monarch and the university. Already during the reign of Wenceslas IV, the oath of allegiance to the monarch was introduced. Under George, the university's attachment to the king even deepened.<sup>62</sup>

All three processes—the confessionalization and territorialization of the University of Prague, along with its reliance on the king—preceded a similar scenario in other countries. These tendencies would in time become apparent throughout Central Europe.

The takeover of the university by the Utraquists was not a reaction to local circumstances following the rejection of the Compactata by Pope Pius II at the end of March 1462.<sup>63</sup> The process of confessionalization had already begun to unfold in the mid-1450s. We have indicated the personnel developments at the university, which may have been one of the stimuli. However, external circumstances may also have been at work—the increasing pressure from the Catholic party after the accession of the Catholic King Ladislaus of Habsburg (1453), who was soon replaced by a domestic candidate, the Utraquist George of Poděbrady (1458).

The Compactata could have been as much a platform for coexistence and tolerance as a pretext for confrontation and the division of society. This confrontation occurred in the 1450s at the University of Prague, and subsequently in the Kingdom of Bohemia more broadly. The Utraquist majority interpreted the Compactata unilaterally—not as a compromise allowing coexistence, but as a document entitling them to usurp benefits, in this case the control of the university.

The records from the late 1450s and early 1460s do not use the term “Compactata”; they speak of the lay chalice and the holy truths to which all members of the university are to be faithful. The entries in the university statutes and protocols reflect the situation from the university's point of view, and thus refer to a university document probably of 1417 (*littera universitatis*), not a land-wide treaty of 1436 (*compactata*).<sup>64</sup> I do not consider this to disregard the agreement of 1436, but for the Utraquist masters, it was no longer a compromise solution, but a means of coercion.

The described episode is an example of one of the conflicts that erupted in the period after the Compactata compromise, and was an expression of the efforts of minority groups to win more “living space”, more jurisdictions, etc. In this university case, a calculated interpretation of university autonomy and the jurisdictions of the local ordinary was employed. The means of coercion were twofold: the obligation to comply with the normative positions of the university from the early days of Hussitism, and the potential to force an uncomfortable rival out of the use of the material facilities. The supporters of Utraquism succeeded in acquiring the institution entirely for their own needs, but only at the cost of its pedagogical openness.

62 The statutes reflected this in the text of the oath, see *Statuta et acta rectorum*, 18. The connection with historical events was indicated by a marginal note in the dean's book commemorating Wenceslas IV in 1409, “Liber decanorum”, vol. 2, 75. Thus, what the Kutná Hora Decree started was now becoming the norm. Cf. Nodl, *Das Kuttenberger Dekret*, 319, and note 877.

63 On the abolition of the Compactata, see Šmahel, *Die Basler Kompaktaten*, 105–8.

64 The formulation “oath on the Compactata” used in historiography is therefore not accurate; cf. note 26 above.



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An understanding of long-term conflict according to phases of appeasement and confrontation holds several advantages for historians. A conflict conceived in its *longue durée* can be evaluated differently from how its individual phases would be. Identifying the persistent features and elements of the conflict reveals coherence and continuity which would otherwise be obscured. Moreover, tracking the characteristic common denominators also highlights the changes that occurred as the conflict evolved. In addition, a long-term perspective opens new angles on conflict-mitigating peace treaties. Although contemporaries often made their agreements in perpetuity rather than for fixed terms, hindsight allows us to recognize compromise as an unstable, problematic landmark in a protracted conflict.

The historians in this volume focus precisely on this disfunction or unsustainability of compromise. The starting point is Bohemian history in the fifteenth century. However, the problematic coexistence of Utraquists and Catholics is here primarily an opportunity for comparison with multi-confessional societies in other regions of fifteenth-century Europe. This volume uses selected examples to show the advantages of such a comparative perspective.



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